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Contents

Federal Register

Vol. 90, No. 222

Thursday, November 20, 2025

Agriculture Department
See Farm Service Agency
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 52353–52354

Census Bureau
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Survey of Construction Questionnaire for the Building Permit Official, 52354–52355

Centers for Medicare & Medicaid Services
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 52405–52409

Children and Families Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Caseload Reduction Documentation Process, 52409–52410

Commerce Department
See Census Bureau
See National Oceanic and Atmospheric Administration

Committee for Purchase From People Who Are Blind or Severely Disabled
NOTICES
Performance Review Board Members, 52363
Procurement List; Additions and Deletions, 52358–52364

Defense Department
See Engineers Corps
See Navy Department
NOTICES
Arms Sales, 52364–52373
Licenses; Exemptions, Applications, Amendments, etc.:
Spyris Federal Inc., 52367

Education Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Accreditation Participation and Disclosures, 52375
Federal Family Education Loan Program Regulations, 52374–52375
Student Assistance General Provisions—Non-Title IV Revenue Requirements (90/10), 52375–52376

Energy Department
See Federal Energy Regulatory Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 52376

Engineers Corps
PROPOSED RULES
Definition of ''Waters of the United States'', 52498–52546
NOTICES
Hearings, Meetings, Proceedings, etc.:
Western Water Cooperative Committee, 52373–52374

Environmental Protection Agency
RULES
Air Quality State Implementation Plans; Approvals and Promulgations:
California; Eastern Kern Air Pollution Control District; Stationary Combustion Turbines, 52242–52245
Michigan; Infrastructure State Implementation Plan Requirements for the 2015 Ozone National Ambient Air Quality Standards; Michigan State Board Requirements, 52238–52241
Minnesota; Exempt Source State Implementation Plan, 52245–52248
Rhode Island; Decommissioning of Stage II Vapor Recovery Systems, 52241–52242
South Carolina; Charlotte-Gastonia-Rock Hill Area Maintenance Plan for the 2008 8-Hour Ozone National Ambient Air Quality Standards, 52248–52250
Approval of the Clean Air Act Authority for Hazardous Air Pollutants:
Connecticut; Connecticut Department of Energy and Environmental Protection; Approval of the Clean Air Act Section 502, State Operating Permit Programs, etc., 52250–52252
Pesticide Tolerance; Exemptions, Petitions, Revocations, etc.:
Glufosinate, 52252–52256
Isocycloseram, 52256–52263
PROPOSED RULES
Air Plan Approval:
Maine; Chapter 140: Part 70 Air Emission License Regulation, 52316–52318
Pennsylvania; Redesignation Request for the Allegheny County Area for the 2012 Annual Fine Particulate Matter Standard, 52319–52327
Air Quality State Implementation Plans; Approvals and Promulgations:
Alaska; Regional Haze Plan for the Second Implementation Period; Extension of Comment Period, 52308
Connecticut; Ozone Ambient Air Quality Standard and Adhesive and Sealants Regulation Revisions, 52288–52290
Delaware; 2006 24-Hour Fine Particulate Matter Limited Maintenance Plan for the Philadelphia Nonattainment Area, 52290–52297
District of Columbia; Creation of Synthetic Minor Permit Program, 52305–52308
Finding of Failure to Attain and Reclassification of Tribal Portions of the Greater Connecticut Ozone Nonattainment Area as Serious for the 2015 Ozone National Ambient Air Quality Standards, 52297–52303
Michigan; Infrastructure State Implementation Plan Requirements for the 2015 Ozone National Ambient Air Quality Standards; Michigan State Board Requirements, 52311–52312

Minnesota; Metropolitan Council Wastewater Treatment Plant, 52303–52305
New York; Athens Generating Plant, 52308–52311
Rhode Island; Regional Haze State Implementation Plan for the Second Implementation Period; Prong 4 (Visibility) for the 2015 8-Hour Ozone National Ambient Air Quality Standard, 52270–52288
Clean Air Act Operating Permit Program:
New Hampshire; Revised Definitions, 52318–52319
Definition of ''Waters of the United States'', 52498–52546
State Plans for Designated Facilities and Pollutants; Approvals and Promulgations:
Allegheny County; Delegation of Authority of the Federal Plan for Existing Sewage Sludge Incineration Units, 52313–52316
District of Columbia; Negative Declarations for Designated Facilities and Pollutants, 52312–52313
NOTICES
Acid Rain Program:
Excess Emissions Penalty Inflation Adjustments, 52387–52388
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Consolidation of Certain Reporting and Recordkeeping under Section 8 of the Toxic Substances Control Act, 52381–52382
Distribution of Offsite Consequence Analysis Information under the Clean Air Act, As Amended, 52380–52381
Energy Star Product Labeling, 52382–52383
Renewable Fuel Standard Program: Annual Rules, 52383–52384
Clean Air Act Operating Permit Program:
Order on Petition for Objection to State Operating Permit for Neville Chemical Co., 52384–52385
Order on Petition for Objection to State Operating Permit for United States Steel Corp., Mon Valley Works, Clairton Plant, 52381
Order on Petitions for Objection to State Operating Permit for U.S. Steel Mon Valley Works, Irvin Plant, 52380
Decisions on Petitions for Small Refinery Exemptions under the Renewable Fuel Standard Program; November 2025, 52385–52387
Permits; Applications, Issuances, etc.:
Agua Caliente Tribal Corp., for the Agua Caliente Fuel Rancho Mirage, Clean Air Act Tribal Minor New Source Review, 52388
Pesticide Product Registration:
Requests to Voluntarily Cancel Certain Pesticide Registrations and/or Amend Registrations to Terminate Certain Uses with a 30-Day Comment Period, 52388–52391
Phasedown of Hydrofluorocarbons:
2026 Allowance Allocations for Production and Consumption of Regulated Substances under the American Innovation and Manufacturing Act; Final Actions Establishing Administrative Consequences, 52391–52399

Export-Import Bank
NOTICES
Request for Membership Application:
2026–2027 EXIM Advisory Committees, 52399

Farm Service Agency
RULES
Agricultural Disaster Indemnity Programs:
Approval of Information Collection Request, 52231

Federal Aviation Administration
RULES
Airworthiness Directives:
Airbus Helicopters, 52234–52237
Leonardo S.p.a. Helicopters, 52232–52234
PROPOSED RULES
Airworthiness Directives:
Airbus Helicopters, 52264–52266

Federal Communications Commission
PROPOSED RULES
Authorizing Permissive Use of the Next Generation Broadcast Television Standard, 52327–52348
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 52399–52403
Meetings; Sunshine Act, 52403–52405

Federal Emergency Management Agency
NOTICES
Flood Hazard Determinations, 52414–52425

Federal Energy Regulatory Commission
NOTICES
Application:
Village of Swanton, VT; Reasonable Period of Time for Water Quality Certification, 52376–52377
Combined Filings, 52378–52380
Environmental Assessments; Availability, etc.:
Loup River Public Power District, 52377
Request for Extension of Time:
Trans-Foreland Pipeline Co., LLC, 52377–52378

Federal Mine Safety and Health Review Commission
NOTICES
Meetings; Sunshine Act, 52405

Federal Reserve System
RULES
Federal Reserve Bank Capital Stock, 52231–52232
NOTICES
Formations of, Acquisitions by, and Mergers of Bank Holding Companies, 52405

Fish and Wildlife Service
NOTICES
Hearings, Meetings, Proceedings, etc.:
Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora; Tentative U.S. Negotiating Positions for Agenda Items and Species Proposals, 52428–52430

Food and Drug Administration
NOTICES
Guidance:
Scientific Considerations in Demonstrating Biosimilarity to a Reference Product: Updated Recommendations for Assessing the Need for Comparative Efficacy Studies, 52410–52411

Health and Human Services Department
See Centers for Medicare & Medicaid Services
See Children and Families Administration
See Food and Drug Administration
See National Institutes of Health
See Substance Abuse and Mental Health Services Administration

Homeland Security Department
See Federal Emergency Management Agency
See Transportation Security Administration
See U.S. Immigration and Customs Enforcement

Interior Department
See Fish and Wildlife Service
See Ocean Energy Management Bureau

International Trade Commission
NOTICES
Complaint, 52430–52431
Investigations; Determinations, Modifications, and Rulings, etc.:
Barium Carbonate from China, 52437
Certain Electrolyte Containing Beverages and Labeling and Packaging Thereof (II), 52433–52434
Certain Hydrodermabrasion Systems and Components Thereof, 52432–52433
Certain Photodynamic Therapy Systems, Components Thereof, and Pharmaceutical Products Used in Combination with the Same, 52435–52436
Certain Urine Splash Guards and Components Thereof, 52431–52432
Certain Vehicle Telematics, Fleet Management, and Video-Based Safety Systems, Devices, and Components Thereof, 52436–52437
Hexamine from Germany, India, and Saudi Arabia, 52436

Justice Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
National Firearms Act Responsible Person Questionnaire, 52439–52441
National Tracing Center Trace Request, 52442–52444
Semi-Annual Progress Report for Grantees from the Sexual Assault Services Program—Grants to Culturally Specific Programs, 52441–52442
ViCAP National Crime Database, 52437–52438
Voluntary Appeal File Application Form, 52444–52445
Proposed Consent Decree:
Clean Water Act, 52442
Proposed Settlement Agreement, Stipulation, Order, and Judgment, etc.:
CERCLA, 52438–52439

National Highway Traffic Safety Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Annual Motor Vehicle and Child Restraint Compliance Information Requests, 52484–52487
Collection of Qualitative Feedback on Agency Service Delivery, 52491–52492
Defect and Noncompliance Reporting and Notification, 52487–52491

National Institutes of Health
NOTICES
Hearings, Meetings, Proceedings, etc.:
National Eye Institute, 52412

National Oceanic and Atmospheric Administration
PROPOSED RULES
Electronic Logbook Reporting in Commercial Fisheries of the Gulf of America and Atlantic, 52349–52352
NOTICES
Hearings, Meetings, Proceedings, etc.:
Western Pacific Fishery Management Council, 52355–52357
Permits; Applications, Issuances, etc.:
Endangered Species; File No. 29010, 52357–52358

Navy Department
NOTICES
Hearings, Meetings, Proceedings, etc.:
U.S. Naval Academy Board of Visitors, 52374

Nuclear Regulatory Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Invoice Submissions by Contractors for Nuclear Regulatory Commission Contracts/Orders, 52451–52452
Personal Qualification Statement—Licensee, 52449–52450
Licenses; Exemptions, Applications, Amendments, etc.:
International Isotopes, Inc., 52445–52449
Meetings; Sunshine Act, 52450–52451

Ocean Energy Management Bureau
NOTICES
Oil and Gas Lease Sale:
Gulf of America Outer Continental Shelf Oil and Gas One Big Beautiful Bill Act Lease Sale 2, 52430

Pipeline and Hazardous Materials Safety Administration
PROPOSED RULES
Hazardous Materials:
Adjusting Registration and Fee Assessment Program; Withdrawal, 52348–52349
NOTICES
Permits; Applications, Issuances, etc.:
Gulfstream LNG Development, LLC, 52492–52493

Postal Regulatory Commission
NOTICES
Competitive Postal Products, 52452

Postal Service
RULES
Domestic Competitive Products Pricing and Mailing Standards Changes, 52237–52238
PROPOSED RULES
Shape-Based Labeling Lists, 52266–52270

Presidential Documents
PROCLAMATIONS
Special Observances:
National Adoption Month (Proc. 10992), 52547–52550

Privacy and Civil Liberties Oversight Board
NOTICES
Hearings, Meetings, Proceedings, etc.:
Public Forum; Correction, 52452

Securities and Exchange Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 52462–52463, 52477–52478
Joint Industry Plan:
Limited Liability Company Agreement of CT Plan LLC, 52476–52477

Self-Regulatory Organizations; Proposed Rule Changes:
Cboe BYX Exchange, Inc., 52478–52480
Cboe BZX Exchange, Inc., 52463–52466, 52470–52473
Cboe EDGA Exchange, Inc., 52474–52476
Cboe EDGX Exchange, Inc., 52467–52470
Fixed Income Clearing Corp., 52466–52467
Long-Term Stock Exchange, Inc., 52460–52462
The Depository Trust Co., 52453–52460

Small Business Administration
NOTICES
Licenses; Exemptions, Applications, Amendments, etc.:
Small Business Investment Company, 52480

Social Security Administration
NOTICES
Performance Review Board Members, 52480–52481

Department of State
NOTICES
Foreign Terrorist Organization Designation of Antifa Ost, Informal Anarchist Federation/International Revolutionary Front, Armed Proletarian Justice, and Revolutionary Class Self-Defense, 52551–52552
Specially Designated Global Terrorist Designation of Antifa Ost, Informal Anarchist Federation/International Revolutionary Front, Armed Proletarian Justice, and Revolutionary Class Self-Defense, 52553–52554

State Justice Institute
NOTICES
Hearings, Meetings, Proceedings, etc.:
Board of Directors, 52481

Substance Abuse and Mental Health Services Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 52412–52414

Susquehanna River Basin Commission
NOTICES
Grandfathering Registration, 52481
Minor Modifications to Previously Approved Projects, 52481
Projects Approved for Consumptive Uses of Water, 52481–52484

Transportation Department
See Federal Aviation Administration
See National Highway Traffic Safety Administration
See Pipeline and Hazardous Materials Safety Administration

Transportation Security Administration
NOTICES
Modernized Alternative Identity Verification User Fee, 52427–52428

U.S. Immigration and Customs Enforcement
NOTICES
Certain Immigration Enforcement-Related Fees Required by HR–1 Reconciliation Bill:
Fiscal Year 2026 Adjustments for Inflation, 52425–52426

Veterans Affairs Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Notice of Waiver of VA Compensation or Pension to Receive Military Pay and Allowances, 52493–52494
Veterans Affairs Acquisition Regulation Construction Provisions and Clauses, 52495
Decision Following the Formal Evaluation on the Relationship Between Exposure to Fine Particulate Matter and Certain Blood Conditions, 52494–52495

Separate Parts In This Issue

Part II
Defense Department, Engineers Corps, 52498–52546
Environmental Protection Agency, 52498–52546

Part III
Presidential Documents, 52547–52550

Part IV
Department of State, 52551–52552

Part V
Department of State, 52553–52554

Reader Aids

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

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CFR PARTS AFFECTED IN THIS ISSUE

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

3 CFR

Proclamations:

10992.....52549

7 CFR

760.....52231

12 CFR

209.....52231

14 CFR

39 (2 documents) 52232, 52234

Proposed Rules:

39.....52264

33 CFR

Proposed Rules:

328.....52498

39 CFR

111.....52237

Proposed Rules:

111.....52266

40 CFR

52 (5 documents) 52238, 52241, 52242, 52245, 52248

70.....52250

180 (2 documents) 52252, 52256

Proposed Rules:

52 (9 documents) 52270, 52288, 52290, 52297, 52303, 52305, 52308, 52311

62 (2 documents) 52312, 52313

70 (2 documents) 52316, 52318

81.....52319

120.....52498

47 CFR

Proposed Rules:

73.....52327

74.....52327

49 CFR

Proposed Rules:

107.....52348

50 CFR

Proposed Rules:

622.....52349

Rules and Regulations

Federal Register
Vol. 90, No. 222
Thursday, November 20, 2025

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

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

DEPARTMENT OF AGRICULTURE

Farm Service Agency

7 CFR Part 760

[FSA–2025–0007]

RIN 0560–AI81

Agricultural Disaster Indemnity Programs; Approval of Information Collection Request

AGENCY: Farm Service Agency, U.S. Department of Agriculture (USDA).

ACTION: Final rule; notice of approval of Information Collection Request (ICR).

SUMMARY: The final rule entitled Agricultural Disaster Indemnity Programs was published on November 18, 2025. The Office of Management and Budget cleared the associated information collection requirements (ICR) on November 17, 2025. This document announces approval of the ICR.

DATES: The ICR associated with the final rule published in the **Federal Register** on November 14, 2025, at 90 FR 51956, was approved by OMB on November 17, 2025, under OMB Control Number 0503–0028.

FOR FURTHER INFORMATION CONTACT: For SDRP, Kathy Sayers; telephone: (202) 720–6870; or email: *Kathy.Sayers@usda.gov.* For OFSCLP, Shayla Watson; telephone: (202) 690–2350; or email: *Shayla.Watson@usda.gov.* For MLP, Douglas E. Kilgore; telephone: (717) 887–0963; or email: *Douglas.E.Kilgore@usda.gov.* Individuals with disabilities who require alternative means for communication should contact the USDA Target Center at (202) 720–2600 (voice and text telephone (TTY mode)) or dial 711 for Telecommunications Relay Service (both voice and text telephone users can initiate this call from any telephone).

SUPPLEMENTARY INFORMATION: The information collection request has been approved by OMB under the control number of 0503–0028; Expiration Date: 10/31/2027 FSA will issue payments to producers using the following forms: CCC–901, CCC–902E, CCC–902I, AD–1026, AD–2047, FSA–578 and FSA–510. In addition, for the information collection under 0503–0028; Expiration Date: 10/31/2027, the agency is seeking to use FSA–878, FSA–878 Cont., FSA–376, FSA–504, and FSA–526Q with this data collection.

The AD–1026 is exempt. The FSA–878, FSA–878 Cont., FSA–376, FSA–504, and FSA–526Q are the only new data collection activities associated with this request. The total annual burden hours for this information collection is 118,131 (117,693 SDRP + 242 OFSCLP + 196 MLP).

William Beam,

Administrator, Farm Service Agency.

[FR Doc. 2025–20455 Filed 11–19–25; 8:45 am]

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FEDERAL RESERVE SYSTEM

12 CFR Part 209

[Regulation I; Docket No. R–1877]

RIN 7100–AH09

Federal Reserve Bank Capital Stock

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board of Governors (Board) is publishing a final rule that applies an inflation adjustment to the threshold for total consolidated assets in Regulation I. Federal Reserve Bank (Reserve Bank) stockholders that have total consolidated assets above the threshold receive a different dividend rate on their Reserve Bank stock than stockholders with total consolidated assets at or below the threshold. The Federal Reserve Act requires that the Board annually adjust the total consolidated asset threshold to reflect the change in the Gross Domestic Product Price Index, published by the Bureau of Economic Analysis (BEA). Based on the change in the Gross Domestic Product Price Index as of September 25, 2025, the total consolidated asset threshold will be $13,182,000,000 through December 31, 2026.

DATES:

Effective date: December 22, 2025.

Applicability date: The adjusted threshold for total consolidated assets will apply beginning on January 1, 2026.

FOR FURTHER INFORMATION CONTACT: Benjamin Snodgrass, Senior Counsel (202/263–4877), Legal Division; or Kelsey Cassidy, Senior Financial Institutions Policy Analyst (202/465–6817), Reserve Bank Operations and Payments Systems Division. For users of TTY–TRS, please contact 711 from any telephone, anywhere in the United States or (202) 263–4869.

SUPPLEMENTARY INFORMATION:

I. Background

Regulation I governs the issuance and cancellation of capital stock by the Reserve Banks. Under section 5 of the Federal Reserve Act [1] and Regulation I,[2] a member bank must subscribe to capital stock of the Reserve Bank of its district in an amount equal to six percent of the member bank's capital and surplus. The member bank must pay for one-half of this subscription when the Reserve Bank issues the capital stock, while the remaining half of the subscription shall be subject to call by the Board.[3]

Section 7(a)(1) of the Federal Reserve Act [4] provides that Reserve Bank stockholders with $10 billion or less in total consolidated assets shall receive a six percent dividend on paid-in capital stock, while stockholders with more than $10 billion in total consolidated assets shall receive a dividend on paid-in capital stock equal to the *lesser* of six percent and ''the rate equal to the high yield of the 10-year Treasury note auctioned at the last auction held prior to the payment of such dividend.'' Section 7(a)(1) requires that the Board adjust the threshold for total consolidated assets annually to reflect the change in the Gross Domestic Product Price Index, published by the BEA.

Regulation I implements section 7(a)(1) of the Federal Reserve Act by (1) defining the term ''total consolidated assets,'' [5] (2) incorporating the statutory dividend rates for Reserve Bank

[1] 12 U.S.C. 287.
[2] 12 CFR 209.4(a).
[3] 12 U.S.C. 287 and 12 CFR 209.4(c)(2).
[4] 12 U.S.C. 289(a)(1).
[5] 12 CFR 209.1(d)(3).

stockholders[6] and (3) providing that the Board shall adjust the threshold for total consolidated assets annually to reflect the change in the Gross Domestic Product Price Index.[7] The Board has explained that it ''expects to make this adjustment [to the threshold for total consolidated assets] using the final second quarter estimate of the Gross Domestic Product Price Index for each year, published by the Bureau of Economic Analysis.''[8]

II. Adjustment

The Board annually adjusts the $10 billion total consolidated asset threshold based on the change in the Gross Domestic Product Price Index between the second quarter of 2015 (the baseline year) and the second quarter of the current year.[9] The second quarter 2025 Gross Domestic Product Price Index estimate published by the BEA in September 2025 (128.266) is 31.82% percent higher than the second quarter 2015 Gross Domestic Product Price Index estimate published by the BEA in September 2025 (97.302). Based on this change in the Gross Domestic Product Price Index, the threshold for total consolidated assets in Regulation I will be $13,182,000,000 as of January 1, 2026.

III. Administrative Law Matters

Administrative Procedure Act

The provisions of 5 U.S.C. 553(b) relating to notice of proposed rulemaking have not been followed in connection with the adoption of these amendments. The amendments involve expected, ministerial adjustments that are required by statute and Regulation I and are consistent with a method previously set forth by the Board.[10] Accordingly, the Board finds good cause for determining, and so determines, that notice in accordance with 5 U.S.C. 553(b) is unnecessary.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) does not apply to a rulemaking where a general notice of proposed rulemaking is not required.[11] As noted previously, the Board has determined that it is unnecessary to publish a general notice of proposed rulemaking for this final rule. Accordingly, the RFA's requirements relating to an initial and final regulatory flexibility analysis do not apply.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995,[12] the Board has reviewed this final rule. No collections of information pursuant to the Paperwork Reduction Act are contained in the final rule.

List of Subjects in 12 CFR Part 209

Banks, Banking, Federal Reserve System, Reporting and recordkeeping requirements, Securities.

Authority and Issuance

For the reasons set forth in the preamble, the Board amends Regulation I, 12 CFR part 209, as follows:

PART 209—[AMENDED]

■ 1. The authority citation for part 209 continues to read as follows:

Authority: 12 U.S.C. 12 U.S.C. 222, 248, 282, 286–288, 289, 321, 323, 327–328, and 466.

■ 2. In part 209, remove the text ''$12,841,000,000'', wherever it appears, and add in its place the text ''$13,182,000,000''.

By order of the Board of Governors of the Federal Reserve System, acting under delegated authority.

Benjamin W. McDonough,

Deputy Secretary of the Board.

[FR Doc. 2025–20472 Filed 11–19–25; 8:45 am]

BILLING CODE 6210–01–P

[6] 12 CFR 209.4(e), (c)(1)(ii), and (d)(1)(ii); 209.2(a); and 209.3(d)(5).

[7] 12 CFR 209.4(f).

[8] 81 FR 84415, 84417 (Nov. 23, 2016).

[9] The BEA makes ongoing revisions to its estimates of the Gross Domestic Product Price Index for historical calendar quarters. The Board calculates annual adjustments from the baseline year (rather than from the prior-year total consolidated asset threshold) to ensure that the adjusted total consolidated asset threshold accurately reflects the cumulative change in the BEA's most recent estimates of the Gross Domestic Product Price Index.

[10] *See* 12 CFR 209.4(f) and n. 8 and accompanying text, *supra.*

[11] 5 U.S.C. 603 and 604.

[12] 44 U.S.C. 3506; 5 CFR 1320.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–1348; Project Identifier MCAI–2025–00159–R; Amendment 39–23176; AD 2025–21–04]

RIN 2120–AA64

Airworthiness Directives; Leonardo S.p.a. Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2024–09–02, which applies to all Leonardo S.p.a. Model AW169 helicopters. AD 2024–09–02 required replacing certain aft float assemblies or, as an alternative, deactivating the emergency flotation system (EFS). AD 2024–09–02 also prohibited the installation of certain forward and aft float assemblies. Since the FAA issued AD 2024–09–02, the FAA has determined that replacing additional forward and aft float assemblies is necessary. This AD retains all the actions of AD 2024–09–02 and also requires replacing certain forward and aft float assemblies within 24 months or during the next accomplishment of a certain maintenance task. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective December 26, 2025.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of June 5, 2024 (89 FR 44547, May 21, 2024).

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2025–1348; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For European Union Aviation Safety Agency (EASA) material identified in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: *ADs@easa.europa.eu;* website: *easa.europa.eu.* You may find the EASA material on the EASA website at *ad.easa.europa.eu.*
- You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Parkway, Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available at *regulations.gov* under Docket No. FAA–2025–1348.

FOR FURTHER INFORMATION CONTACT: Yves Petiote, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (202) 975–4867; email: *yves.petiote@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2024–09–02, Amendment 39–22744 (89 FR 44547, May 21, 2024), (AD 2024–09–02), which applied to all Leonardo S.p.a. Model AW169 helicopters. AD 2024–09–02 was prompted by EASA Emergency AD 2023–0188–E, dated October 30, 2023, (EASA Emergency AD 2023–0188–E) (also referred to as the MCAI), issued by EASA, which is the Technical Agent for the Member States of the European Union. The MCAI states EASA Emergency AD 2023–0188–E was issued to correct an unsafe condition identified as manufacturing defects in certain DART Aerospace forward float and aft float with life raft assemblies. The FAA issued AD 2024–09–02 to address non-conforming float assemblies. The unsafe condition, if not addressed, could result in failure of a float assembly during an emergency landing on water and could prevent a timely egress from the helicopter, which could result in injury to helicopter occupants.

The NPRM was published in the **Federal Register** on July 1, 2025 (90 FR 28237). The NPRM was prompted by a determination that replacing certain forward and aft float assemblies within 24 months or during the next accomplishment of maintenance task 95–24 or 95–25 of the Leonardo air vehicle maintenance planning information 69–B–05–21–00–00A–028A–A is necessary to address the unsafe condition. In the NPRM, the FAA proposed to retain all of the requirements of AD 2024–09–02 and also proposed to require the long-term requirement of replacing certain forward and aft float assemblies and proposed to revise the Cost of Compliance paragraph to include this cost. Additionally, the NPRM updated the part cost for the aft float assembly, and added the part cost of the forward float assembly.

Furthermore, the preamble to AD 2024–09–02 explained that the FAA considered the requirements ''interim action'' and was considering further rulemaking. The FAA has now determined that further rulemaking is indeed necessary. This AD follows from that determination.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2025–1348.

Discussion of Final Airworthiness Directive

Comments

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

Conclusion

These products have been approved by the civil aviation authority of another country and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with this State of Design Authority, that authority has notified the FAA of the unsafe condition described in the MCAI referenced above. The FAA reviewed the relevant data, considered any comments received, and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these products. Except for minor editorial changes, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2023–0188–E, which the Director of the Federal Register approved for incorporation by reference as of June 5, 2024 (89 FR 44547, May 21, 2024). EASA Emergency AD 2023–0188–E requires removing each affected float assembly and sending it to Leonardo and replacing it with a serviceable float assembly. As an alternative, EASA Emergency AD 2023–0188–E allows deactivating the EFS by locking the float auto breaker in EDCU [enhanced display control unit] 1 or 2; pulling, locking, and tagging the breaker from the overhead circuit breaker panel; and installing a decal in clear view of the pilot. EASA Emergency AD 2023–0188–E also prohibits installing an affected float assembly on a helicopter.

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

Costs of Compliance

The FAA estimates that this AD will affect 23 helicopters of U.S. registry. Labor rates are estimated at $85 per hour. Based on these numbers, the FAA estimates the following costs to comply with this AD.

Replacing an affected float assembly takes 2 work-hours and parts cost up to $38,000 for an aft float with life raft assembly and up to $19,000 for a forward float assembly, for an estimated cost of up to $114,170 per helicopter (up to two aft and up to two forward float assemblies) and $2,625,910 for the U.S. fleet.

Deactivating the EFS takes about 1 work-hour, for an estimated cost of $85 per helicopter and $1,955 for the U.S. fleet.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:
■ a. Removing Airworthiness Directive 2024–09–02, Amendment 39–22744 (89 FR 44547, May 21, 2024); and
■ b. Adding the following new airworthiness directive:

2025–21–04 Leonardo S.p.a.: Amendment 39–23176; Docket No. FAA–2025–1348; Project Identifier MCAI–2025–00159–R.

(a) Effective Date

This airworthiness directive (AD) is effective December 26, 2025.

(b) Affected ADs

This AD replaces AD 2024–09–02, Amendment 39–22744 (89 FR 44547, May 21, 2024).

(c) Applicability

This AD applies to Leonardo S.p.a. Model AW169 helicopters, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 2560, Emergency Equipment; and 2564, Life Raft.

(e) Unsafe Condition

This AD was prompted by manufacturing defects in certain forward and aft float assemblies. The FAA is issuing this AD to address non-conforming float assemblies. The unsafe condition, if not addressed, could result in failure of a float assembly during an emergency landing on water and could prevent a timely egress from the helicopter, which could result in injury to helicopter occupants.

(f) Compliance

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

(g) Requirements

Except as specified in paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) Emergency AD 2023–0188–E, dated October 30, 2023 (EASA Emergency AD 2023–0188–E).

(h) Exceptions to EASA Emergency AD 2023–0188–E

(1) Where EASA Emergency AD 2023–0188–E requires compliance in terms of flight hours, this AD requires using hours time-in-service.

(2) Where EASA Emergency AD 2023–0188–E refers to its effective date, this AD requires using the effective date of this AD, except for Group 1 helicopters.

(3) Where Table 1 of EASA Emergency AD 2023–0188–E refers to its effective date, for Group 1 helicopters, this AD requires using the effective date of June 5, 2024 (the effective date of AD 2024–09–02).

(4) Where Table 1 of EASA Emergency AD 2023–0188–E refers to ''Leonardo Aircraft Maintenance Manual Data Module (DM) 69–A–05–21–00–00A–028A–A'', this AD requires replacing that text with ''Leonardo air vehicle maintenance planning information 69–B–05–21–00–00A–028A–A''.

(5) Where the service information referenced in paragraph (1) of EASA Emergency AD 2023–0188–E specifies sending a removed float assembly to Leonardo, this AD does not require that action.

(6) This AD does not adopt the ''Remarks'' section of EASA AD 2023–0188–E.

(i) No Reporting Requirement

Although the service information referenced in EASA Emergency AD 2023–0188–E specifies to submit certain information to the manufacturer, this AD does not require that action.

(j) Alternative Methods of Compliance (AMOCs)

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

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(k) Additional Information

For more information about this AD, contact Yves Petiote, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (202) 975–4867; email *yves.petiote@faa.gov.*

(l) Material Incorporated by Reference

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

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

(3) The following material was approved for IBR on June 5, 2024 (89 FR 44547, May 21, 2024).

(i) European Union Aviation Safety Agency (EASA) Emergency AD 2023–0188–E, dated October 30, 2023.

(ii) [Reserved]

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

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

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

Issued on October 17, 2025.

Steven W. Thompson,

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

[FR Doc. 2025–20451 Filed 11–19–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–0909; Project Identifier MCAI–2023–00895–R; Amendment 39–23198; AD 2025–24–03]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2019–19–13, which applied to certain Airbus Helicopters Model EC225LP helicopters. AD 2019–19–13 required determining the total hours time-in-service (TIS) of the free wheel shafts of certain main rotor gearboxes (MGBs), replacing the MGB or right-hand side (RH) free wheel shaft, installing placard(s), and revising the rotorcraft flight manual (RFM) for the helicopter. Since the FAA issued AD 2019–19–13, an additional part-numbered MGB has been identified to have the same unsafe condition and the FAA determined that additional changes are necessary. This AD requires the actions of AD 2019–19–13 and expands the applicability by adding the additional part-numbered MGB, changes the requirement to determine the total hours TIS of a certain free wheel shaft, requires repetitive replacement of the MGB or the RH free wheel shaft, changes the requirements for who can replace parts, and expands the parts installation limitation conditions. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective December 26, 2025.

ADDRESSES: *AD Docket:* You may examine the AD docket at *regulations.gov* under Docket No. FAA–2025–0909; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this

final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Frank Huynh, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (404) 983–2588; email: *frank.huynh@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2019–19–13, Amendment 39–19749 (84 FR 56109, October 21, 2019) (AD 2019–19–13). AD 2019–19–13 applied to Airbus Helicopters Model EC225LP helicopters, with a MGB part number (P/N) 332A325001.XX, 332A325002.XX, or 332A325003.XX, with a main reduction gear module (main module), and with a certain modification installed.

The NPRM was published in the **Federal Register** on May 22, 2025 (90 FR 21871). The NPRM was prompted by European Union Aviation Safety Agency (EASA) AD 2023–0148, dated July 19, 2023 (EASA AD 2023–0148) (also referred to as the MCAI), issued by EASA, which is the Technical Agent for the Member States of the European Union. The MCAI states that since a previous EASA AD was issued, it was determined that an additional part-numbered MGB is potentially affected by the same unsafe condition and expanded the affected parts by adding MGB P/N 332A32–5004–00 with main module P/N 332A32–5400–00 installed.

In the NPRM, the FAA determined that repetitive replacement of the MGB is necessary and proposed requiring repetitive replacement of the MGB or the RH free wheel shaft at the 1,000 total hours TIS threshold. In the NPRM, the FAA proposed updating the actions that require replacing certain parts under the supervision of a qualified Airbus Helicopter Specialist by removing the requirement for the specified specialist since the actions must be accomplished by persons authorized under 14 CFR 43.3. In the NPRM, the FAA also proposed to change the information that specifies availability of an example of the placard required by the proposed AD. Additionally, in the NRPM the FAA proposed to expand the parts installation limitation conditions and used an updated format; as a result, paragraph identifiers have changed. In the NPRM, the FAA proposed to remove the requirement to determine the total hours TIS of the left-hand (LH) free wheel shaft. Finally, in the NPRM, the FAA proposed to require revising the existing RFM for the helicopter. Revising the existing RFM for the helicopter may be performed by the owner/operator (pilot) holding at least a private pilot certificate and must be entered into the aircraft records showing compliance with this action in accordance with 14 CFR 43.9(a) and 91.417(a)(2)(v). The pilot may perform this action because it only involves revising the existing RFM by inserting pages, which is not considered a maintenance action.

The FAA is issuing this AD to prevent wear of the ramps of the RH free wheel shaft. During an in-flight shutdown of the left-hand side engine, wear of the ramps of the RH free wheel shaft, if not addressed, could result in reduced ability to transfer one engine inoperative (OEI) power from the RH engine to the main rotor, and subsequent reduced control of the helicopter.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2025–0909.

Discussion of Final Airworthiness Directive

Comments

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

Conclusion

These products have been approved by the civil aviation authority of another country and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with this State of Design Authority, that authority has notified the FAA of the unsafe condition described in the MCAI referenced above. The FAA reviewed the relevant data, considered any comments received, and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these products. Except for minor editorial changes, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

Differences Between This AD and the MCAI

This AD requires revising the existing RFM for the helicopter, whereas the MCAI does not. The MCAI requires reporting information, whereas this AD does not.

Interim Action

The FAA considers that this AD is an interim action. If final action is later identified, the FAA might consider further rulemaking.

Costs of Compliance

The FAA estimates that this AD will affect 28 helicopters of U.S. registry. The FAA estimates the following costs to comply with this AD. Labor costs are estimated at $85 per hour.

Determining the total hours TIS of each free wheel shaft will take 0.25 work-hour, for an estimated cost of $21 per helicopter and $588 for the U.S. fleet.

Installing placard(s) and revising the existing RFM for the helicopter will take 0.5 work-hour for an estimated cost of $43 per helicopter and $1,204 for the U.S. fleet.

Replacing an MGB will take 40 work-hours and parts will cost $850,000 (overhauled), for an estimated cost of $853,400 per helicopter, per replacement cycle.

Alternatively, replacing the RH free wheel shaft will take 4 work-hours and parts will cost $24,021, for an estimated cost of $24,361 per helicopter, per replacement cycle.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive 2019–19–13, Amendment 39–19749 (84 FR 56109, October 21, 2019); and

■ b. Adding the following new airworthiness directive:

2025–24–03 Airbus Helicopters: Amendment 39–23198; Docket No. FAA–2025–0909; Project Identifier MCAI–2023–00895–R.

(a) Effective Date

This airworthiness directive (AD) is effective December 26, 2025.

(b) Affected ADs

This AD replaces AD 2019–19–13, Amendment 39–19749 (84 FR 56109, October 21, 2019) (AD 2019–19–13).

(c) Applicability

This AD applies to Airbus Helicopters Model EC225LP helicopters, certificated in any category, with the parts identified in paragraphs (c)(1) or (2) of this AD installed, with ''XX'' denoting any dash number.

(1) With a main rotor gearbox (MGB) part number (P/N) 332A32–5001–XX, 332A32–5002–XX, or 332A32–5003–XX, with a main reduction gear module (main module), with modification (MOD) 07–53016 (16-roller free wheel of free wheel shaft P/N 332A322191.20) installed, P/N 332A32–5011–XX, 332A32–5012–XX, or 332A32–5013–XX.

(2) With an MGB P/N 332A32–5004–XX with a main module P/N 332A32–5400–00.

(d) Subject

Joint Aircraft System Component (JASC) Code 6320, Main rotor gear box; and 6300, Main rotor drive system.

(e) Unsafe Condition

This AD was prompted by a report of wear detected on the right-hand side (RH) free wheel shaft. In addition, since AD 2019–19–13 was issued, the FAA has determined that additional parts are affected by the same unsafe condition. The FAA is issuing this AD to prevent wear of the ramps of the right-hand side (RH) free wheel shaft. During an in-flight shutdown of the left-hand side engine, wear of the ramps of the RH free wheel shaft, if not addressed, could result in reduced ability to transfer one engine inoperative (OEI) power from the RH engine to the main rotor, and subsequent reduced control of the helicopter.

(f) Compliance

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

(g) Required Actions

(1) Within 10 hours time-in-service (TIS) after the effective date of this AD, determine the total hours TIS of the RH free wheel shaft since new or last RH free wheel shaft replacement during overhaul.

(i) If the total hours TIS of the RH free wheel shaft is 1,000 or more hours TIS, before further flight, replace the MGB or replace the RH free wheel shaft. Thereafter, before any RH free wheel shaft accumulates 1,000 total hours TIS, replace the MGB or replace the RH free wheel shaft.

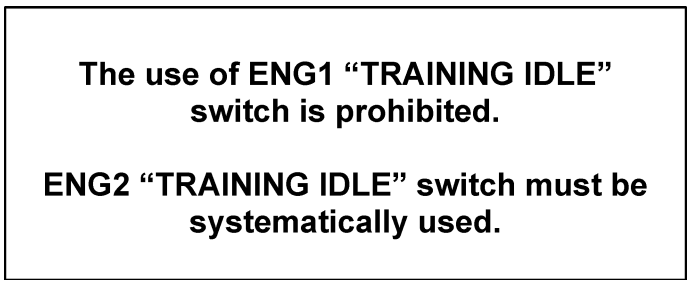
(ii) If the total hours TIS of the RH free wheel shaft is less than 1,000 hours TIS, before exceeding 1,000 hours TIS, and thereafter before any RH free wheel shaft accumulates 1,000 total hours TIS, replace the MGB or replace the RH free wheel shaft.

(2) Within 10 hours TIS after the effective date of this AD:

(i) Install one or two self-adhesive placards on the instrument panel in full view of the pilot and co-pilot with 6-millimeter red letters on a white background that state the information contained in figure 1 to paragraph (g)(2)(i) of this AD.

Note 1 to paragraph (g)(2)(i): Figure 4 of Airbus Helicopters Emergency Alert Service Bulletin No. EC225–04A016, Revision 4, dated June 19, 2023, shows an example of this placard.

Figure 1 to Paragraph (g)(2)(i)



(ii) After installing the placard(s) required by paragraph (g)(2)(i) of this AD, before further flight, revise the limitations section of the existing rotorcraft flight manual (RFM) for the helicopter by adding the information in figure 2 to paragraph (g)(2)(ii) of this AD, by inserting a copy of this AD, or by making pen-and-ink changes. The owner/operator (pilot) holding at least a private pilot certificate may revise the existing RFM and must enter compliance with this RFM revision into the helicopter maintenance records in accordance with 14 CFR 43.9(a) and 14 CFR 91.417(a)(2)(v). The record must be maintained as required by 14 CFR 91.417, 121.380, or 135.439.

Figure 2 to Paragraph (g)(2)(ii)

The use of ENG1 "TRAINING IDLE" switch is prohibited.

ENG2 "TRAINING IDLE" switch must be systematically used.

Accomplishment of OEI training flight is allowed, provided that only ENG2 "TRAINING IDLE" switch is used for that purpose.

(3) For Airbus Helicopters Model EC225LP helicopters with parts identified in paragraph (c)(1) of this AD installed, with ''XX'' denoting any dash number, as an optional terminating action for the requirements of this AD, install MGB P/N 332A32–5001–XX, 332A32–5002–XX, or 332A32–5003–XX, with a main module (12-roller free wheel), without MOD 07–53016 installed, P/N 332A32–5011–XX, 332A32–5012–XX, or 332A32–5013–XX.

(h) Parts Installation Limitations

As of the effective date of this AD, do not install the parts identified in paragraph (h)(1) or (2) of this AD, with ''XX'' denoting any dash number, on any helicopter unless the actions required by paragraph (g)(2) of this AD are accomplished.

(1) MGB P/N 332A32–5001–XX, 332A32–5002–XX, or 332A32–5003–XX with a main module, with MOD 07–53016 (16-roller free wheel of free wheel shaft P/N 332A322191.20) installed, P/N 332A32–5011–XX, 332A32–5012–XX, or 332A32–5013–XX.

(2) An MGB P/N 332A32–5004–XX with a main module P/N 332A32–5400–00.

(i) Credit for Previous Actions

This paragraph provides credit for the actions required by paragraphs (g)(1) and (2) of this AD, if those actions were performed before the effective date of this AD in accordance with the material identified in paragraphs (i)(1) through (3) of this AD.

(1) Airbus Helicopters Emergency Alert Service Bulletin (ASB) No. EC225–04A016, Revision 1, dated June 28, 2019.

(2) Airbus Helicopters Emergency ASB EC225–04A016, Revision 2, dated July 23, 2019.

(3) Airbus Helicopters Emergency ASB EC225–04A016, Revision 3, dated August 5, 2019.

(j) Alternative Methods of Compliance (AMOCs)

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

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(k) Additional Information

(1) For more information about this AD, contact Frank Huynh, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (404) 983–2588; email: *frank.huynh@faa.gov.*

(2) For Airbus Helicopters material that is not incorporated by reference, contact Airbus Helicopters, 2701 North Forum Drive, Grand Prairie, TX 75052; phone: (972) 641–0000 or (800) 232–0323; fax: (972) 641–3775; website: *airbus.com/en/products-services/helicopters/hcare-services/airbusworld.*

(l) Material Incorporated by Reference

None.

Issued on November 17, 2025.

Steven W. Thompson,

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

[FR Doc. 2025–20482 Filed 11–19–25; 8:45 am]

BILLING CODE 4910–13–P

POSTAL SERVICE

39 CFR Part 111

Domestic Competitive Products Pricing and Mailing Standards Changes

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The Postal Service is amending *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM), to reflect changes to certain prices for competitive products. There are no mailing standards changes scheduled for competitive products.

DATES: *Effective Date:* January 18, 2026.

FOR FURTHER INFORMATION CONTACT: Steven Jarboe at (202) 268–7690, Catherine Knox (202) 268–5636, or Garry Rodriguez at (202) 268–7281.

SUPPLEMENTARY INFORMATION: This final rule describes new prices for competitive products, by class of mail, established by the Governors of the United States Postal Service. New prices are available under Docket Number CP2026–2 on the Postal Regulatory Commission (PRC) website at *http://www.prc.gov,* and on the Postal Explorer website at *http://pe.usps.com.*

The Postal Service will revise *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM), to reflect changes to certain prices for the following competitive products:

- Priority Mail Express®.
- Priority Mail®.
- USPS Ground Advantage®.
- Parcel Select®.
- Extra Services.
- Mailer Services.
- Recipient Services.
- Other.

Competitive product prices are identified by product as follows:

Priority Mail Express

Prices

Overall, Priority Mail Express prices will increase 5.1 percent. Priority Mail Express will continue to offer zoned and Flat Rate Retail, Commercial Base™, and Commercial Plus™ pricing.

Retail prices will increase an average of 5.0 percent. The Flat Rate Envelope price will increase to $33.25, the Legal Flat Rate Envelope will increase to $33.50, and the Padded Flat Rate Envelope will increase to $34.15.

Commercial Base prices will increase an average of 5.9 percent.

Priority Mail

Prices

Overall, Priority Mail prices will increase 6.6 percent. Priority Mail will continue to offer zoned and Flat Rate, Retail and Commercial pricing.

Retail prices will increase an average of 6.3 percent. The Flat Rate Envelope

price will increase to $11.95, the Legal Flat Rate Envelope will increase to $12.25, and the Padded Flat Rate Envelope will increase to $12.95. The Small Flat Rate Box price will increase to $12.65, and the Medium Flat Rate Boxes will increase to $22.95. The Large Flat Rate Box will increase to $31.50 and the APO/FPO/DPO Large Flat Rate Box will increase to $30.15.

Commercial prices will increase an average of 6.9 percent.

USPS Ground Advantage

Prices

Overall, USPS Ground Advantage prices will increase 7.8 percent.

USPS Ground Advantage—Retail prices will increase 5.9 percent.

USPS Ground Advantage—Commercial prices will increase 9.6 percent.

Parcel Select

Prices

The prices for Parcel Select Destination Entry will increase an average of 6.0 percent.

The prices for USPS Connect® Local will increase 4.9 percent.

Extra Services

Adult Signature Service

Adult Signature Required and Adult Signature Restricted Delivery service prices will increase an average of 15.5 percent.

Mailer Services

Pickup on Demand Service

The Pickup on Demand® service fee will remain the same.

USPS Tracking Plus Service

The USPS Tracking Plus® service prices will remain the same.

USPS Label Delivery Service

The USPS Label Delivery Service™ prices will increase 6.5 percent.

USPS Delivered Duty Paid (DDP) Service

The Postal Service is introducing the USPS Delivered Duty Paid (DDP) fee. DDP involves the prepayment by the mailer of any required applicable customs duties, taxes, and fees on items mailed from certain U.S. possessions and territories destined to domestic locations within the U.S. customs territory. The fee that the Postal Service will establish for facilitating payment does not include any applicable taxes, duties, and non-USPS fees, which are collected separately and passed through to a third party.

Recipient Services

Post Office Box Service

The competitive Post Office Box™ service prices will increase 2.9 percent.

Premium Forwarding Service

Premium Forwarding Service® (PFS®) prices will increase 6.8 percent.

USPS Package Intercept

The USPS Package Intercept® fee will increase 6.0 percent.

Other

Address Enhancement Service

Address Enhancement Service competitive product prices will remain the same.

Package Quality Noncompliance Fee

The Package Quality Noncompliance Fee will remain the same.

Nonstandard Fees

Nonstandard Fees will increase an average of 17 percent.

Dimension Noncompliance Fee

The Dimension Noncompliance Fee will increase from $1.50 to $3.00.

Resources

The Postal Service provides additional resources to assist customers with this price change for competitive products. These tools include price lists, downloadable price files, and **Federal Register** Notices, which may be found on the Postal Explorer® website at *http://pe.usps.com.*

The Postal Service adopts the described changes to *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM), incorporated by reference in the *Code of Federal Regulations.* We will publish an appropriate amendment to 39 CFR part 111 to reflect these changes.

List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

Accordingly, the Postal Service amends Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM), incorporated by reference in the Code of Federal Regulations as follows (see 39 CFR 111.1):

PART 111—[AMENDED]

■ 1. The authority citation for 39 CFR part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 13 U.S.C. 301–307; 18 U.S.C. 1692–1737; 39 U.S.C. 101, 401–404, 414, 416, 3001–3018, 3201–3220, 3401–3406, 3621, 3622, 3626, 3629, 3631–3633, 3641, 3681–3685, and 5001.

■ 2. Revise *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM) as follows:

Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM)

* * * * *

500 Additional Mailing Services

* * * * *

507 Mailer Services

* * * * *

[Revise 507 by adding new 13.0 to read as follows:]

13.0 USPS Delivered Duty Paid (DDP) Service

USPS Delivered Duty Paid (DDP) involves the prepayment by the mailer of any required applicable customs duties, taxes, and fees on items mailed from certain U.S. possessions and territories destined to domestic locations within the U.S. customs territory. The fee that the Postal Service will establish for facilitating payment (see Notice 123—Price List) does not include any applicable taxes, duties, and non-USPS fees, which are collected separately and passed through to a third party. USPS DDP may not be available at all locations or through all payment channels.

* * * * *

Notice 123 (Price List)

[Revise competitive prices as applicable.]

* * * * *

Kevin Rayburn,

Attorney, Ethics and Legal Compliance.

[FR Doc. 2025–20442 Filed 11–19–25; 8:45 am]

BILLING CODE P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2019–0215; FRL–13010–02–R5]

Air Plan Approval; Michigan; Infrastructure SIP Requirements for the 2015 Ozone NAAQS; Michigan State Board Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving an element of a State Implementation Plan (SIP) submission from Michigan regarding the infrastructure requirements of section

110 of the Clean Air Act (CAA) for the 2015 ozone National Ambient Air Quality Standards (NAAQS). The infrastructure requirements ensure that the structural components of each State's air quality management program are adequate to meet CAA requirements. This action pertains to CAA section 110(a)(2)(E)(ii).

DATES: This direct final rule will be effective January 20, 2026, unless EPA receives adverse comments by December 22, 2025. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2019–0215 at *https://www.regulations.gov* or via email to *langman.michael@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from the docket. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI), Proprietary Business Information (PBI), or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI, PBI, or multimedia submissions, and general guidance on making effective comments, please visit *https://wwww.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Kelsey Foss, Air and Radiation Division (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6008, *foss.kelsey@epa.gov.* The EPA Region 5 office is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays.

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA.

I. Background

A. What State SIP submission does this rulemaking address?

This rulemaking addresses a March 8, 2019, submission from the Michigan Department of Environment, Great Lakes, and Energy (Michigan or EGLE) that meets the infrastructure requirements for the 2015 ozone NAAQS. EPA has already acted on all other elements of Michigan's infrastructure SIP for the 2015 ozone NAAQS except for this element pertaining to State boards.

B. Why did the State make this submission?

Whenever EPA promulgates a new or revised NAAQS, CAA section 110(a)(1) requires States to make SIP submissions to provide for the implementation, maintenance, and enforcement of the NAAQS. This particular type of SIP submission is commonly referred to as an ''infrastructure SIP.'' These submissions must meet the various requirements of CAA section 110(a)(2), as applicable. Due to ambiguity in some of the language of CAA section 110(a)(2), EPA believes that it is appropriate to interpret these provisions in the specific context of acting on infrastructure SIP submissions. EPA has previously provided comprehensive guidance on the application of these provisions through a guidance document for infrastructure SIP submissions and through regional actions on infrastructure submissions.[1] Unless otherwise noted below, we are following that existing approach in acting on this submission. In addition, in the context of acting on such infrastructure submissions, EPA evaluates a State's SIP revision for facial compliance with statutory and regulatory requirements, not for the State's implementation of its SIP.[2] EPA has other authority to address any issues concerning a State's implementation of the rules, regulations, consent orders, etc. that comprise its SIP.

[1] EPA explains and elaborates on these ambiguities and its approach to address them in its September 13, 2013, Infrastructure SIP Guidance (available at *https://www3.epa.gov/airquality/urbanair/sipstatus/docs/Guidance_on_Infrastructure_SIP_Elements_Multipollutant_FINAL_Sept_2013.pdf*), as well as in numerous agency actions, including EPA's prior action on Michigan's, Illinois', Minnesota's, and Wisconsin's infrastructure SIPs to address the 2008 lead NAAQS (79 FR 27241 (May 13, 2014)).

[2] See U.S. Court of Appeals for the Ninth Circuit decision in *Montana Environmental Information Center* v. *EPA,* No. 16–71933 (Aug. 30, 2018).

II. What is EPA's analysis of the State's submission?

CAA section 110(a)(2)(E)(ii) requires that each SIP contain provisions that comply with the State board requirements of CAA section 128. Section 128(a) contains two explicit requirements: (1) That any board or body which approves permits or enforcement orders under the CAA shall have at least a majority of members who represent the public interest and do not derive any significant portion of their income from persons subject to permits and enforcement orders under the CAA, and (2) that any potential conflicts of interest by members of such board or body or the head of an executive agency with similar powers be adequately disclosed.

EPA did not act on this portion of Michigan's March 8, 2019, SIP submission because Michigan had recently created State boards,[3] and EPA needed time to assess which rules applied to the boards. These State boards have since been abolished.[4]

Because Michigan no longer has State boards, CAA section 128(a)(1) does not apply to Michigan. Michigan Civil Service Commission Rule 2–8.3(a)(1) is already contained in Michigan's SIP and fulfills the conflict of interest disclosure requirement of CAA section 128(a)(2). Thus, EPA finds that Michigan's infrastructure SIP meets the requirement of CAA section 110(a)(2)(E)(ii) for the 2015 ozone NAAQS.

III. What action is EPA taking?

EPA is approving Michigan's March 8, 2019, submission as satisfying the requirement of CAA section 110(a)(2)(E)(ii) for the 2015 ozone NAAQS.

We are publishing this action without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comments. However, in the proposed rules section

[3] Michigan Public Act 267 of 2018 created the Environmental Rules Review Committee. Public Act 267 is available at *https://www.legislature.mi.gov/Bills/Bill?ObjectName=2017-SB-0652.* Michigan Public Act 268 of 2018 created the Environmental Permit Review Commission. Public Act 268 is available at *https://www.legislature.mi.gov/Bills/Bill?ObjectName=2017-SB-0653.* Public Acts 267 and 268 were filed and effective on June 29, 2018.

[4] Michigan Executive Order 2024–5, published July 18, 2024, and effective September 17, 2024, abolished the Environmental Rules Review Committee and the Environmental Permit Review Commission. According to Executive Order 2024–5, the authority to hear permit review appeals and to approve permits lies wholly with the Director of EGLE or the Director's designee. Executive Order 2024–5 is available at *https://www.michigan.gov/whitmer/news/state-orders-and-directives/2024/07/18/executive-order-2024-5-executive-reorganization.*

of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the State plan if relevant adverse written comments are filed. This rule will be effective January 20, 2026 without further notice unless we receive relevant adverse written comments by December 22, 2025. If we receive such comments, we will withdraw this action before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on the proposed action. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. If we do not receive any comments, this action will be effective January 20, 2026.

IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve State choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Is not subject to Executive Order 14192 (90 FR 9065, February 6, 2025) because SIP actions are exempt from review under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a State program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA.

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

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 20, 2026. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of this **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Ozone, Volatile organic compounds.

Dated: November 3, 2025.

Anne Vogel,

Regional Administrator, Region 5.

For the reasons stated in the preamble, title 40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

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

■ 2. In § 52.1170, the table in paragraph (e) is amended under the heading ''Infrastructure,'' by revising the entry for ''Section 110(a)(2) infrastructure requirements for the 2015 ozone NAAQS'' to read as follows:

§ 52.1170 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED MICHIGAN NONREGULATORY AND QUASI-REGULATORY PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Comments		
*	*	*	*	*	*	*
Infrastructure						

EPA-APPROVED MICHIGAN NONREGULATORY AND QUASI-REGULATORY PROVISIONS—Continued

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Comments
*	*	*	* *	* *
Section 110(a)(2) infrastructure requirements for the 2015 ozone NAAQS.	Statewide	3/8/2019	11/20/2025, 90 FR [Insert **Federal Register** page where the document begins].	Approved CAA elements: 110(a)(2)(A), (B), (C), (D)(i)(II) Prong 3, D(ii), (E), (F), (G), (H), (J), (K), (L), and (M). Disapproved CAA elements: 110(a)(2)(D)(i)(I) Prongs 1 and 2, and 110(a)(2)(D)(i)(II) Prong 4.
*	*	*	* *	* *

[FR Doc. 2025–20495 Filed 11–19–25; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2024–0188; FRL–12928–02–R1]

Air Plan Approval; Rhode Island; Decommissioning of Stage II Vapor Recovery Systems

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a State Implementation Plan (SIP) revision submitted by the State of Rhode Island. This revision removes requirements for Stage II vapor recovery equipment at gasoline dispensing facilities (GDFs). This revision also includes minor updates to Stage I vapor recovery regulatory amendments. The intended effect of this action is to approve Rhode Island's revised vapor recovery regulations. This action is being taken in accordance with the Clean Air Act.

DATES: This rule is effective on December 22, 2025.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R01–OAR–2024–0188. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available at *https://www.regulations.gov* or at the U.S. Environmental Protection Agency, EPA Region 1 Regional Office, Air and Radiation Division, 5 Post Office Square—Suite 100, Boston, MA. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection.

FOR FURTHER INFORMATION CONTACT: Ayla Martinelli, Air Quality Branch, U.S. Environmental Protection Agency, EPA Region 1, 5 Post Office Square—Suite 100, (Mail code 5–MI), Boston, MA 02109–3912, tel. (617) 918–1057, email: *martinelli.ayla@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA.

Table of Contents

I. Background and Purpose
II. Final Action
III. Incorporation by Reference
IV. Statutory and Executive Order Reviews

I. Background and Purpose

On August 14, 2025 (90 FR 39139), EPA published a Notice of Proposed Rulemaking (NPRM) for the State of Rhode Island. The NPRM proposed approval of the removal of Stage II vapor recovery requirements at GDFs, as well as minor updates to Stage I vapor recovery regulations. The formal SIP revision was submitted by Rhode Island on February 24, 2025.

The rationale for EPA's proposed action is explained in the NPRM and will not be restated here. No public comments were received on the NPRM.

II. Final Action

EPA is approving Rhode Island's February 24, 2025, SIP revision to Air Pollution Control Regulation (APCR) No. 11, *Petroleum Liquids Marketing and Storage,* as a revision to the Rhode Island SIP.

III. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of Rhode Island's amended APCR No. 11. described in the amendments to 40 CFR part 52 set forth below. The EPA has made, and will continue to make, these documents generally available through *https://www.regulations.gov* and at the EPA Region 1 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by EPA for inclusion in the State implementation plan, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[1]

IV. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Clean Air Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993);
- Is not subject to Executive Order 14192 (90 FR 9065, February 6, 2025) because SIP actions are exempt from review under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

[1] 62 FR 27968 (May 22, 1997).

• Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

• Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

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

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

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

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

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

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 20, 2026. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

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

Dated: October 30, 2025.

Mark Sanborn,

Regional Administrator, EPA Region 1.

For the reasons stated in the preamble, the Environmental Protection Agency amends part 52 of chapter I, title 40 of the Code of Federal Regulations to read as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

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

Subpart OO—Rhode Island

■ 2. In § 52.2070(c), amend the table by revising the entry ''Air Pollution Control Regulation 11'' to read as follows:

§ 52.2070 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED RHODE ISLAND REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanations
*	*	*	* *	* *
Air Pollution Control Regulation 11.	Petroleum Liquids Marketing and Storage.	2/18/2024	11/20/25 ..... 90 FR [Insert **Federal Register** page where the document begins], [Insert date of publication in the **Federal Register**].	Department of Environmental Management regulation containing vapor recovery requirements. Approving all sections.
*	*	*	* *	* *

[FR Doc. 2025–20458 Filed 11–19–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2025–0060; FRL–12608–03–R9]

Air Plan Approval; California; Eastern Kern Air Pollution Control District; Stationary Combustion Turbines

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve a revision to the Eastern Kern Air Pollution Control District (EKAPCD or ''District'') portion of the California State Implementation Plan (SIP). This revision concerns emissions of oxides of nitrogen (NO_X) from stationary gas turbines. We are approving a local rule that regulates these emissions sources under the Clean Air Act (CAA or ''Act'').

DATES: This rule is effective December 22, 2025.

ADDRESSES: The EPA has established a docket for this action under Docket ID

No. EPA–R09–OAR–2025–0060. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information. If you need assistance in a language other than English or if you are a person with a disability who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: La Kenya Evans-Hopper, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105; phone: (415) 972–3245; email: *evanshopper.lakenya@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us,'' and ''our'' refer to the EPA.

Table of Contents

I. Proposed Action
II. Public Comments and EPA Responses
III. EPA Action
IV. Incorporation by Reference
V. Statutory and Executive Order Reviews

I. Proposed Action

On June 20, 2025 (90 FR 26232), the EPA proposed to approve the following rule into the California SIP.

Local agency	Rule No.	Rule title	Amended	Submitted
EKAPCD	425	Stationary Gas Turbines (Oxides of Nitrogen)	11/13/2024	12/12/2024

We proposed to approve this rule because we determined that it complies with the relevant CAA requirements. Our proposed action contains more information on the rule and our evaluation.

II. Public Comments and EPA Responses

The EPA's proposed action provided a 30-day public comment period. During this period, we received four anonymous comments. The full texts of these comments are available in the docket for this rulemaking. Two of the comments were positive in response to our Determination to Defer Sanctions.[1] One comment was in support of our decision to defer offset and highway sanctions for California and encouraged the EPA to maintain oversight for the implementation of EKAPCD Rule 425—Stationary Gas Turbines (Oxides of Nitrogen), amended November 13, 2024 (''Rule 425''). The commenter stated that long-term compliance and transparency will be key to protecting public health in the Eastern Kern region. The second comment was in support of approving Rule 425 into the SIP. The EPA thanks the commenters for their comments. As discussed in more detail below, we received two additional comments addressing specific aspects of the proposed rulemaking.

The first of these two additional comments recommended that the EPA not revise the air pollution requirements in Eastern Kern and use ''the stricter CA regulations'' for every State in the Union. The EPA thanks the commenter for their comment. This rulemaking is for a specific local air pollution control district within California, the EKAPCD, and air pollution control requirements outside of the EKAPCD are beyond the scope of this rule. With respect to the recommendation that the EPA not revise the air pollution requirements within EKAPCD, and instead use ''stricter CA regulations'' in EKAPCD, such an approach is not available in the current rulemaking. Firstly, the commenter has not identified any specific California regulations believed to be ''stricter'' than Rule 425. Rule 425 regulates emissions of oxides of nitrogen (NO_X) from combustion turbines. In California, local air pollution control districts typically adopt regulations for these types of emissions sources and submit them to the California Air Resources Board (CARB). CARB then decides whether to submit these rules to the EPA for inclusion in the SIP. It is the California State Government, through CARB, that maintains the California SIP and chooses which regulations and materials to submit to the EPA for including into the SIP. Rule 425 is thus the applicable California regulation for the area. Accordingly, it is not clear what other ''stricter CA regulation'' the commenter is referring to. There is no other applicable California regulation that has been submitted to the EPA. Although CARB may directly regulate some categories of sources, we are not aware of any CARB regulations that establish NO_X emissions limitations for combustion turbines. Secondly, under the cooperative federalism framework established by the Act, the states adopt regulations and submit them to the EPA for approval into the SIP. Under section 110(k)(3) of the CAA, the EPA must approve a SIP submission if it meets the applicable requirements of the Act. Accordingly, unless the EPA has identified a deficiency with the present submission, the EPA does not have discretion to disapprove the submission. In addition, CAA section 110(c)(1)(B) specifies that the EPA may only impose its own regulations, using a Federal Implementation Plan (FIP), if the EPA has disapproved a SIP submission and identified a deficiency in that submission that prevents full approval. The EPA may not otherwise substitute its own regulations for those submitted by the state.

To the extent that the commenter may be suggesting that the EPA disapprove the submission because Rule 425 should be ''stricter'' to meet CAA requirements, the commenter has not specified a deficiency that would permit the EPA to disapprove the submission, and we disagree with this suggestion. Our proposed action and technical support document (TSD) contained an analysis of the rule, including its stringency, concluding that it meets the applicable requirements of the Act. As explained in our proposal, the EKAPCD is required to implement Reasonably Available Control Technology (RACT) requirements for any category of sources covered by a Control Techniques Guidelines document and for any major stationary source of volatile organic compounds (VOCs) or NO_X. See CAA sections 182(b)(2) and (f). The District relies on Rule 425 to establish RACT-level controls for combustion turbines at major sources of NO_X within the District.

In this action, California is correcting a deficiency that we previously identified related to the stringency of the NO_X emissions limitations in Rule 425 for a single combustion turbine in the District, the Westinghouse W251B10 combustion turbine.[2] In 2023, we

[1] ''Determination to Defer Sanctions; California; Eastern Kern Air Pollution Control District; Stationary Combustion Turbines,'' June 20, 2025 (90 FR 26207).

[2] 88 FR 39182 (June 15, 2025).

determined that Rule 425 was largely consistent with the relevant CAA requirements, including the requirement to implement RACT for covered major sources, except for the Westinghouse W251B10 combustion turbine. To address the deficiency, the District amended Rule 425 by lowering the NO_X emissions limitation applicable to the unit when burning gaseous fuel from 25 parts per million by volume (ppmv) to 20 ppmv and removed the liquid fuel emissions limitation of 65 ppmv. With respect to the RACT requirement, the Westinghouse W251B10 combustion turbine is currently equipped with dry low NO_X combustors to control NO_X emissions. The EKAPCD provided a response document with an analysis to demonstrate that it is not cost effective for this Westinghouse turbine to be retrofitted with selective catalytic reduction (SCR), and that SCR is thus not required to meet RACT for this unit.[3] The EPA concluded that Rule 425 represents RACT level control for this unit and that the District has addressed the prior deficiency. Please see our proposal and TSD for additional details.

Nothing in the submitted comment has changed our assessment or suggested that new information should call this conclusion into question. Accordingly, the EPA concludes that the previous deficiency has been addressed, and Rule 425 meets all applicable CAA requirements regarding enforceability, RACT, and SIP revisions. Therefore, the EPA is finalizing approval of the SIP submission.

The second comment that we received addressing an aspect of the proposed rulemaking stated that ''[t]he proposed EPA reporting should be included in the matter, as informative data relevant for disclosure purposes and to provide conclusive details on the history of the potentially harmful impact to the citizens in the region.'' The EPA thanks the commenter for their comment. To clarify, the EPA did not propose any additional requirements beyond those found in Rule 425. As mentioned in our proposal, the revised rule includes updates to the reporting requirements section of the rule. These reports are submitted to the District. Thus, the EPA understands this comment as being supportive of our proposed approval of Rule 425 that would include approving these revised reporting requirements into the SIP.

[3] Response to Eastern Kern Air Pollution Control District Request regarding the SIP and Rule 425 Modification, sent on January 3, 2024 (Response Document) as found in our docket at EPA–R09–OAR–2025–0060.

III. EPA Action

No comments were submitted that change our assessment of the rule as described in our proposed action. Therefore, as authorized in section 110(k)(3) of the Act, the EPA is approving this rule into the California SIP. The November 13, 2024 version of Rule 425 will replace the previously approved version of this rule in the SIP. This approval resolves all deficiencies forming the basis for our previous limited disapproval in 2023 of the prior version of Rule 425. This action also permanently terminates all sanctions clocks and FIP clocks triggered by our June 15, 2023 limited disapproval action.

IV. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of Eastern Kern Air Pollution Control District, Rule 425, Stationary Gas Turbines (Oxides of Nitrogen), amended on November 13, 2024, which regulates NO_X emissions from stationary gas turbines. Therefore, these materials have been approved by the EPA for inclusion in the SIP, have been incorporated by reference by the EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of the EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[4] The EPA has made, and will continue to make, these documents available through *https://www.regulations.gov* and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Is not subject to Executive Order 14192 (90 FR 9065, February 6, 2025) because SIP actions are exempt from review under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a state program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA.

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

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 20, 2026. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to

[4] 62 FR 27968 (May 22, 1997).

enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Ozone, Reporting and recordkeeping requirements.

Dated: November 10, 2025.

Michael Martucci,

Acting Regional Administrator, Region IX.

For the reasons stated in the preamble, the Environmental Protection Agency amends part 52, chapter I, title 40 of the Code of Federal Regulations as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

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

Subpart F—California

■ 2. Amend § 52.220a, paragraph (c), under the subheading ''Table 10–EPA-Approved Eastern Kern Air Pollution Control District Regulations; Kern County air Pollution Control District Regulations,'' by revising the entry for ''425'', to read as follows:

§ 52.220a Identification of plan—in part.

* * * * *

(c) * * *

TABLE 10—EPA-APPROVED EASTERN KERN AIR POLLUTION CONTROL DISTRICT REGULATIONS; KERN COUNTY AIR POLLUTION CONTROL DISTRICT REGULATIONS

District citation	Title/subject	State effective date	EPA approval date	Additional explanation
*	*	*	*	*
425	Stationary Gas Turbines (Oxides of Nitrogen).	November 13, 2024	11/20/2025, 90 FR [INSERT **FEDERAL REGISTER** PAGE WHERE THE DOCUMENT BEGINS].	Submitted on December 12, 2024.
*	*	*	*	*

* * * * *

[FR Doc. 2025–20407 Filed 11–19–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2021–0684; FRL–12805–02–R5]

Air Plan Approval; Minnesota; Exempt Source SIP Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a revision to the Minnesota State Implementation Plan (SIP) with updates to Minnesota's air program rules. The Minnesota Pollution Control Agency (MPCA) submitted the request to EPA on October 1, 2021. The revision to Minnesota's air quality rules reflects changes that have occurred since July 2020. EPA proposed to approve this submittal, which will result in consistent requirements of rules at both the State and Federal level, on July 16, 2025, and received no adverse comments.

DATES: This final rule is effective on December 22, 2025.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2021–0684. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* Confidential Business Information (CBI), Proprietary Business Information (PBI), or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either through *https://www.regulations.gov* or at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Jennifer Darrow, at (312) 886–6315 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Jennifer Darrow, Air and Radiation Division (AR18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6315, *darrow.jennifer@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA.

I. Background Information

On July 16, 2025 (90 FR 31918), EPA proposed to approve Minnesota's October 1, 2021, SIP revision request. The revision included amendments to permit rules, clarifications of permit requirements for small sources of air emissions, updates to rules governing small air pollution sources and the addition of four categories of conditionally exempt sources. Minnesota completed a State rulemaking to clarify exempt source and insignificant activities rules in 2019. This SIP revision codifies those amendments to State law in the Minnesota SIP. An explanation of the Clean Air Act requirements, a detailed analysis of the revisions, and EPA's reasons for proposing approval were provided in the notice of proposed rulemaking (NPRM) and will not be restated here. The public comment period for this proposed rule ended on August 15, 2025. EPA received one comment in support of the proposed approval. The comment received is included in the docket for this action.

We do not consider the comment to be germane or relevant to this action and, therefore, not adverse to this action. Therefore, we are finalizing our action as proposed.

II. Final Action

EPA is approving MPCA's October 1, 2021, submittal, as a revision to its existing SIP. Specifically, EPA is approving and incorporating by reference the following rule sections as adopted on January 7, 2019, and published electronically on April 3, 2019, into the Minnesota SIP at 40 CFR 52.1220(c):

- Chapter 7005 Definitions and Abbreviations, section 7005.0100;
- Chapter 7007 Air Emission Permits, sections 7005.0100, 7007.0300, 7007.0400, 7007.0850, 7007.1144, 7007.1145, 7007.1147, 7007.1250, and 7007.1300;
- Chapter 7008 Conditionally Exempt Stationary Sources and Conditionally Insignificant Activities, sections 7008.0100, 7008.0200, 7008.2100, 7008.2200, 7008.2300, 7008.2400, 7008.2500, 7008.2600, 7008.4000, 7008.4100, and 7008.4110;
- Chapter 7011 Standards for Stationary Sources, sections 7011.0561, 7011.1201, and 7011.2300; and
- Chapter 7019 Emission Inventory Requirements, section 7019.3020.

EPA is also removing rule 7023 from the SIP as this rule is obsolete given the November 2019 expiration of the CO Maintenance area.

III. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of the Minnesota Regulations described in section II. of this preamble and set forth in the amendments to 40 CFR part 52 below. EPA has made, and will continue to make, these documents generally available through *https://www.regulations.gov,* and at the EPA Region 5 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by EPA for inclusion in the SIP, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the Clean Air Act as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[1]

IV. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Clean Air Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve State choices, provided they meet the criteria of the Clean Air Act. Accordingly, this action merely approves State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Is not subject to Executive Order 14192 (90 FR 9065, February 6, 2025) because SIP actions are exempt from review under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a State program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act.

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 20, 2026. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: October 28, 2025.

Anne Vogel,

Regional Administrator, Region 5.

For the reasons stated in the preamble, title 40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

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

■ 2. In § 52.1220(c), amend ''Table 1 to Paragraph (c)—EPA-Approved Minnesota Regulations'':

■ a. Under the heading ''CHAPTER 7005 DEFINITIONS AND ABBREVIATIONS'' by revising the entry for 7005.0100;

■ b. Under the heading ''CHAPTER 7007 AIR EMISSION PERMITS'' by revising the entries for 7007.0300, 7007.0400, 7007.0850, 7007.1144, 7007.1145, 7007.1147, 7007.1250, and 7007.1300;

■ c. Under the heading ''CHAPTER 7008 CONDITIONALLY EXEMPT STATIONARY SOURCES AND CONDITIONALLY INSIGNIFICANT ACTIVITIES'' by:

■ i. Revising the entries for 7008.0100, 7008.0200, 7008.2100, 7008.2200;

■ ii. Adding new entries for 7008.2300, 7008.2400, 7008.2500, and 7008.2600, after the entry for 7008.2250; and

■ iii. Revising the entries for 7008.4000, 7008.4100, and 7008.4110;

[1] 62 FR 27968 (May 22, 1997).

■ d. Under the heading ''CHAPTER 7011 STANDARDS FOR STATIONARY SOURCES'':
■ i. Under the sub-heading ''WASTE COMBUSTORS'' by revising the entry for 7011.1201;
■ ii. Under the sub-heading ''STATIONARY INTERNAL COMBUSTION ENGINES'' by revising the entry for 7011.2300; and
■ iii. Under the sub-heading ''INDIRECT HEATING FOSSIL-FUEL-BURNING EQUIPMENT'' by adding a new entry for 7011.0561 after the entry for 7011.0553;
■ e. Under the heading ''CHAPTER 7019 EMISSION INVENTORY REQUIREMENTS'' by revising the entry for 7019.3020; and
■ f. By removing the heading ''CHAPTER 7023 MOBILE AND INDIRECT SOURCES'' and the entries for 7023.0100, 7023.0105, 7023.0110, 7023.0115, 7023.0120, 7023.1010, 7023.1015, 7023.1020, 7023.1025, 7023.1030, 7023.1035, 7023.1040, 7023.1045, 7023.1050, 7023.1055, 7023.1060, 7023.1065, 7023.1070, 7023.1075, 7023.1080, 7023.1085, 7023.1090, 7023.1100, and 7023.1105.

The revisions and additions read as follows:

§ 52.1220 Identification of plan.

* * * * *

(c) * * *

TABLE 1 TO PARAGRAPH (c)—EPA-APPROVED MINNESOTA REGULATIONS

Minnesota citation	Title/subject	State adoption date	EPA approval date	Comments
*	* * *	*	* *	*
CHAPTER 7005 DEFINITIONS AND ABBREVIATIONS				
7005.0100	DEFINITIONS	1/7/2019	11/20/2025, 90 FR [Insert **Federal Register** page where the document begins].	
*	* * *	*	* *	*
CHAPTER 7007 AIR EMISSION PERMITS				
*	* * *	*	* *	*
7007.0300	SOURCES NOT REQUIRED TO OBTAIN PERMIT	1/7/2019	11/20/2025, 90 FR [Insert **Federal Register** page where the document begins].	
*	* * *	*	* *	*
7007.0400	APPLICATIONS TO REISSUE PERMIT AFTER TRANSITION; NEW SOURCE AND PERMIT AMENDMENT APPLICATIONS; TOTAL FACILITY APPLICATIONS FOR SOURCES NEWLY SUBJECT TO PART 70 OR STATE PERMIT TOTAL FACILITY REQUIREMENT.	1/7/2019	11/20/2025, 90 FR [Insert **Federal Register** page where the document begins].	
*	* * *	*	* *	*
7007.0850	PERMIT APPLICATION NOTICE AND COMMENT	1/7/2019	11/20/2025, 90 FR [Insert **Federal Register** page where the document begins].	
*	* * *	*	* *	*
7007.1144	CAPPED PERMIT; PUBLIC PARTICIPATION	1/7/2019	11/20/2025, 90 FR [Insert **Federal Register** page where the document begins].	
7007.1145	CAPPED PERMIT APPLICATION	1/7/2019	11/20/2025, 90 FR [Insert **Federal Register** page where the document begins].	
*	* * *	*	* *	*
7007.1147	CAPPED PERMIT; CALCULATING ACTUAL EMISSIONS.	1/7/2019	11/20/2025, 90 FR [Insert **Federal Register** page where the document begins].	
*	* * *	*	* *	*
7007.1250	INSIGNIFICANT MODIFICATIONS	1/7/2019	11/20/2025, 90 FR [Insert **Federal Register** page where the document begins].	
7007.1300	INSIGNIFICANT ACTIVITIES LIST	1/7/2019	11/20/2025, 90 FR [Insert **Federal Register** page where the document begins].	
*	* * *	*	* *	*
CHAPTER 7008 CONDITIONALLY EXEMPT STATIONARY SOURCES AND CONDITIONALLY INSIGNIFICANT ACTIVITIES				
*	* * *	*	* *	*
7008.0100	DEFINITIONS	1/7/2019	11/20/2025, 90 FR [Insert **Federal Register** page where the document begins].	
7008.0200	GENERAL REQUIREMENTS	1/7/2019	11/20/2025, 90 FR [Insert **Federal Register** page where the document begins].	
*	* * *	*	* *	*
7008.2100	GASOLINE SERVICE STATIONS; TECHNICAL STANDARDS.	1/7/2019	11/20/2025, 90 FR [Insert **Federal Register** page where the document begins].	
7008.2200	CONCRETE MANUFACTURING; TECHNICAL STANDARDS.	1/7/2019	11/20/2025, 90 FR [Insert **Federal Register** page where the document begins].	

TABLE 1 TO PARAGRAPH (c)—EPA-APPROVED MINNESOTA REGULATIONS—Continued

Minnesota citation	Title/subject	State adoption date	EPA approval date	Comments
*	*	*	*	*
7008.2300	AUTO–BODY REFINISHING; TECHNICAL STANDARDS.	1/7/2019	11/20/2025, 90 FR [Insert **Federal Register** page where the document begins].	
7008.2400	COATING FACILITY; TECHNICAL STANDARDS	1/7/2019	11/20/2025, 90 FR [Insert **Federal Register** page where the document begins].	
7008.2500	WOODWORKING FACILITY; TECHNICAL STANDARDS.	1/7/2019	11/20/2025, 90 FR [Insert **Federal Register** page where the document begins].	
7008.2600	INSIGNIFICANT FACILITY; TECHNICAL STANDARDS.	1/7/2019	11/20/2025, 90 FR [Insert **Federal Register** page where the document begins].	
7008.4000	CONDITIONALLY INSIGNIFICANT ACTIVITIES	1/7/2019	11/20/2025, 90 FR [Insert **Federal Register** page where the document begins].	
7008.4100	CONDITIONALLY INSIGNIFICANT ACTIVITY; MATERIAL USAGE.	1/7/2019	11/20/2025, 90 FR [Insert **Federal Register** page where the document begins].	
7008.4110	CONDITIONALLY INSIGNIFICANT ACTIVITY; MECHANICAL FINISHING OPERATIONS.	1/7/2019	11/20/2025, 90 FR [Insert **Federal Register** page where the document begins].	
*	*	*	*	*
CHAPTER 7011 STANDARDS FOR STATIONARY SOURCES				
*	*	*	*	*
INDIRECT HEATING FOSSIL-FUEL-BURNING EQUIPMENT				
*	*	*	*	*
7011.0561	CONTROLLING MERCURY FROM ELECTRIC GENERATING UNITS.	1/7/2019	11/20/2025, 90 FR [Insert **Federal Register** page where the document begins].	
*	*	*	*	*
WASTE COMBUSTORS				
7011.1201	DEFINITIONS	1/7/2019	11/20/2025, 90 FR [Insert **Federal Register** page where the document begins].	
*	*	*	*	*
STATIONARY INTERNAL COMBUSTION ENGINES				
7011.2300	STANDARDS OF PERFORMANCE FOR STATIONARY INTERNAL COMBUSTION ENGINES.	1/7/2019	11/20/2025, 90 FR [Insert **Federal Register** page where the document begins].	
*	*	*	*	*
CHAPTER 7019 EMISSION INVENTORY REQUIREMENTS				
*	*	*	*	*
7019.3020	CALCULATING ACTUAL EMISSIONS FOR EMISSION INVENTORY.	1/7/2019	11/20/2025, 90 FR [Insert **Federal Register** page where the document begins].	
*	*	*	*	*

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[FR Doc. 2025–20492 Filed 11–19–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2024–0558; FRL–12961–02–R4]

Air Plan Approval; South Carolina; Charlotte-Gastonia-Rock Hill Area Maintenance Plan for the 2008 8-Hour Ozone NAAQS

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is finalizing approval of a state implementation plan (SIP) revision submitted by the State of South Carolina, through the South Carolina Department of Environmental Services (SCDES, formerly the ''South Carolina Department of Health and Environmental Control''), on September 26, 2023. The SIP revision includes the State's plan for maintaining the 2008 ozone National Ambient Air Quality Standard (NAAQS) through 2036 for the South Carolina portion of the bi-state Charlotte-Rock Hill, North Carolina-South Carolina 2008 8-hour ozone nonattainment area (the entire area is hereinafter referred to as the ''bi-State Charlotte Area'' and the South Carolina portion is hereinafter referred to as the ''York County Area''). EPA is approving and incorporating this maintenance plan, including the 2018 and 2036 motor vehicle emission budgets (budgets) for nitrogen oxides (NO_X) and volatile organic compounds (VOC) for the York County Area, into the SIP. EPA is finalizing approval because the York County Area maintenance plan provides for the maintenance of the 2008 8-hour ozone NAAQS within the Area through the end of the second 10-year portion of the maintenance period. Additionally, EPA finds the 2018 and 2036 budgets

for the York County Area adequate for the purposes of transportation conformity.

DATES: This rule is effective December 22, 2025.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2024–0558. All documents in the docket are listed on the *regulations.gov* website. Although listed in the index, some information may not be publicly available, *i.e.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

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

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with the Clean Air Act (CAA), EPA is approving the York County Area maintenance plan for the 2008 8-hour ozone NAAQS, adopted by SCDES on September 26, 2023, and submitted by SCDES as a revision to the South Carolina SIP on September 26, 2023. This maintenance plan provides for maintenance of the 2008 8-hour ozone NAAQS through the end of the second 10-year portion of the maintenance period. On May 21, 2012, the bi-state Charlotte Area was designated marginal nonattainment for the 2008 8-hour ozone NAAQS, effective July 20, 2012. *See* 77 FR 30088 (May 21, 2012). EPA approved the York County maintenance plan for the first 10-year period and the State's requests to redesignate the York County Area to attainment for the 2008 8-hour ozone NAAQS, effective January 11, 2016. *See* 80 FR 76865 (December 11, 2015).

In a notice of proposed rulemaking (NPRM) published on September 5, 2025 (90 FR 42878), EPA proposed to approve the maintenance plan, including the 2018 and 2036 budgets for NO_X and VOC for the York County Area because EPA believes that the Area will maintain the 2008 8-hour ozone NAAQS with the emissions at the levels of the budgets. The details of South Carolina's submission, as well as the rationale for EPA's action, are explained in the September 5, 2025, NPRM. Comments on the September 5, 2025, NPRM were due on or before October 6, 2025. No comments were received on the September 5, 2025, NPRM.

II. Final Action

EPA is approving the second maintenance plan for the 2008 8-hour ozone NAAQS for the South Carolina portion of the bi-state Charlotte Area, including the NO_X and VOC budgets for 2018 and 2036 (to replace the previous NO_X and VOC budgets for 2014 and 2026 from the first 10-year maintenance plan), into the South Carolina SIP under CAA section 175A. The maintenance plan meets all applicable requirements for maintenance plans and related contingency provisions in CAA section 175A, including a demonstration that the bi-state Charlotte Area will continue to maintain the 2008 8-hour ozone NAAQS until January 11, 2036, the end of the 20-year maintenance period. Further, as part of this final action, EPA finds the newly established NO_X and VOC budgets for the York County Area adequate for the purpose of transportation conformity. Within 24 months from the effective date of this final rule, the transportation partners will need to demonstrate conformity to the new NO_X and VOC budgets pursuant to 40 CFR 93.104(e)(3).

III. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. *See* 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Is not subject to Executive Order 14192 (90 FR 9065, February 6, 2025) because SIP actions are exempt from review under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a state program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA.

Because this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law, this action for the State of South Carolina does not have Tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). Therefore, this action will not impose substantial direct costs on Tribal governments or preempt Tribal law. The Catawba Indian Nation (CIN) Reservation is located within the boundary of York County, South Carolina. Pursuant to the Catawba Indian Claims Settlement Act, S.C. Code Ann. 27–16–120 (Settlement Act), ''all state and local environmental laws and regulations apply to the [Catawba Indian Nation] and Reservation and are fully enforceable by all relevant state and local agencies and authorities.'' The CIN also retains authority to impose regulations applying higher environmental standards to the Reservation than those imposed by state law or local governing bodies, in accordance with the Settlement Act.

This action is subject to the Congressional Review Act, and EPA will

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 20, 2026. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: October 29, 2025.

Kevin McOmber,

Regional Administrator, Region 4.

For the reasons stated in the preamble, EPA amends 40 CFR part 52 as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

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

Subpart PP—South Carolina

■ 2. In § 52.2120(e), amend the table by adding an entry for ''2008 8-hour ozone Second 10-Year Maintenance Plan for the York County, South Carolina portion of the bi-state Charlotte Area'' at the end of the table.

The addition read as follows:

§ 52.2120 Identification of plan.

* * * * *

(e) * * *

Provision	State effective date	EPA approval date	Explanation
*	*	*	*
2008 8-hour ozone Second 10-Year Maintenance Plan for the York County, South Carolina portion of the bi-state Charlotte Area.	9/26/2023	11/20/2025, 90 FR [Insert **Federal Register** page where the document begins].	

[FR Doc. 2025–20449 Filed 11–19–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 70

[EPA–R01–OAR–2025–0655; FRL–12924–02–R1]

Approval of the Clean Air Act, Section 112(l), Authority for Hazardous Air Pollutants; State of Connecticut Department of Energy and Environmental Protection; Approval of the Clean Air Act Section 502, State Operating Permit Programs, State of Connecticut Department of Energy and Environmental Protection

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving regulatory amendments that revise two previous program approvals from the Connecticut Department of Energy and Environmental Protection (CT DEEP). The revisions include amendments to the Regulations of Connecticut State Agencies (RCSA) that revise the Connecticut State Operating Permit Program and amendments to RCSA that revise limitations on potential to emit Clean Air Act (CAA) pollutants. A significant aspect of this action involves revising the definition of ''hazardous air pollutant'' in the RCSA in response to EPA adding 1-bromopropane to the list of hazardous air pollutants (HAPs). This action is being taken under the Clean Air Act.

DATES: This rule is effective on December 22, 2025.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R01–OAR–2025–0655. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available at *https://www.regulations.gov* or at the U.S. Environmental Protection Agency, EPA Region 1 Regional Office, Air and Radiation Division, 5 Post Office Square—Suite 100, Boston, MA. EPA requests that, if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection.

FOR FURTHER INFORMATION CONTACT: Liam Numrich, Air Permits, Toxics, and Indoor Programs Branch, U.S. Environmental Protection Agency, EPA New England Regional Office, 5 Post Office Square—Suite 100, (Mail code 5–MI), Boston, MA 02109–3912, telephone number 617–918–1307, *numrich.liam@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA.

Table of Contents

I. Background and Purpose
II. Response to Comments
III. Final Action
IV. Statutory and Executive Order Reviews

I. Background and Purpose

On August 28, 2025, the EPA published a Notice of Proposed Rulemaking (NPRM) that proposed approval of revisions to Connecticut's State Operating Permit Program and to its Approved Limitations on Potential to Emit CAA section 112 pollutants.

The Administrator may, under the authority of section 112(l) and 40 CFR 63.91, approve a State program designed to establish limits on the potential to emit HAPs listed pursuant to section 112 of the CAA. Any request for approval under this subpart shall meet all section 112(l) approval criteria specified by the otherwise applicable Federal section 112 rule, emission standard, or requirement. Approval of

the rule delegates to the State the authority to implement and enforce the approved rule in lieu of the otherwise applicable Federal section 112 rule. CT DEEP's 112(l) program was approved on April 11, 2022 (87 FR 13936).

The Connecticut State Operating Permit Program's initial approval became effective on May 31, 2002. (67 FR 31966.) On June 14, 2024, CT DEEP submitted revisions to its State Operating Permit Program and to its Approved Limitations on Potential to Emit CAA section 112 pollutants to EPA. These amendments revise two previous program approvals for EPA's approval. They consist of (1) amendments to sections 22a–174–1 (Definitions) and 22a–174–33 (Title V sources) of the RCSA that revise the Connecticut State Operating Permit Program; and (2) amendments to RCSA sections 22a–174–1, 22a–174–33a (Limit on Premises-Wide Actual Emissions Below 50% of Title V Source Thresholds), and 22a–174–33b (Limit on Premises-Wide Actual Emissions Below 80% of Title V Source Thresholds) that revise limitations on potential to emit CAA section 112 pollutants for the state's CAA section 112(l) state program to limit the potential to emit HAPs pollutants below Title V source thresholds.

In accordance with Title V program revisions required at 40 CFR 70.4(i)(2) and CAA 112(l) state program revision requirements at 40 CFR 63.91, the primary change in CT DEEP's June 14, 2024, submittal is a new definition of ''hazardous air pollutant'' in RCSA section 22a–174–1. The current definition of ''hazardous air pollutant'' is deleted and replaced with the following: 'Hazardous air pollutant,' 'Federal hazardous air pollutant' or 'HAP,' except as otherwise provided in section 22a–174–29 of the Regulations of Connecticut State Agencies, means any air pollutant listed in section 112(b)(1) of the Act, inclusive of deletions and additions set out in 40 CFR part 63, subpart C, as may be amended from time to time.''

This new definition is consistent with EPA's most recent change to the federal definition of HAP to include 1-bromopropane in the list of HAPs established under the CAA Section 112. The new definition also incorporates future changes to the federal definition resulting from EPA's listing or delisting of a chemical compound.

CT DEEP submitted companion changes to RCSA section 22a–174–33a and RCSA section 22a–174–33b to effectuate the change in the definition of ''hazardous air pollutant'' at RCSA section 22a–174–1 into those two regulations as they regulate HAP emissions as a CAA section 112(l) state program.

In addition to this change, there are a number of revisions to CT DEEP's Title V operating permit program at RCSA section 22a–174–33 to correct citations to another Connecticut air quality regulation. The corrections will better ensure that Title V applications, notifications, reports, and records are properly certified by a responsible official, and are as follows:

- RCSA section 22a–174–33(g)(1)(G). The internal citation to section 22a–174–2a(a)(5) is corrected to 22a–174–2a(a)(4).
- RCSA section 22a–174–33(h)(2). The internal citation to section 22a–174–2a(a)(5) is corrected to 22a–174–2a(a)(4).
- RCSA section 22a–174–33(o)(4). The internal citation to section 22a–174–2a(a)(5) is corrected to 22a–174–2a(a)(4).
- RCSA section 22a–174–33(p)(3). The internal citation to section 22a–174–2a(a)(5) is corrected to 22a–174–2a(a)(4).
- RCSA section 22a–174–33(q)(1). The internal citation to section 22a–174–2a(a)(5) is corrected to 22a–174–2a(a)(4).
- RCSA section 22a–174–33(q)(2). The internal citation to section 22a–174–2a(a)(5) is corrected to 22a–174–2a(a)(4).

EPA's analysis of Connecticut's 112(l) state program revisions finds the revisions necessary for maintaining consistency between state regulations and federal regulations.

II. Response to Comments

We received four comments expressing support of EPA approving this action. The comments do not suggest that EPA approval of this action would be erroneous or otherwise inconsistent with the CAA, applicable regulations, or other authorities. None of the comments propose changes to the draft rule. Therefore, these comments do not necessitate specific responses.

III. Final Action

EPA is approving Connecticut's revisions to its Title V Operating Permit program and CAA section 112(l) state program revision. In addition to changes to Connecticut's definitions, a number of revisions to CT DEEP's Title V operating permit at RSCA 22a–174–33 to correct citations to another Connecticut air quality regulation are being made. Specifically, EPA is approving section 1 and 33 as Title V program revisions and sections 1, 33a and 33b as CAA section 112(l) state program revision. In summary, the following changes are being approved under Sections 112(l) and 502 of the Clean Air Act:

- RCSA section 22a–174–1(51). The new definition of ''hazardous air pollutant'' is added, as this definition will now apply to RCSA sections 22a–174–33a and –33b.
- RCSA section 22a–174–33a(a)(4). The currently approved definition of ''hazardous air pollutant'' is deleted with the result that the newly revised definition in RCSA section 22a–174–1 will apply.
- RCSA section 22a–174–33b(a)(10). The currently approved definition of ''hazardous air pollutant'' is deleted with the result that the newly revised definition in RCSA section 22a–174–1 will apply.

IV. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve CAA Section 112(l) and Title V submissions that comply with the provisions of the Clean Air Act and applicable Federal regulations. Thus, in reviewing submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a state program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and

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

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

List of Subjects in 40 CFR Part 70

Acid rain, Administrative practice and procedure, Air pollution control, Environmental protection, Hazardous substances, Intergovernmental relations, Licensing and registration, Reporting and recordkeeping requirements.

Dated: November 10, 2025.

Mark Sanborn,

Regional Administrator, EPA Region 1.

Part 70 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 70—STATE OPERATING PERMIT PROGRAMS

■ 1. The authority citation for part 70 continues to read as follows:

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

■ 2. Appendix A to part 70 is amended under ''Connecticut'' by adding paragraph (c) to read as follows:

Appendix A to Part 70—Approval Status of State and Local Operating Permits Programs

* * * * *

Connecticut

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(c) Connecticut Department of Energy and Environmental Protection submitted revisions on June 14, 2024, to Regulations of Connecticut State Agencies Section 22a–174–1, ''Definitions,'' definition of ''hazardous air pollutant'' and to RCSA 22a–174–33 which implement this revised definition. The rule amendments contained in this submittal are necessary to ensure that the definition of ''hazardous air pollutant'' in RCSA is consistent with the federal definition of ''hazardous air pollutant''. The State is hereby granted approval effective on December 22, 2025.

* * * * *

[FR Doc. 2025–20372 Filed 11–19–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2021–0789; FRL–12976–01]

Glufosinate; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes, modifies, and revokes tolerances for residues of glufosinate (CASRN 77182–82–2) in or on rice and tea commodities. Under the Federal Food, Drug, and Cosmetic Act (FFDCA), BASF Corporation submitted a petition to EPA requesting that EPA establish a maximum permissible level for residues of this pesticide on in or on the identified commodity(ies).

DATES: This rule is effective November 20, 2025. Objections and requests for hearings must be received on or before January 20, 2026 and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.D. of this document).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2021–0789, is available at *https://www.regulations.gov.* Additional information about dockets generally, along with instructions for visiting the docket in person, is available at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Charles Smith, Registration Division (7505T), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (202) 566–1030; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. 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:

• Crop production (NAICS code 111).

• Animal production (NAICS code 112).

• Food manufacturing (NAICS code 311).

• Pesticide manufacturing (NAICS code 32532).

If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. What is EPA's authority for taking this action?

EPA is issuing this rulemaking under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a. FFDCA section 408(b)(2)(A)(i) allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' FFDCA section 408(b)(2)(A)(ii) defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings but does not include occupational exposure. FFDCA section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue . . .''

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a(g), any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. If you fail to file an objection to the final rule within the time period specified in the final rule, you will have waived the right to raise any issues resolved in the final rule. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify the docket ID number EPA–HQ–OPP–2021–0789 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing and must be received by the Hearing Clerk on or before January 20, 2026.

The EPA's Office of Administrative Law Judges (OALJ), in which the Hearing Clerk is housed, urges parties to file and serve documents by electronic means only, notwithstanding any other particular requirements set forth in other procedural rules governing those proceedings. See ''Revised Order Urging

Electronic Filing and Service'' dated June 22, 2023, which can be found at *https://www.epa.gov/system/files/documents/2023-06/2023-06-22%20-%20revised%20order%20urging%20electronic%20filing%20and%20service.pdf.* Although the EPA's regulations require submission via U.S. Mail or hand delivery, the EPA intends to treat submissions filed via electronic means as properly filed submissions; therefore, the EPA believes the preference for submission via electronic means will not be prejudicial. When submitting documents to the OALJ electronically, a person should utilize the OALJ e-filing system at *https://yosemite.epa.gov/oa/eab/eab-alj_upload.nsf.* In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute. If you wish to include CBI in your request, 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 not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice.

II. Petitioned-for Tolerance

In the **Federal Register**s of July 20, 2022 (87 FR 43232) (FRL–9410–03–OCSPP) and November 12, 2024 (89 FR 88948) (FRL–11682–09–OCSPP), EPA issued documents pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of two pesticide petitions (PP 1E8939 and PP 1E8952) by BASF Corporation, 26 Davis Drive, Research Triangle Park, NC 27709. The petitions requested that 40 CFR 180.473 be amended by establishing tolerances for residues of the herbicide glufosinate-ammonium (butanoic acid, 2-amino-4-(hydroxymethylphosphinyl)-monoammonium salt) and its metabolites, 2-acetamido-4-methylphosphinico-butanoic acid and 3-methylphosphinico-propionic acid, expressed as 2-amino-4-(hydroxymethylphosphinyl) butanoic acid equivalents in or on dried tea leaves at 0.50 parts per million (ppm) and fresh tea leaves at 0.05 ppm (PP 1E8939); by modifying the tolerance for residues in or on ''rice, grain'' from 1.0 ppm to 0.9 ppm (PP 1E8952); and by revoking the tolerance for residues in or on ''rice, hulls'' at 2.0 ppm (PP 1E8952). The July 20, 2022, and November 12, 2024, notices of filing referenced summaries of the petitions prepared by BASF Corporation, which are available in the docket at *https://www.regulations.gov.* Three comments were received on the notices of filing. EPA's responses to these comments are discussed in Unit IV.C of this document.

Based upon review of the data supporting the petitions and in accordance with its authority under FFDCA section 408(d)(4)(A)(i), EPA is establishing tolerances that vary from what the petitioner sought, including by correcting the commodity definitions for the tea commodities and establishing a separate tolerance for instant tea. In addition, EPA is establishing tolerances for glufosinate rather than glufosinate ammonium. The reasons for these changes are explained in Unit IV.D of this document.

III. Final Tolerance Action

A. EPA's Safety Determination

Consistent with FFDCA section 408(b)(2)(D), and the factors specified therein, EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for glufosinate, including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with glufosinate is as follows.

In an effort to streamline its publications in the **Federal Register**, EPA is not reprinting sections that repeat what has been previously published in tolerance rulemakings for the same pesticide chemical. Where scientific information concerning a particular chemical remains unchanged, the content of those sections would not vary between tolerance rulemakings, and EPA considers referral back to those sections as sufficient to provide an explanation of the information EPA considered in making its safety determination for the new rulemaking.

EPA has previously published tolerance rulemakings for glufosinate, most recently in the **Federal Register** of September 21, 2022 (87 FR 57621) (FRL–9521–01–OCSPP) and June 20, 2023 (88 FR 39776) (FRL–11019–01–OCSPP), in which EPA concluded, based on the available information, that there is a reasonable certainty that no harm would result from aggregate exposure to glufosinate and established tolerances for residues of that pesticide chemical. EPA is incorporating previously published sections from the September 21, 2022 and June 20, 2023 rulemakings as described further in this rulemaking, as they remain unchanged.

B. Toxicological Profile

For a discussion of the Toxicological Profile of glufosinate, see Unit III.A. of the September 21, 2022 rulemaking (87 FR 57621) (FRL–9521–01–OCSPP).

C. Toxicological Points of Departure/Levels of Concern

For a summary of the Toxicological Points of Departure/Levels of Concern used for the human health risk assessment, see Unit III.B. of the September 21, 2022 (87 FR 57621) (FRL–9521–01–OCSPP) rulemaking and Table 4.1 of the document titled ''Glufosinate. Human Health Risk Assessment for the Establishment of Permanent Tolerances without a U.S. Registration in/on Tea and Rice'' (hereinafter ''Glufosinate Human Health Risk Assessment'') in docket ID number EPA–HQ–OPP–2021–0789.

D. Exposure Assessment

Much of the exposure assessment remains the same since the prior rulemakings, although updates have occurred to account for exposures from the petitioned-for tolerances. These updates are discussed in this section; for a description of the rest of the EPA approach to and assumptions for the exposure assessment, please reference Unit III.C. of the September 21, 2022 (87 FR 57621) (FRL–9521–01–OCSPP) rulemaking and Unit III. of the June 20, 2023 rulemaking (88 FR 39776) (FRL–11019–01–OCSPP).

EPA's dietary exposure assessments have been updated to include the additional exposures associated with the petitioned-for tolerances on rice and tea commodities. The acute dietary exposure assessment used the same assumptions as the June 20, 2023 rulemaking (88 FR 39776) (FRL–11019–01–OCSPP), including tolerance-level residues and 100 percent crop treated (PCT) for all crop and livestock commodities. For the chronic dietary exposure assessment, the PCT estimates were updated to 100 PCT for all crop and livestock commodities. The other refinements were the same as the June 20, 2023 rulemaking (88 FR 39776) (FRL–11019–01–OCSPP), including anticipated residues based on average field trial residue levels for plant raw agricultural commodities and experimentally determined processing factors where available. Anticipated residues for livestock commodities were also calculated and incorporated into the assessment.

1. Anticipated Residue Information

For a discussion of the FFDCA requirements regarding use of anticipated residue information in the chronic dietary exposure assessment, see Unit III.C.1.iv. of the September 21, 2022 rulemaking (87 FR 57621) (FRL–9521–01–OCSPP).

2. Drinking Water Exposure

The petitioned-for tolerances for glufosinate residues on rice and tea commodities are not associated with registrations for use of glufosinate on rice and tea commodities in the United States. They therefore do not result in an increase in the estimated residue levels in drinking water, so EPA used the same estimated drinking water concentrations in the acute and chronic dietary exposure assessments as identified in Unit III.C.2. of the September 21, 2022 rulemaking (87 FR 57621) (FRL–9521–01–OCSPP).

3. Non-Occupational Exposure

There are no new proposed residential (non-occupational) uses for glufosinate at this time; however, glufosinate is currently registered for uses that could result in residential handler and post-application exposures, including use on lawn and turf as well as recreational sites such as golf courses. For a summary of those exposures, see Unit III.C.3. of the September 21, 2022 rulemaking (87 FR 57621) (FRL–9521–01–OCSPP).

4. Cumulative Exposure

Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.'' Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, EPA has not made a common mechanism of toxicity finding as to glufosinate and any other substances, and glufosinate does not appear to produce a toxic metabolite produced by other substances. For purposes of this tolerance action, therefore, EPA has not assumed that glufosinate has a common mechanism of toxicity with other substances.

5. Safety Factor for Infants and Children

EPA continues to conclude that there are reliable data to support the reduction of the Food Quality Protection Act (FQPA) safety factor to 1X for acute dietary exposure. For all other exposure scenarios, EPA is retaining a 10X FQPA safety factor. See Unit III.D. of the September 21, 2022 (87 FR 57621) (FRL–9521–01–OCSPP) rulemaking for a discussion of the Agency's rationale for that determination.

6. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute population-adjusted dose (aPAD) and the chronic population-adjusted dose (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic term aggregate risks are evaluated by comparing the estimated total food, water, and residential exposure to the appropriate points of departure to ensure that an adequate margin of exposure (MOE) exists.

Acute dietary risks are below the Agency's level of concern of 100% of the aPAD; they are 26% of the aPAD for females 13–49 years old, the only population subgroup for which an acute toxic effect was identified. Chronic dietary risks are below the Agency's level of concern of 100% of the cPAD; they are 66% of the cPAD for all infants (<1 year old), the most highly exposed population subgroup.

The short-term aggregate exposure assessment includes dietary (food and drinking water) and dermal exposure from high contact lawn activity on treated lawns for adults and dermal plus incidental oral exposure from high contact lawn activity on treated lawns for children 1 to less than 2 years old. The short-term aggregate MOE for adults 20 to 49 years old is 4,600. The short-term aggregate MOE for children 1 to less than 2 years old is 1,000. These short-term aggregate MOEs are not of concern because an MOE equal to or greater than the level of concern of 1,000 is not of concern.

Glufosinate is classified as ''Not Likely To Be Carcinogenic to Humans'' based on the lack of evidence of a treatment-related increase in tumors in two adequate rodent carcinogenicity studies.

Therefore, based on the risk assessments and information described above, EPA concludes there is a reasonable certainty that no harm will result to the general population, or to infants and children, from aggregate exposure to glufosinate residues. More detailed information on this action can be found in the Glufosinate Human Health Risk Assessment in docket ID number EPA–HQ–OPP–2021–0789.

IV. Other Considerations

A. Analytical Enforcement Methodology

For a discussion of the available analytical enforcement method for various crops, see Unit IV.A. of the September 21, 2022 rulemaking (87 FR 57621) (FRL–9521–01–OCSPP).

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The U.S. tolerance for ''rice, grain'' is harmonized with the Codex MRL of 0.9 ppm. The Codex has not established an MRL for glufosinate in or on tea (dried, instant, or plucked). However, there is an established Chinese MRL for tea at 0.5 ppm; the proposed tolerance for tea, dried is harmonized with this MRL.

C. Response to Comments

EPA received one comment from American Bird Conservancy (ABC) on the July 20, 2022 notice of filing. The comment requested that no new tolerances be approved for glufosinate due to its organophosphorus nature and that all current uses of glufosinate be suspended until a full biological opinion can be performed. The Agency understands ABC's concerns and recognizes that some individuals and organizations believe that certain pesticides should be banned. However, ABC's comment is primarily concerned with EPA's consideration of the impacts of glufosinate on the environment and endangered species. Such consideration is not relevant to the Agency's evaluation of the safety of glufosinate tolerances under section 408 of the FFDCA, which requires the Agency to evaluate the potential harms to human health, not effects on the environment.

Moreover, the existing legal framework provided by section 408 of the FFDCA authorizes EPA to establish tolerances when it determines that the

tolerances meet the safety standard imposed by the statute. Upon consideration of the validity, completeness, and reliability of the available data as well as other factors the FFDCA requires EPA to consider, EPA has determined that the glufosinate tolerances are safe. ABC has made no contention that EPA has acted in violation of the statutory framework or that a safety determination cannot be supported. Although ABC asserts that glufosinate is linked to multiple human health risks, EPA has reviewed the cited sources and observed that the hazards identified are either consistent with the toxicological information presented in the Glufosinate Human Health Risk Assessment or reflect effects after acute glufosinate poisonings resulting from product misuse (*i.e.,* situations where individuals intentionally ingested a liquid formulated product containing glufosinate). EPA's human health risk assessments typically do not assess for this type of misuse; rather, they protect for potential health impacts from labeled uses.

EPA also received two comments from private citizens on the November 12, 2024, notice of filing. The first comment stated that there should be stronger regulations surrounding the use of pesticides in the United States. The second comment opposed the proposed tolerance amendments for ''rice, grain'' and ''rice, hull'' because of health concerns and the lack of explanation for the amendments. As stated above, the existing legal framework provided by section 408 of the FFDCA authorizes EPA to establish tolerances when it determines that the tolerances meet the safety standard imposed by the statute; the comments made no contention that EPA has acted in violation of the statutory framework or that a safety determination cannot be supported. This action revokes the tolerance for ''rice, hull'' and lowers the tolerance for ''rice, grain'' imported into the United States, as requested, since unhulled rice is rarely imported and there are no registered domestic uses of glufosinate in or on rice. EPA also notes that lowering the tolerance for ''rice, grain'' from 1.0 ppm to 0.9 ppm harmonizes the U.S. tolerance with the Codex MRL, consistent with section 408(b)(4) of the FFDCA, and that revoking the tolerance for ''rice, hull'' at 2.0 ppm means that any glufosinate residues on the commodity would be unlawful.

D. Revisions to Petitioned-for Tolerances

The petition requested tolerances for ''tea, dried leaves (green and black)'' at 0.50 ppm and ''tea, fresh leaves'' at 0.05 ppm. EPA is correcting the commodity definitions to ''Tea, dried'' and ''Tea, plucked leaves'' respectively to align with the Agency's current preferred commodity vocabulary and is removing the trailing zero from the ''Tea, dried'' tolerance value for consistency with the Organization for Economic Co-operation and Development (OECD) Rounding Class Practice. The Agency is also establishing a separate tolerance for the processed commodity ''Tea, instant'' at 0.09 ppm because residue data showed that glufosinate and its metabolite 3-(hydroxymethylphosphinyl) propanoic acid (MPP) concentrate in instant tea.

In addition, EPA is establishing tolerances for glufosinate, rather than glufosinate ammonium as requested. As explained in Unit III.V. of the September 21, 2022 rulemaking (87 FR 57621) (FRL–9521–01–OCSPP), EPA revised the tolerance expressions for glufosinate in 40 CFR 180.473 to clarify that the tolerance for the active ingredient will be referred to as glufosinate (*i.e.,* the racemic mixture). Glufosinate is a racemic mixture of the D- and L-enantiomers, with the L-enantiomer being responsible for its herbicidal activity. Glufosinate can exist in multiple forms, including the acid, ammonium, and sodium forms; other salt forms of glufosinate may be possible as well. While there are presently only registrations for the ammonium form of racemic glufosinate, future registration requests may be submitted for the acid, sodium, or other forms. The tolerances for glufosinate established in this action would cover all these forms.

E. International Trade Considerations

BASF requested the existing tolerance on ''rice, grain'' be modified to harmonize with the existing Codex MRL to support glufosinate use on rice commodities imported into the United States, and the existing ''rice, hull'' tolerance be revoked. Therefore, in this rule, EPA is establishing a tolerance for glufosinate residues in or on ''rice, grain: at 0.9 ppm, which is lower than the existing tolerance for ''rice, grain'' at 1.0 ppm. The ''rice, grain'' tolerance of 0.9 ppm is supported by residue data provided by the petitioner for rice commodities imported into the Unites States.

In accordance with the World Trade Organization's (WTO) Sanitary and Phytosanitary Measures (SPS) Agreement, EPA intends to notify the WTO of the changes to these tolerances in order to satisfy its obligations under the Agreement. In addition, the SPS Agreement requires that Members provide a ''reasonable interval'' between the publication of a regulation subject to the Agreement and its entry into force to allow time for producers in exporting Member countries to adapt to the new requirement. Accordingly, EPA is establishing an expiration date for the existing ''rice, grain'' tolerance of 1.0 ppm and ''rice, hull'' tolerance at 2.0 ppm to allow these tolerances to remain in effect for a period of six months after the effective date of this final rule. At the end of the six-month period, the ''rice, grain'' tolerance at 1.0 ppm and ''rice, hull'' tolerance at 2.0 ppm will expire, as indicated in the regulatory text, and residues on ''rice, grain'' must conform to the new tolerance for ''rice, grain'' at 0.9 ppm. This reduction in tolerance level is not discriminatory; the same safety standard contained in the FFDCA applies equally to domestically produced and imported foods. The new tolerance level is supported by available residue data.

V. Conclusion

Therefore, tolerances are established for residues of glufosinate, (2-amino-4-(hydroxymethylphosphinyl)butanoic acid) and its metabolites, 2-(acetylamino)-4-(hydroxymethyl phosphinyl) butanoic acid, and 3-(hydroxymethylphosphinyl) propanoic acid, expressed as 2-amino-4-(hydroxymethylphosphinyl)butanoic acid equivalents, in or on tea, dried at 0.5 ppm; tea, instant at 0.09 ppm; tea, plucked leaves at 0.05 ppm; and ''rice, grain'' at 0.9 ppm. The existing ''rice, grain'' tolerance at 1.0 ppm and ''rice, hull'' tolerance at 2.0 ppm are amended to expire six months after the effective date of this final rule, as explained above.

As a housekeeping measure, EPA is removing the tolerance for residues of glufosinate in or on banana at 0.30 ppm because it expired on December 20, 2023, as described in the **Federal Register** of June 20, 2023 (88 FR 39776) (FRL–11019–01–OCSPP). Because the tolerance is no longer valid, there is no substantive impact to its removal.

VI. Statutory and Executive Order Reviews

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

A. Executive Order 12866: Regulatory Planning and Review

This action is exempt from review under Executive Order 12866 (58 FR 51735, October 4, 1993), because it establishes or modifies a pesticide tolerance or a tolerance exemption under FFDCA section 408 in response to a petition submitted to the Agency. The

Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866.

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

Executive Order 14192 (90 FR 9065, February 6, 2025) does not apply because actions that establish a tolerance under FFDCA section 408 are exempted from review under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA 44 U.S.C. 3501 *et seq.,* because it does not contain any information collection activities.

D. Regulatory Flexibility Act (RFA)

This action is not subject to the RFA, 5 U.S.C. 601 *et seq.* The RFA applies only to rules subject to notice and comment rulemaking requirements under the Administrative Procedure Act (APA), 5 U.S.C. 553, or any other statute. This rule is not subject to the APA but is subject to FFDCA section 408(d), which does not require notice and comment rulemaking to take this action in response to a petition.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate of $100 million or more (in 1995 dollars and adjusted annually for inflation) as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any State, local, or Tribal governments or on the private sector.

F. Executive Order 13132: Federalism

This action does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it will not have substantial direct on the states, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

This action does not have Tribal implications as specified in Executive Order 13175 (65 FR 67249, November 9, 2000), because it will not have substantial direct effects on Tribal governments, on the relationship between the Federal Government and the Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

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 tolerance actions like this one are exempt from review under Executive Order 12866. However, EPA's 2021 *Policy on Children's Health* applies to this action.

This rule finalizes tolerance actions under the FFDCA, which requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue . . .'' (FFDCA 408(b)(2)(C)). The Agency's consideration is documented in the pesticide-specific registration review documents, *located* in each chemical docket at *https://www.regulations.gov.*

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

This action is not subject to Executive Order 13211 (66 FR 28355) (May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer Advancement Act (NTTAA)

This action does not involve technical standards that would require Agency consideration under NTTAA section 12(d), 15 U.S.C. 272.

K. Congressional Review Act (CRA)

This action is subject to the CRA, 5 U.S.C. 801 *et seq.,* and EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: November 17, 2025.

Charles Smith,

Director, Registration Division, Office of Pesticide Programs.

Therefore, for the reasons stated in the preamble, EPA is amending 40 CFR chapter I is amended as follows:

PART 180—TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES IN FOOD

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.473, amend Table 1 to Paragraph (a)(1) by: a. Removing the entries for ''Banana [1]'' and ''Rice, grain'';
■ b. Adding in alphabetical order the entries ''Rice, grain[1]'' and ''Rice, grain [2]'';
■ c. Revising the entry for ''Rice, hull'';
and
■ d. Adding in alphabetical order the entries ''Tea, dried'', ''Tea, instant'', and ''Tea, plucked leaves'' and footnotes 1 and 2 at the end of the table.The additions and revisions read as follows:

§ 180.473 Glufosinate; tolerances for residues.

(a) * * *
(1) * * *

TABLE 1 TO PARAGRAPH (a)(1)

Commodity	Parts per million
* * * * *	
Rice, grain [1]	0.9
Rice, grain [2]	1.0
Rice, hull [2]	2.0
* * * * *	
Tea, dried [1]	0.5
Tea, instant [1]	0.09
Tea, plucked leaves [1]	0.05
* * * * *	

[1] There are no U.S. registrations as of November 20, 2025.
[2] This tolerance expires on May 20, 2025.

* * * * *

[FR Doc. 2025–20399 Filed 11–19–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2021–0641; FRL–13015–01–OCSPP]

Isocycloseram; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of isocycloseram (CASRN 2061933–85–3) in or on multiple commodities which are identified and discussed later in this document. Under the Federal Food, Drug, and Cosmetic Act (FFDCA), Syngenta Crop Protection, LLC submitted a petition to EPA requesting that EPA establish a maximum permissible level for residues of this pesticide in or on the identified commodities.

DATES: This regulation is effective November 20, 2025. Objections and requests for hearings must be received on or before January 20, 2026 and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of this document).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2021–0641, is available online at *https://www.regulations.gov.* Additional information about dockets generally, along with instructions for visiting the docket in person, is available at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Charles Smith, Director, Registration Division (7505T), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (202) 566–2427; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. 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:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. What is EPA's authority for taking this action?

EPA is issuing this rulemaking under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a. FFDCA section 408(b)(2)(A)(i) allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' FFDCA section 408(b)(2)(A)(ii) defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings but does not include occupational exposure. FFDCA section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue . . .''

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a(g), any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. If you fail to file an objection to the final rule within the time period specified in the final rule, you will have waived the right to raise any issues resolved in the final rule. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify the docket ID number EPA–HQ–OPP–2021–0641 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing and must be received by the Hearing Clerk on or before January 20, 2026.

The EPA's Office of Administrative Law Judges (OALJ), in which the Hearing Clerk is housed, urges parties to file and serve documents by electronic means only, notwithstanding any other particular requirements set forth in other procedural rules governing those proceedings. *See* ''Revised Order Urging Electronic Filing and Service,'' dated June 22, 2023, which can be found at *https://www.epa.gov/system/files/documents/2023-06/2023-06-22%20-%20revised%20order%20urging%20electronic%20filing%20and%20service.pdf.* Although the EPA's regulations require submission via U.S. Mail or hand delivery, the EPA intends to treat submissions filed via electronic means as properly filed submissions; therefore, the EPA believes the preference for submission via electronic means will not be prejudicial. When submitting documents to the OALJ electronically, a person should utilize the OALJ e-filing system at *https://yosemite.epa.gov/oa/eab/eab-alj_upload.nsf.*

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute. If you wish to include CBI in your request, 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 not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice.

II. Petitioned-For Tolerance

In the **Federal Register** of March 22, 2022 (87 FR 16133) (FRL–9410–11–OCSPP), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 1F8934) by Syngenta Crop Protection, LLC, P.O. Box 18300, Greensboro, NC 27419–8300. The petition requested that 40 CFR part 180 be amended by establishing tolerances for residues of the insecticide isocycloseram, in or on almond, hulls at 6 ppm; almond, oil at 1 ppm; almond, roasted at 0.5 ppm; apple, wet pomace at 1 ppm; barley, grain at 0.01 ppm; barley, hay at 0.01 ppm; barley, straw at 0.01 ppm; buckwheat, grain at 0.01 ppm; buckwheat, forage at 0.01 ppm; buckwheat, hay at 0.01 ppm; buckwheat, straw at 0.01 ppm; corn, field, grain at 0.01 ppm; corn, field, forage at 2 ppm; corn, field, stover at 1.5 ppm; corn, pop, grain at 0.01 ppm; corn, pop, stover at 1.5 ppm; cotton, gin byproducts at 10 ppm; cottonseed, subgroup 20C at 0.5 ppm; fruit, citrus, group 10–10 at 0.4 ppm; fruit, pome, group 11–10 at 0.4 ppm; fruit, stone, group 12–12 at 1 ppm; grain, cereal, forage, fodder and straw, group 16 at 0.01 ppm; nut, tree, group 14–12 at 0.15 ppm; oat, grain at 0.01 ppm; oat, forage at 0.01 ppm; oat, hay at 0.01 ppm; oat, straw at 0.01 ppm; onion, bulb, subgroup 3–07A at 0.01 ppm; onion, green, subgroup 3–07B at 0.9 ppm; orange, citrus oil at 190 ppm; orange, dried pulp at 9 ppm; orange, peel at 5 ppm; orange, wet pulp at 3 ppm; peas and bean, dried shelled, except soybean,

subgroup 6C at 0.01 ppm; peanut, nutmeat at 0.01 ppm; pearl millet, grain at 0.01 ppm; pearl millet, forage at 0.01 ppm; pearl millet, hay at 0.01 ppm; pearl millet, straw at 0.01 ppm; peas, hay at 0.01 ppm; peas, vine at 0.01 ppm; plum, prunes at 4 ppm; proso millet, grain at 0.01 ppm; proso millet, forage at 0.01 ppm; proso millet, hay at 0.01 ppm; proso millet, straw at 0.01 ppm; rapeseed, subgroup 20A at 0.01 ppm; rye, grain at 0.01 ppm; rye, forage at 0.01 ppm; rye, hay at 0.01 ppm; rye, straw at 0.01 ppm; soybean, seed at 0.15 ppm; soybean, hulls at 0.5 ppm; teosinte, grain at 0.01 ppm; teosinte, forage at 0.01 ppm; teosinte, hay at 0.01 ppm; teosinte, straw at 0.01 ppm; tomato, dried pomace at 35 ppm; tomato, sun-dried at 3 ppm; tomato, wet pomace at 10 ppm; triticale, grain at 0.01 ppm; triticale, forage at 0.01 ppm; triticale, straw at 0.01 ppm; vegetables, *brassica,* head and stem, group 5–16 at 4 ppm; vegetables, cucurbit, group 9 at 0.1 ppm; vegetables, fruiting, subgroup 8–10A at 0.5 ppm; vegetables, fruiting, subgroup 8–10B at 0.6 ppm; vegetables, leafy, group 4–16 at 9 ppm; vegetables, tuberous and corm, subgroup 1C at 0.01 ppm; wheat, grain at 0.01 ppm; wheat, forage at 0.01 ppm; wheat, hay at 0.01 ppm; wheat, straw at 0.01 ppm; cattle, fat at 0.03 ppm; cattle, kidney at 0.03 ppm; cattle, liver at 0.05 ppm; cattle, meat at 0.01 ppm; cattle, meat byproducts at 0.05 ppm; milk at 0.01 ppm; milk, cream at 0.01 ppm; goat, fat at 0.03 ppm; goat, kidney at 0.03 ppm; goat, liver at 0.05 ppm; goat, meat at 0.01 ppm; goat, meat byproducts at 0.05 ppm; horse, fat at 0.03 ppm; horse, kidney at 0.03 ppm; horse, liver at 0.05 ppm; horse, meat at 0.01 ppm; horse, meat byproducts at 0.05 ppm; sheep, fat at 0.03 ppm; sheep, kidney at 0.03 ppm; sheep, liver at 0.05 ppm; sheep, meat at 0.01 ppm; sheep, meat byproducts at 0.05 ppm; poultry (muscle, fat, offal) at 0.01 ppm; birds' egg at 0.01 ppm. That document referenced a summary of the petition prepared by Syngenta Crop Protection, LLC, the in the docket, *https://www.regulations.gov.* No substantive public comments were received in response to the notice of filing.

Based upon review of the data supporting the petition, EPA has modified the petitioned-for tolerance levels and commodity definitions for several commodities. The reasons for these changes are explained in Unit IV.C.

III. Final Tolerance Action

A. Aggregate Risk Assessment and Determination of Safety

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for isocycloseram including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with isocycloseram is summarized in this unit.

B. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

Isocycloseram is a new broad-spectrum insecticide. It belongs to the isoxazolines chemical class, which have an insecticidal mode of action based on allosteric modulation of the gamma aminobutyric acid (GABA) receptor. The toxicology database for isocycloseram is adequate for hazard characterization, toxicity endpoint selection, and Food Quality Protection Act Safety Factor (FQPA SF) consideration for registration in the U.S.

Rats are the most sensitive species in the database, and male rats are more sensitive than female rats. The testes, epididymides, and liver were the target organs of isocycloseram in oral toxicity studies in rats. Tubular degeneration of testes, and cellular debris and reduced sperm in the epididymides were observed in subchronic, chronic/carcinogenicity, and one-generation reproduction studies in rats. Additionally, hepatocyte vacuolation and/or inflammatory cell infiltrate were noted in the chronic/carcinogenicity and one-generation reproduction studies in rats. Toxicity in the rat was observed at lower dose levels with increased duration of exposure. In the 28-day dermal toxicity study in rats, no adverse effects were observed up to the limit dose. No adverse effects were observed in mice following subchronic and chronic exposure. Decreased body weight and poor clinical conditions (vomiting and slight body tremors) were observed in dogs after subchronic exposure.

There was no evidence of qualitative or quantitative life-stage susceptibility in the rat and rabbit developmental toxicity studies tested up to 15 mg/kg/day, and in one- and two-generation rat reproduction studies tested up to 15 and 12 mg/kg/day respectively. There was no evidence of neurotoxicity in the acute and subchronic neurotoxicity studies up to the highest dose tested (1,000 mg/kg for acute and 33 mg/kg/day for subchronic).

Isocycloseram is classified as ''Not Likely to be Carcinogenic to Humans.'' No treatment-related increase in tumors was observed in the carcinogenicity studies in rats and/or mice at doses that were considered adequate to assess carcinogenicity. Additionally, there was no evidence of mutagenicity *in vivo* or *in vitro.*

Isocycloseram and 26 metabolites/degradates were run through Derek Nexus (v6.1.0), and many of the metabolites produced similar alerts to the parent compound and expected to be equal or lesser mammalian toxicity to the parent. EPA conservatively assumed comparable toxicity for isocycloseram and relevant metabolites/degradates in the risk assessment.

Specific information on the studies received and the nature of the adverse effects caused by isocycloseram as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at *https://www.regulations.gov* in document Isocycloseram. Human Health Risk Assessment for the Section 3 Registration of the New Active Ingredient Isocycloseram on Treated Seeds, Agricultural Field Crops, Indoor/Outdoor Residential Areas, Residential/Commercial Turf, Greenhouse, Commercial/Industrial Areas, Industrial Structures, and Agricultural Structures (Isocycloseram Human Health Risk Assessment) can be found in docket ID number EPA–HQ–OPP–2021–0641.

C. Toxicological Points of Departure/Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (PODs) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest

dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process visit *https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/assessing-human-health-risk-pesticides.*

Acute and cancer dietary risk assessments are not required since no appropriate toxicological effects attributable to a single exposure (dose) and no treatment-related increase in tumors, respectively, were observed in the available toxicity studies. The combined chronic toxicity/carcinogenicity study in the rat was selected for the chronic dietary endpoint for all populations with a NOAEL of 2 mg/kg/day. More detailed information on the toxicological endpoints for isocycloseram used for human risk assessment can be found in the Isocycloseram Human Health Risk Assessment in docket ID number EPA–HQ–OPP–2021–0641.

D. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to isocycloseram, EPA considered exposure under the petitioned-for tolerances to be established in 40 CFR part 180. EPA incorporated exposure from isocycloseram's residues of concern in food and drinking water. EPA assessed dietary exposures from isocycloseram in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure. No such effects were identified in the toxicological studies for isocycloseram; therefore, a quantitative acute dietary exposure assessment is unnecessary.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used the Dietary Exposure Evaluation Model—Food Commodity Intake Database (DEEM–FCID), Version 4.02, which incorporates 2005–2010 consumption data from United States Department of Agriculture's (USDA's) National Health and Nutrition Examination Survey/What We Eat in America (NHANES/WWEIA). As to residue levels in food, EPA used tolerance-level residues (primary crops), calculated residues (livestock), and 100% crop treated (PCT) assumptions.

iii. *Cancer.* Based on the data summarized in Unit III.A., EPA has concluded that isocycloseram does not pose a cancer risk to humans. Therefore, a dietary exposure assessment for the purpose of assessing cancer risk is unnecessary.

iv. *Anticipated residue and percent crop treated (PCT) information.* EPA did not use anticipated residue and/or PCT information in the dietary assessment for isocycloseram. Tolerance-level residues for primary crops, calculated residues for livestock and 100 PCT were assumed for all food commodities.

2. *Dietary exposure from drinking water.* The Agency used screening level water exposure models in the dietary exposure analysis and risk assessment for isocycloseram in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of isocycloseram. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/models-pesticide-risk-assessment.*

Based on the Pesticide Water Calculator (PWC Version 2.001), the estimated drinking water concentrations (EDWCs) of isocycloseram for chronic non-cancer assessments are estimated to be 9.9 ppb for surface water and 0.48 ppb for ground water.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model. For chronic dietary risk assessment, the water concentration of value of 9.9 ppb was used to assess the contribution from drinking water.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.,* products registered for direct application to lawn and for garden pest control, indoor pest control, termiticides, and flea and tick control on pets). Isocycloseram is proposed for the following uses that could result in residential exposures: lawns, indoor environments, gardens, and trees. EPA assessed the following residential exposure scenarios: Short term residential post-application exposure in children 1 to less than 2 years old (1 to <2) from incidental oral exposures resulting from indoor and lawns/turf applications. Further information regarding EPA standard assumptions and generic inputs for residential exposures may be found at *https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/standard-operating-procedures-residential-pesticide.*

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, EPA has not made a common mechanism of toxicity finding as to isocycloseram and any other substances. For the purposes of this action, therefore, EPA has not assumed that isocycloseram has a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's website at *https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/pesticide-cumulative-risk-assessment-framework.*

E. Safety Factor for Infants and Children

1. *In general.* FFDCA Section 408(b)(2)(C) provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the FQPA Safety Factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* No evidence of qualitative or quantitative life-stage susceptibility in the rat and rabbit developmental toxicity studies and one- and two-generation rat reproduction studies up to the highest doses tested.

3. *Conclusion.* EPA has determined that reliable data show the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1X. That decision is based on the following findings:

i. The toxicity database for isocycloseram is adequate for hazard characterization, toxicity endpoint selection, and FQPA SF consideration. EPA concluded that immunotoxicity and developmental neurotoxicity (DNT) studies could be waived and that dosing in the subchronic neurotoxicity (SCN) and rat and rabbit developmental toxicity and two-generation reproduction toxicity studies is adequate and additional studies are not required.

ii. There is no indication that isocycloseram is a neurotoxic chemical and there is no need for a DNT study or additional uncertainty factors (UFs) to account for neurotoxicity.

iii. There is no evidence that isocycloseram results in increased quantitative or qualitative lifestage susceptibility in rats and rabbits up to the highest dose tested. Although the rabbit and rat definitive developmental studies did not test up to the limit dose and there is a potential for susceptibility at higher doses, the concern is low based on the weight-of-evidence (WOE) determination. The WOE indicates an overall low level of concern for lifestage sensitivity with no adverse effects observed in fetal compartments and that the animals were adequately challenged in dosing for all lifestages, and the selected PODs are protective of any potential effects that would be observed at a higher dose.

iv. There are no residual uncertainties identified in the exposure databases. The chronic dietary analysis incorporated 100 PCT and tolerance-level residues for primary crops and calculated residues for livestock and protective modeled water concentration estimates for potential exposure through drinking water. Residential post-application exposures are anticipated and were based on the 2012 Residential Standard Operating Procedures (SOPs) and chemical-specific turf transferrable residue (TTR) data. EPA does not believe that the non-dietary occupational exposures are underestimated because they are also based on conservative assumptions, including maximum application rates, and protective standard values for unit exposures and acreage treated/amount handled. Therefore, the dietary and residential exposure assessments do not underestimate exposures.

F. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* An acute aggregate risk assessment takes into account acute exposure estimates from dietary consumption of food and drinking water. No adverse effect resulting from a single oral exposure was identified and no acute dietary endpoint was selected. Therefore, isocycloseram is not expected to pose an acute risk.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to isocycloseram from food and water will utilize 67% of the cPAD for children 1 to 2 years old, the population group receiving the greatest exposure, and not of risk concern. Based on the explanation in Unit III.C.3., regarding residential use patterns, chronic residential exposure to residues of isocycloseram is not expected.

3. *Short-term risk.* Short-term aggregate exposure takes into account short-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

Isocycloseram is currently registered for uses that could result in short-term residential exposure, and the Agency has determined that it is appropriate to aggregate chronic exposure through food and water with short-term residential exposures to isocycloseram.

Using the exposure assumptions described in this unit for short-term exposures, EPA has concluded the combined short-term food, water, and residential exposures result in an aggregate MOE of 300 for food, water, and residential exposure to children 1–2 years old. Because EPA's level of concern for isocycloseram is an MOE below 100, these MOEs are not of concern.

4. *Intermediate-term risk.* Intermediate-term aggregate exposure takes into account intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Because no intermediate-term residential exposure is expected, an intermediate-term aggregate assessment was not conducted.

5. *Aggregate cancer risk for U.S. population.* Based on the lack of any treatment-related increase in tumors in two adequate rodent carcinogenicity studies, isocycloseram is not expected to pose a cancer risk to humans.

6. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to isocycloseram residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology (quick, easy, cheap, effective, rugged, and safe (QuEChERS)-based high-performance liquid chromatography with mass-spectrometric detection (HPLC–MS/MS) multi-residue method (EN 15662:2009)) are available to enforce the tolerance expression.

The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; email address: *residuemethods@epa.gov.*

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has established MRLs for residues of isocycloseram in or on apple, wet pomace at 1 ppm; fruit, citrus, group 10–10, oil at 80 ppm; fruit, citrus, group 10–10, dried pulp at 3 ppm; and plum, prune, dried at 1.5 ppm. These MRLs are the same level as the tolerances being established for

residues of isocycloseram in the United States.

The Codex has also established MRLs for residues of isocycloseram in or on cattle, meat at 0.02 ppm; goat, meat at 0.02 ppm; horse, meat at 0.02 ppm; milk at 0.05 ppm; poultry, meat at 0.02 ppm and sheep, meat at 0.02 ppm. These MRL levels are different than the tolerance levels being established for isocycloseram in the United States. The United Sates has established tolerances for each of the above-listed commodities at 0.01 ppm to ensure no potential trade barriers with key importing partners of U.S. meat (Korea) and milk (Mexico, Indonesia, Vietnam) products.

C. Revisions to Petitioned-For Tolerances

The petitioner-requested commodity definitions for cattle, kidney; cattle, liver (cattle, meat byproducts); goat, kidney; goat liver (goat, meat byproducts); horse, kidney; horse, liver (horse, meat byproducts); sheep, kidney; and sheep, liver (sheep, meat byproducts); birds' eggs (egg); orange, citrus oil (fruit, citrus, group 10–10, oil); orange, peel (fruit, citrus, group 10–10, dried pulp); cream (milk, fat); pearl millet, forage (millet, pearl, forage); pearl millet, grain (millet, pearl, grain); pearl millet, hay (millet, pearl, hay); pearl millet, straw (millet, pearl, straw); proso millet, forage (millet, proso, forage); proso millet, grain (millet, proso, grain); proso millet, hay (millet, proso, hay); proso millet, straw (millet, proso, straw); peanut, nutmeat (peanut); poultry (muscle, fat, offal) (poultry, fat; poultry, meat; poultry, meat byproducts); plum, prunes (plum, prune, dried); tomato, sun dried (tomato, dried); Vegetables, Brassica, head and stem, group 5–16 (vegetable, *brassica,* head and stem, group 5–16); vegetables, fruiting, subgroup 8–10A; pea, hay and pea, vines (vegetable, legume, forage and hay, except soybean, subgroup 7–22A); vegetables, cucurbit, group 9 (vegetable, cucurbit, group 9); vegetables, fruiting, subgroup 8–10A and vegetables, fruiting subgroup 8–10B (vegetable, fruiting, group 8–10); vegetables, leafy, group 4–16 (vegetable, leafy, group 4–16); peas and bean, dried shelled, except soybean, subgroup 6C (vegetable, legume, pulse, bean, dried shelled, except soybean, subgroup 6–22E and vegetable, legume, pulse, pea, dried shelled, subgroup 6–22F); vegetables, tuberous and corm, subgroup 1C (vegetable, tuberous and corm, subgroup 1C) are updated to Agency-preferred vocabulary (in parentheses, above) for consistency across chemicals.

Pursuant to 40 CFR 180.40(g), because there is a greater than 5x difference in residues for the representative crops, pecan and almond, the petitioner-requested tolerance for residues on nut, tree, group 14–12, will not be established. Rather, EPA is establishing tolerances for residues on individual nut commodities that are based on translation from the available residue data on almond or pecan and their shared taxonomic classification, plant morphology, growing season, and agricultural practices. Using the residue data on almond, which shows residues at 0.2 ppm, EPA is establishing tolerances at 0.2 ppm on almond; almond, tropical; beechnut; bunya; candlenut; chestnut; chinquapin; ginkgo; nut, pine; pequi; pine, brazilian; pistachio; and yellowhorn. Using the residue data on pecan, which shows residues at 0.01 ppm, EPA is establishing tolerances at 0.01 ppm on African nut-tree; bur oak; butternut; cashew; chestnut, guiana; coconut; hazelnut; heartnut; monkey-pot; nut, brazil; nut, cajou;nut, coquito; nut, dika; nut, hickory; nut, macadamia; nut, mongongo; nut, pachira; nut, sapucaia; peanut; pecan; walnut, black; and walnut, English.

The petitioner-requested tolerance levels for cattle, fat; goat, fat; horse, fat; and sheep, fat are modified from 0.03 ppm to 0.05 ppm based on anticipated residues in ruminant commodities derived from the Langmuir model. The petitioner-requested tolerance levels for cattle, meat byproducts; goat, meat byproducts; horse, meat byproducts; and sheep, meat byproducts are modified from 0.05 ppm to 0.02 ppm based on the Langmuir model. The petitioner-requested tolerance levels were also modified for fruit, citrus, group 10–10 from 0.4 ppm to 0.5 ppm; vegetable, cucurbit, group 9 from 0.1 ppm to 0.15 ppm and for vegetable, leafy, group 4–16 from 9 ppm to 10 ppm based on the Organization for Economic Co-operation and Development (OECD) tolerance calculator. The petitioner-requested tolerance levels were also modified for tomato, dried from 3 ppm to 2 ppm; plum, prune, dried from 4 ppm to 1.5 ppm and fruit, citrus, group 10–10, oil from 190 ppm to 80 ppm to harmonize with Codex. Tolerances are established for grain, aspirated fractions at 15 ppm and milk, fat at 0.3 ppm based on calculated residues.

The petitioner-requested tolerances for residues on almond, oil; almond, roasted; orange, peel; are not established since anticipated residues are covered by the raw agricultural commodity or crop group tolerances. The petitioner requested tolerances for residues on tomato, dried pomace; and tomato, wet pomace, which are not significant livestock feed items. These tolerances are not established since the aforementioned commodities are not routinely traded on the commodities exchange markets, and anticipated residues will not significantly increase livestock dietary exposure.

Additionally, although the petition requested that EPA establish a crop subgroup tolerance for rapeseed, subgroup 20A, after submission, the petitioner requested that EPA establish a tolerance just for rapeseed, seed at 0.01 ppm, instead of subgroup 20A. Accordingly, EPA is establishing only the individual commodity tolerance at this time because the label will be limited to the single crop, rather than allowing use on all commodities in the subgroup. As a result, the broader subgroup is unnecessary at this time.

V. Conclusion

Therefore, tolerances are established for residues of isocycloseram in or on African nut-tree at 0.01 ppm; almond at 0.2 ppm; almond, hulls at 6 ppm; almond, tropical at 0.2 ppm; apple, wet pomace at 1 ppm; barley, grain at 0.01 ppm; barley, hay at 0.01 ppm; barley, straw at 0.01 ppm; beechnut at 0.2 ppm; buckwheat, forage at 0.01 ppm; buckwheat, grain at 0.01 ppm; buckwheat, hay at 0.01 ppm; buckwheat, straw at 0.01 ppm; bunya at 0.2 ppm; bur oak at 0.01 ppm; butternut at 0.01 ppm; candlenut at 0.2 ppm; cashew at 0.01 ppm; cattle, fat at 0.05 ppm; cattle, meat at 0.01 ppm; cattle, meat byproducts at 0.02 ppm; chestnut at 0.2 ppm; chestnut, guiana at 0.01 ppm; chinquapin at 0.2 ppm; coconut at 0.01 ppm; corn, field, forage at 2 ppm; corn, field, grain at 0.01 ppm; corn, field, stover at 1.5 ppm; corn, pop, grain at 0.01 ppm; corn, pop, stover at 1.5 ppm; cotton, gin byproducts at 10 ppm; cottonseed, subgroup 20C at 0.5 ppm; egg at 0.01 ppm; fruit, citrus, group 10–10 at 0.5 ppm; fruit, citrus, group 10–10, dried pulp at 3 ppm; fruit, citrus, group 10–10, oil at 80 ppm; fruit, pome, group 11–10 at 0.4 ppm; fruit, stone, group 12–12 at 1 ppm; ginkgo at 0.2 ppm; goat, fat at 0.05 ppm; goat, meat at 0.01 ppm; goat, meat byproducts at 0.02 ppm; grain, aspirated fractions at 15 ppm; hazelnut at 0.01 ppm; heartnut at 0.01; horse, fat at 0.05 ppm; horse, meat at 0.01 ppm; horse, meat byproducts at 0.02 ppm; horse-chestnut, Japanese at 0.01 ppm; milk at 0.01 ppm; milk, fat at 0.3 ppm; millet, pearl, forage at 0.01 ppm; millet, pearl, grain at 0.01 ppm; millet, pearl, hay at 0.01 ppm; millet, pearl, straw at 0.01 ppm; millet, proso, forage at 0.01 ppm; millet, proso,

grain at 0.01 ppm; millet, proso, hay at 0.01 ppm; millet, proso, straw at 0.01 ppm; monkey-pot at 0.01 ppm; nut, brazil at 0.01 ppm; nut, cajou at 0.01 ppm; nut, coquito at 0.01 ppm; nut, dika at 0.01 ppm; nut, hickory at 0.01 ppm; nut, macadamia at 0.01 ppm; nut, mongongo at 0.01 ppm; nut, monkey puzzle at 0.2 ppm; nut, okari at 0.2 ppm; nut, pachira at 0.01 ppm; nut, peach palm at 0.2 ppm; nut, pili at 0.2 ppm; nut, pine at 0.2 ppm; nut, sapucaia at 0.01 ppm; oat, forage at 0.01 ppm; oat, grain at 0.01 ppm; oat, hay at 0.01 ppm; oat, straw at 0.01 ppm; onion, bulb, subgroup 3–07A at 0.01 ppm; onion, green, subgroup 3–07B at 0.9 ppm; peanut at 0.01 ppm; pecan at 0.01 ppm; pequi at 0.2 ppm; pine, brazilian at 0.2 ppm; pistachio at 0.2 ppm; plum, prune, dried at 1.5 ppm; poultry, fat at 0.01 ppm; poultry, meat at 0.01 ppm; poultry, meat byproducts at 0.01 ppm; rapeseed, seed at 0.01 ppm; rye, forage at 0.01 ppm; rye, grain at 0.01 ppm; rye, hay at 0.01 ppm; rye, straw at 0.01 ppm; sheep, fat at 0.05 ppm; sheep, meat at 0.01 ppm; sheep, meat byproducts at 0.02 ppm; soybean, hulls at 0.5 ppm; soybean, seed at 0.15 ppm; teosinte, forage at 0.01 ppm; teosinte, grain at 0.01 ppm; teosinte, hay at 0.01 ppm; teosinte, straw at 0.01 ppm; tomato, dried at 2 ppm; triticale, forage at 0.01 ppm; triticale, grain at 0.01 ppm; triticale, straw at 0.01 ppm; vegetables, *brassica,* head and stem, group 5–16 at 4 ppm; vegetable, cucurbit, group 9 at 0.15 ppm; vegetable, foliage of legume, except soybean subgroup 7–22A at 0.01 ppm; vegetable, fruiting, group 8–10 at 0.6 ppm; vegetable, leafy, group 4–16 at 10 ppm; vegetable, legume, pulse, bean, dried shelled, except soybean, subgroup 6–22E at 0.01 ppm; vegetable, legume, pulse, pea, dried shelled, subgroup 6–22F at 0.01 ppm; vegetable, tuberous and corm, subgroup 1C at 0.01 ppm; walnut, black at 0.01 ppm; walnut, English at 0.01 ppm, wheat, forage at 0.01 ppm; wheat, grain at 0.01 ppm; wheat, hay at 0.01 ppm; wheat, straw at 0.01 ppm; and yellowhorn at 0.2 ppm.

VI. Statutory and Executive Order Reviews

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

A. Executive Order 12866: Regulatory Planning and Review

This action is exempt from review under Executive Order 12866 (58 FR 51735, October 4, 1993), because it establishes or modifies a pesticide tolerance or a tolerance exemption under FFDCA section 408 in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866.

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

Executive Order 14192 (90 FR 9065, February 6, 2025) does not apply because actions that establish a tolerance under FFDCA section 408 are exempted from review under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA 44 U.S.C. 3501 *et seq.,* because it does not contain any information collection activities.

D. Regulatory Flexibility Act (RFA)

Since tolerance actions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the RFA, 5 U.S.C. 601 *et seq.,* do not apply to this action.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate of $100 million or more (in 1995 dollars and adjusted annually for inflation) as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any State, local, or Tribal governments or on the private sector.

F. Executive Order 13132: Federalism

This action does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it will not have substantial direct effects on the states, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

This action does not have Tribal implications as specified in Executive Order 13175 (65 FR 67249, November 9, 2000), because it will not have substantial direct effects on Tribal governments, on the relationship between the Federal Government and the Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

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 tolerance actions like this one are exempt from review under Executive Order 12866. However, EPA's 2021 *Policy on Children's Health* applies to this action. This rule finalizes tolerance actions under the FFDCA, which requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue . . .'' (FFDCA 408(b)(2)(C)). The Agency's consideration is summarized in Unit III.E.

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

This action is not subject to Executive Order 13211 (66 FR 28355) (May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer Advancement Act (NTTAA)

This action does not involve technical standards that would require Agency consideration under NTTAA section 12(d), 15 U.S.C. 272.

K. Congressional Review Act (CRA)

This action is subject to the CRA, 5 U.S.C. 801 *et seq.,* and EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: November 18, 2025.

Edward Messina,

Director, Office of Pesticide Programs.

For the reasons set forth in the preamble, 40 CFR chapter I is amended as follows:

PART 180—TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES IN FOOD

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. Add § 180.730 to subpart C to read as follows:

§ 180.730 Isocycloseram; tolerances for residues.

(a) *General.* (1) Tolerances are established for residues of the insecticide isocycloseram, including its metabolites and degradates, in or on the commodities in the table below. Compliance with the tolerance levels specified below is to be determined by measuring only isocycloseram, 4-[5-(3,5-dichloro-4-fluorophenyl)-5-(trifluoromethyl)-4,5-dihydro-1,2-oxazol-3-yl]-*N*-(2-ethyl-3-oxo-1,2-oxazolidin-4-yl)-2-methylbenzamide, in or on the following commodities:

TABLE 1 TO PARAGRAPH (a)

Commodity	Parts per million
African nut-tree	0.01
Almond	0.2
Almond, hulls	6
Almond, tropical	0.2
Apple, wet pomace	1
Barley, grain	0.01
Barley, hay	0.01
Barley, straw	0.01
Beechnut	0.2
Buckwheat, forage	0.01
Buckwheat, grain	0.01
Buckwheat, hay	0.01
Buckwheat, straw	0.01
Bunya	0.2
Bur oak	0.01
Butternut	0.01
Candlenut	0.2
Cashew	0.01
Cattle, fat	0.05
Cattle, meat	0.01
Cattle, meat byproducts	0.02
Chestnut	0.2
Chestnut, guiana	0.01
Chinquapin	0.2
Coconut	0.01
Corn, field, forage	2
Corn, field, grain	0.01
Corn, field, stover	1.5
Corn, pop, grain	0.01
Corn, pop, stover	1.5
Cotton, gin byproducts	10
Cottonseed subgroup 20C	0.5
Egg	0.01
Fruit, citrus, group 10–10	0.5
Fruit, citrus, group 10–10, dried pulp	3
Fruit, citrus, group 10–10, oil	80
Fruit, pome, group 11–10	0.4
Fruit, stone, group 12–12	1
Ginkgo	0.2
Goat, fat	0.05
Goat, meat	0.01
Goat, meat byproducts	0.02
Grain, aspirated fractions	15
Hazelnut	0.01
Heartnut	0.01
Horse, fat	0.05
Horse, meat	0.01
Horse, meat byproducts	0.02
Horse-chestnut, japanese	0.01
Milk	0.01
Milk, fat	0.3
Millet, pearl, forage	0.01
Millet, pearl, grain	0.01
Millet, pearl, hay	0.01
Millet, pearl, straw	0.01
Millet, proso, forage	0.01
Millet, proso, grain	0.01
Millet, proso, hay	0.01
Millet, proso, straw	0.01
Monkey-pot	0.01
Nut, brazil	0.01
Nut, cajou	0.01
Nut, coquito	0.01
Nut, dika	0.01
Nut, hickory	0.01
Nut, macadamia	0.01
Nut, mongongo	0.01
Nut, monkey puzzle	0.2
Nut, okari	0.2
Nut, pachira	0.01
Nut, peach palm	0.2
Nut, pili	0.2
Nut, pine	0.2
Nut, sapucaia	0.01
Oat, forage	0.01
Oat, grain	0.01
Oat, hay	0.01
Oat, straw	0.01
Onion, bulb, subgroup 3–07A	0.01
Onion, green, subgroup 3–07B	0.9
Peanut	0.01
Pecan	0.01
Pequi	0.2
Pine, brazilian	0.2
Pistachio	0.2
Plum, prune, dried	1.5
Poultry, fat	0.01
Poultry, meat	0.01
Poultry, meat byproducts	0.01
Rapeseed, seed	0.01
Rye, forage	0.01
Rye, grain	0.01
Rye, hay	0.01
Rye, straw	0.01
Sheep, fat	0.05
Sheep, meat	0.01
Sheep, meat byproducts	0.02
Soybean, hulls	0.5
Soybean, seed	0.15
Teosinte, forage	0.01
Teosinte, grain	0.01
Teosinte, hay	0.01
Teosinte, straw	0.01
Tomato, dried	2
Triticale, forage	0.01
Triticale, grain	0.01
Triticale, straw	0.01
Vegetable, *brassica,* head and stem, group 5–16	4
Vegetable, cucurbit, group 9	0.15
Vegetable, foliage of legume, except soybean, subgroup 7–22A	0.01
Vegetable, fruiting, group 8–10	0.6
Vegetable, leafy, group 4–16	10
Vegetable, legume, pulse, bean, dried shelled, except soybean, subgroup 6–22E	0.01
Vegetable, legume, pulse, pea, dried shelled, subgroup 6–22F	0.01
Vegetable, tuberous and corm, subgroup 1C	0.01
Walnut, black	0.01
Walnut, english	0.01
Wheat, forage	0.01
Wheat, grain	0.01
Wheat, hay	0.01
Wheat, straw	0.01
Yellowhorn	0.2

(b) [Reserved]

[FR Doc. 2025–20460 Filed 11–19–25; 8:45 am]

BILLING CODE 6560–50–P

Proposed Rules

Federal Register
Vol. 90, No. 222
Thursday, November 20, 2025

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–5026; Project Identifier MCAI–2024–00168–R]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Airbus Helicopters Model H160–B helicopters. This proposed AD was prompted by a report that several self-locking nuts of the window jettisoning system could be loosened by hand due to a non-conformity in the cable kit. This proposed AD would require modifying an affected window into a serviceable window. This proposed AD would also prohibit installing an affected window or an affected door on any helicopter. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this NPRM by January 5, 2026.

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

- *Federal eRulemaking Portal:* Go to *regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2025–5026; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For European Union Aviation Safety Agency (EASA) material identified in this proposed rule, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: *ADs@easa.europa.eu;* website: *easa.europa.eu.* You may find the EASA material on the EASA website at *ad.easa.europa.eu.*
- You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Parkway, Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available at *regulations.gov* under Docket No. FAA–2025–5026.

FOR FURTHER INFORMATION CONTACT: Eric Rivera, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (847) 200–9224; email: *eric.rivera01@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments using a method listed under the **ADDRESSES** section. Include ''Docket No. FAA–2025–5026; Project Identifier MCAI–2024–00168–R'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to *regulations.gov,* including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this NPRM.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Eric Rivera, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2024–0063, dated March 7, 2024 (EASA AD 2024–0063) (also referred to as the MCAI), to correct an unsafe condition on Airbus Helicopters Model H160 B helicopters. The MCAI states that during a maintenance operation, several self-locking nuts of the window jettisoning system could be loosened by hand. The MCAI further states that the function of these nuts is to hold the threaded axis and the associated cable tightly together, as part of the passenger window jettisoning system. The MCAI also states that certain cable kits which are part of the window jettisoning system may not be in conformance with applicable specifications.

The FAA is proposing this AD to prevent failure of the jettisoning function of the window which, if not addressed, could result in the inability to evacuate helicopter occupants during an emergency situation.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2025–5026.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2024–0063, which specifies procedures for replacing each affected passenger window with a serviceable window or modifying an affected window into a serviceable window, which consists of removing and installing a certain part-numbered cable kit. EASA AD 2024–0063 also prohibits installing an affected window or an affected door on any helicopter.

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

FAA's Determination

These products have been approved by the civil aviation authority (CAA) of another country and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with this State of Design Authority, that authority has notified the FAA of the unsafe condition described in the MCAI. The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in EASA AD 2024–0063, described previously, as incorporated by reference, except for any exceptions identified in the regulatory text of this proposed AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some CAA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, EASA AD 2024–0063 is proposed for incorporation by reference in this proposed AD. This proposed AD requires compliance with EASA AD 2024–0063 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2024–0063 does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this proposed AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in EASA AD 2024–0063. Material required by EASA AD 2024–0063 for compliance will be available at *regulations.gov* under Docket No. FAA–2025–5026 after the final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 12 helicopters of U.S. registry. The FAA estimates the following costs to comply with this proposed AD.

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Modify windows (4 per helicopter)	13 work-hours × $85 per hour = $1,105	$3,132	$4,237	$50,844

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus Helicopters: Docket No. FAA–2025–5026; Project Identifier MCAI–2024–00168–R.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by January 5, 2026

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Helicopters Model H160–B helicopters, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 5630, Door Windows.

(e) Unsafe Condition

This AD was prompted by a report that several self-locking nuts of the window jettisoning system could be loosened by hand due to a non-conformity in the cable kit. The FAA is issuing this AD to prevent failure of the jettisoning function of the window. The unsafe condition, if not addressed, could result in the inability to evacuate helicopter occupants during an emergency situation.

(f) Compliance

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

(g) Requirements

Except as specified in paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency AD 2024–0063, dated March 7, 2024 (EASA AD 2024–0063).

(h) Exceptions to EASA AD 2024–0063

(1) Where EASA AD 2024–0063 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where EASA AD 2024–0063 requires compliance in terms of flight hours, this AD requires using hours time-in-service.

(3) Where EASA AD 2024–0063 defines ''affected passenger window'', and refers to ''a Part Number as listed in the Alert Service Bulletin ASB and an s/n as listed in the vendor SB'', this AD requires replacing that text with ''a part number identified in the Component Affected, of Airbus Helicopters Alert Service Bulletin ASB H160–52–20–0001, Issue 001, dated January 25, 2024; and a serial number identified in the Appendix: Applicable serial number, of Vision Systems Vendor Service Bulletin No. 02–050–015, Revision 10, dated January 24, 2024, as applicable''.

(4) Where EASA AD 2024–0063 specifies ''replace each affected passenger window with a serviceable window'', this AD requires replacing that text with ''modify each affected passenger window into a serviceable window''.

(5) Where the material referenced in EASA AD 2024–0063 specifies ''check'', this AD requires replacing that text with ''inspect''.

(6) Where the material referenced in EASA AD 2024–0063 specifies ''throw away'', this AD requires replacing that text with ''remove from service''.

(7) Where the material referenced in EASA AD 2024–0063 specifies ''respect the screwing order'', this AD requires replacing that text with ''follow the screwing order''.

(8) Where the material referenced in EASA AD 2024–0063 specifies ''screw the nuts'', this AD requires replacing that text with ''secure the nuts into place''.

(9) Where the material referenced in EASA AD 2024–0063 specifies ''fine tuning the pull-up cables in locked position (finger)'', this AD requires replacing that text with ''put the pull-up cables into the locked position and make small adjustments to the nuts to ensure cable tension and prevent twisting, coiling, or crossing of cables''.

(10) This AD does not adopt the ''Remarks'' section of EASA AD 2024–0063.

(i) No Reporting Requirement

Although the material referenced in EASA AD 2024–0063 specifies to submit certain information to the manufacturer, this AD does not require that action.

(j) Special Flight Permits

Special flight permits may be issued in accordance with 14 CFR 21.197 and 21.199, provided there are no flights over water.

(k) Alternative Methods of Compliance (AMOCs)

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

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local Flight Standards District Office/certificate holding district office.

(l) Additional Information

For more information about this AD, contact Eric Rivera, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (847) 200–9224; email: *eric.rivera01@faa.gov.*

(m) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2024–0063, dated March 7, 2024.

(ii) [Reserved]

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

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

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

Issued on November 17, 2025.

Steven W. Thompson,

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

[FR Doc. 2025–20363 Filed 11–19–25; 8:45 am]

BILLING CODE 4910–13–P

POSTAL SERVICE

39 CFR Part 111

Shape-Based Labeling Lists

AGENCY: Postal Service™.

ACTION: Proposed rule.

SUMMARY: The Postal Service (USPS®) is proposing to amend *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM®) in various sections to implement shape-based labeling lists for SCF letters, flats, and parcels.

DATES: Submit comments on or before December 22, 2025.

ADDRESSES: Mail or deliver written comments to the Director, Product Classification, U.S. Postal Service, 475 L'Enfant Plaza SW, Room 4446, Washington, DC 20260–5015. If sending comments by email, include the name and address of the commenter and send to *PCFederalRegister@usps.gov,* with a subject line of ''Shape-Based Labeling Lists.'' Faxed comments are not accepted.

All submitted comments and attachments are part of the public record and subject to disclosure. Do not enclose any material in your comments that you consider to be confidential or inappropriate for public disclosure.

You may inspect and photocopy all written comments, by appointment only, at USPS® Headquarters Library, 475 L'Enfant Plaza SW, 11th Floor North, Washington, DC 20260. These records are available for review on Monday through Friday, 9 a.m.–4 p.m., by calling 202–268–2906.

FOR FURTHER INFORMATION CONTACT: Steven Mills at (202) 268–7433 or Doriane Harley at (202) 268–2537.

SUPPLEMENTARY INFORMATION: The Postal Service is proposing to implement labeling list changes for SCF letters, flats, and parcels to align with its shape-based network updates.

The Postal Service is proposing to implement these changes effective February 1, 2026.

Although exempt from the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the

Postal Service invites public comments on the following proposed revisions to *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM), incorporated by reference in the Code of Federal Regulations.

We will publish an appropriate amendment to 39 CFR part 111 to reflect these changes.

List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

Accordingly, the Postal Service proposes the following changes to Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM), incorporated by reference in the Code of Federal Regulations (see 39 CFR 111.1):

PART 111—[AMENDED]

■ 1. The authority citation for 39 CFR part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 13 U.S.C. 301–307; 18 U.S.C. 1692–1737; 39 U.S.C. 101, 401, 403, 404, 414, 416, 3001–3011, 3201–3219, 3403–3406, 3621, 3622, 3626, 3632, 3633, and 5001.

■ 2. Revise the *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM) as follows:

Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM)

* * * * *

207 Periodicals

* * * * *

18.0 General Mail Preparation

* * * * *

18.3 Presort Terms

Terms used for presort levels are defined as follows:* * *

[Revise items (p) and (q) to read as follows:]

p. *SCF:* the separation includes pieces for two or more 3-digit areas served by the same sectional center facility (SCF)/local processing center (LPC [letters/flats]) or regional processing and distribution center (RPDC [parcels]) (see L005, Column B for letters, L016, Column B for flats, and L051, Column B for parcels) .

q. *Origin/entry SCF:* the separation includes bundles for one or more 3-digit areas served by the same sectional center facility (SCF)/local processing center (LPC [letters/flats]) or regional processing and distribution center (RPDC [parcels]) (see L005, Column B for letters, L016, Column B for flats, and L051, Column B for parcels) in whose service area the mail is verified/entered.

* * * * *

18.4 Mail Preparation Terms

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22.0 Preparing Nonbarcoded (Presorted) Periodicals

* * * * *

22.6 Sack Preparation

* * * * *

[Revise items (c) and (d) to read as follows:]

c. *SCF/LPC,* required at 72 pieces, optional at 24 pieces minimum.

1. Line 1: use L016, Column B for flats, L051, Column B for parcels.

2. Line 2: ''PER'' or ''NEWS'' as applicable; followed by ''FLTS'' or ''NONSTD'' as applicable; followed by ''SCF''; followed by ''NON BC'' for flats.

d. *Origin/entry SCF/LPC,* required for the SCF/LPC of the origin (verification) office, optional for the SCF/LPC of an entry office other than the origin office, (no minimum).

1. Line 1: use L016, Column B for flats, L051, Column B for parcels.

2. Line 2: use ''PER'' or ''NEWS'' as applicable; followed by ''FLTS'' or ''NONSTD'' as applicable; followed by ''SCF''; followed by ''NON BC'' for flats.

* * * * *

22.7 Tray Preparation—Flat-Size Nonbarcoded Pieces

* * * * *

[Revise items (d) and (e) to read as follows:]

d. *SCF/LPC,* required at 72 pieces, optional at 24 pieces minimum.

1. Line 1: L016, Column B.

2. Line 2: ''PER'' or ''NEWS'' as applicable; followed by ''FLTS''; followed by ''SCF NON BC.''

e. *Origin SCF/LPC* (required) and entry SCF/LPC(s) (optional), no minimum, labeling:

1. Line 1: L016, Column B.

2. Line 2: ''PER'' or ''NEWS'' as applicable; followed by ''FLTS''; followed by ''SCF NON BC.''

* * * * *

23.0 Preparing Carrier-Route Periodicals

* * * * *

25.0 Preparing Flat-Size Barcoded (Automation) Periodicals

* * * * *

25.4 Sacking and Labeling

* * * * *

[Revise items (c) and (d) to read as follows:]

c. *SCF/LPC,* required at 72 pieces, optional at 24 pieces; fewer pieces not permitted; labeling:

1. Line 1: use L016, Column B.

2. Line 2: use ''PER FLTS SCF BC'' or ''NEWS FLTS SCF BC,'' as applicable.

d. *Origin SCF/LPC* (required) and *entry SCF/LPC(s)* (optional), no minimum; labeling:

1. Line 1: use L016, Column B.

2. Line 2: use ''PER FLTS SCF BC'' or ''NEWS FLTS SCF BC,'' as applicable.

* * * * *

25.5 Tray Preparation—Flat-Size Barcoded Pieces

* * * * *

[Revise items (d) and (e) to read as follows:]

d. *SCF/LPC* (required), 72-piece minimum, optional at 24 pieces, fewer pieces not permitted; labeling:

1. Line 1: L016, Column B.

2. Line 2: ''PER'' ''NEWS'' as applicable; followed by ''FLTS''; followed by ''SCF BC.''

e. *Origin SCF/LPC* (required) and *entry SCF/LPCs)* (optional), no minimum, labeling:

1. Line 1: L016, Column B.

2. Line 2: ''PER'' ''NEWS'' as applicable; followed by ''FLTS''; followed by ''SCF BC.''

* * * * *

235 Mail Preparation

* * * * *

1.0 General Definition of Terms

* * * * *

1.3 Terms for Presort Levels

1.3.1 Letters and Cards

Terms used for presort levels are defined as follows: * * *

[Revise item (f) to read as follows:]

f. *Origin/optional entry SCF:* the separation includes bundles for one or more 3-digit areas served by the same sectional center facility (SCF)/local processing center (LPC) (see L005, Column B) in whose service area the mail is verified/entered. Subject to standard, this separation is required regardless of the mail volume.

* * * * *

8.0 Preparation of Automation Flats

* * * * *

8.5 Traying and Labeling

Tray size, preparation sequence, and Line 1 labeling:

[Revise items (a) and (b) to read as follows:]

a. 5-digit/scheme: optional, but required for 5-digit price (full tray or 50-piece minimum); one less-than-full or

overflow tray allowed; see 8.6 for scheme; labeling:

1. Line 1: city, state, and 5-digit ZIP Code on mail (see 204.3.0, for overseas military mail).

2. Line 2: ''FCM FLTS 5D BC'' or ''FCM FLTS BC 5D SCHEME''

b. 3-digit: optional, but required for 3-digit price (full tray or 50-piece minimum); one less-than-full or overflow tray allowed; labeling:

1. Line 1: L002, Column A.

2. Line 2: ''FCM FLTS 3D BC.''

* * * * *

245 Mail Preparation

* * * * *

1.0 General Information for Mail Preparation

* * * * *

1.3 Terms for Presort Levels

1.3.1 Letters

Terms used for presort levels are defined as follows:* * *

[Revise item (h) to read as follows:]

h. *Origin/optional entry SCF:* the separation includes bundles for one or more 3-digit areas served by the same sectional center facility (SCF)/local processing center (LPC) (see L005) in whose service area the mail is verified or entered. Subject to standard, this separation is required regardless of mail volume.

* * * * *

1.3.2 Flats

Terms used for presort levels are defined as follows:* * *

[Revise items (l) and (m) to read as follows:]

l. SCF: the separation includes pieces for two or more 3-digit areas served by the same sectional center facility (SCF)/local processing center (LPC) (see L016). Exception: Where required or permitted by standard, mail for a single 3-digit area may be prepared in an SCF separation when no mail for other 3-digit ZIP Code areas is available. For pallets, the SCF sort may include mail for a single 3-digit ZIP Code area.

m. *Origin/optional entry SCF:* the separation includes bundles for one or more 3-digit areas served by the same sectional center facility (SCF)/local processing center (LPC) (see L016) in whose service area the mail is verified or entered. Subject to standard, this separation is required regardless of the mail volume.

* * * * *

1.3.3 Marketing Parcels

Terms used for presort levels are defined as follows:* * *

[Revise item (d) to read as follows:]

d. *SCF:* The separation includes pieces for two or more 3-digit areas served by the same sectional center facility (SCF)/regional processing and distribution center (RPDC) (see L051). Exception: Where required or permitted by standard, mail for a single 3-digit area may be prepared in an SCF separation when no mail for other 3-digit ZIP Code areas is available. For pallets, the SCF sort may include mail for a single 3-digit ZIP Code area.

* * * * *

11.0 Preparing Presorted Parcels

* * * * *

11.4 Preparing Nonstandard Marketing Parcels (Less Than 3.5 Ounces) and Nonprofit Nonstandard Priced Parcels

* * * * *

11.4.3 Sacking and Labeling

Preparation sequence, sack size, and labeling:* * *

[Revise item (b) to read as follows:]

b. SCF; 10-pound minimum; labeling:

1. For Line 1, Use L051, Column B.

2. For Line 2, ''STD NONSTD SCF.''

* * * * *

255 Mail Preparation

* * * * *

4.3 Preparing Destination SCF (DSCF)/ Destination Regional Processing and Distribution Center (DRPDC) Parcel Select

* * * * *

4.3.2 Basic Standards

Pieces must meet the applicable standards in 4.0 and the following criteria:* * *

[Revise item (d) to read as follows:]

d. Any remaining nonstandard parcels (as defined in 201.7.6) sorted to 3-digit ZIP Code prefixes in L051, Column B. Machinable parcels may not be sorted to the 3-digit level.

* * * * *

265 Mail Preparation

* * * * *

5.0 Preparing Presorted Flats

* * * * *

5.3 Sacking

* * * * *

5.3.3 Sacking and Labeling

Preparation sequence and labeling:* * *

[Revise item (c) to read as follows:]

c. SCF (optional); labeling:

1. Line 1: L016, Column B.

2. Line 2: ''PSVC FLTS SCF NON BC.''

* * * * *

7.0 Preparing Barcoded Flats

* * * * *

7.4 Sacking

Preparation sequence, sack size, and labeling:* * *

[Revise item (c) to read as follows:]

c. SCF (optional); minimum 20 addressed pieces; labeling:

1. Line 1: L016, Column B.

2. Line 2: ''PSVC FLTS SCF BC.''

* * * * *

8.0 Preparing Presorted Parcels

* * * * *

8.2 Preparing Nonstandard Parcels

* * * * *

8.2.3 Sacking and Labeling

Preparation sequence and labeling:* * *

[Revise item (c) to read as follows:]

c. SCF (optional); labeling:

1. Line 1: L051, Column B.

2. Line 2: ''PSVC NONSTD SCF.''

* * * * *

705 Advanced Preparation and Special Postage Payment Systems

* * * * *

8.0 Preparing Pallets

* * * * *

8.10 Pallet Presort and Labeling

8.10.1 First-Class Mail—Letter Trays or Flat Trays

* * * * *

[Revise items (b) and (c) to read as follows:]

b. Origin SCF/LPC (local mail). Required; no minimum. Pallets contain trays destined for the 3-digit ZIP Codes serviced by the origin SCF/LPC facility in L005 for letters, L016 for flats. 3-digit ZIP Code (from L005 for AADC trays and L004 for ADC trays) is within the origin SCF's/LPC's service area; and must place trays containing pieces paid at the single-piece price on origin SCF/LPC pallets, unless required to be presented separately by special postage-payment authorization or customer service agreement (CSA). Labeling:

1. Line 1: L005, Column B for Letters, L016, Column B for Flats.

2. Line 2: ''FCM LTRS'' or ''FCM FLTS,'' followed by ''SCF.''

c. SCF/LPC. Required. For destinations listed in L201, based on origin ZIP Code. Pallets contain trays destined for the 3-digit ZIP Codes in L005 for Letters, L016 for Flats. Mailers

may, at their option, place AADC or ADC trays on SCF/LPC pallets when the tray's ''label to'' 3-digit ZIP Code (L005 for AADC trays, and L004 for ADC) is within that SCF's/LPC's service area. Labeling:

1. Line 1: L005, Column B for letters, L016, Column B for flats.

2. Line 2: ''FCM LTRS'' or ''FCM FLTS,'' followed by ''SCF.''

* * * * *

8.10.2 Periodicals—Bundles, Sacks, Letter Trays or Flat Trays

* * * * *

[Revise item (h) to read as follows:]

h. *SCF/LPC (letters, flats)/RPDC (parcels),* required, permitted for bundles, trays, and sacks (nonstandard parcels only). The pallet may contain carrier-route-price, automation-price, and/or Presorted-price mail for the 3-digit ZIP Code groups in L005 for letters, L016 for flats, L051 for parcels. Labeling:

1. Line 1: L005, Column B for letters, L016, Column B for flats, L051, Column B for parcels.

2. Line 2: ''PER'' or ''NEWS,'' as applicable; followed by ''FLTS,'' ''NONSTD,'' or ''LTRS,'' as applicable; followed by ''SCF''; followed by ''BARCODED'' (or ''BC'') if pallet contains automation-price mail; followed by ''NONBARCODED'' (or ''NBC'') if pallet contains carrier-route-price mail and/or Presorted-price mail.

* * * * *

8.10.3 USPS Marketing Mail—Bundles, Sacks, or Trays

* * * * *

[Revise item (f) to read as follows:]

f. *SCF/LPC (letters, flats)/RPDC (parcels),* required, permitted for bundles, trays, and sacks (nonstandard parcels only). The pallet may contain carrier-route, automation-price, and/or presorted-price mail for the 3-digit ZIP Code groups in L005 for letters, L016 for flats, L051 for parcels. Mailers may, at their option, place AADC trays on SCF/LPC (letters, flats)/RPDC (parcels) pallets when the tray's ''label to'' 3-digit ZIP Code (from L005) is within that SCF's/LPC's (letters, flats)/RPDC's (parcels) service area. Labeling:

1. Line 1: Use L005, Column B for letters, L016, Column B for flats, L051, Column B for parcels.

2. Line 2: For flats and nonstandard parcels, ''STD'' followed by ''FLTS'' or ''NONSTD,'' as applicable; followed by ''SCF''; followed by ''BARCODED'' (or ''BC'') if pallet contains automation price mail; followed by ''NONBARCODED'' (or ''NBC'') if pallet contains carrier route and/or Presorted price mail. For letters, ''STD LTRS SCF''; followed by ''BC'' if pallet contains barcoded letters; followed by ''MACH'' if pallet contains machinable letters; followed by ''MAN'' if pallet contains nonmachinable letters.

* * * * *

8.10.4 Package Services Flats—Bundles and Sacks

* * * * *

[Revise item (e) to read as follows:]

e. *SCF/LPC,* required, permitted for bundles and sacks. The pallet may contain carrier route and/or Presorted price mail with or without a barcode for the 3-digit ZIP Code groups in L016. Labeling:

1. Line 1: Use L016, Column B.

2. Line 2: ''PSVC FLTS SCF''; followed by ''BARCODED'' (or ''BC'') if pallet contains Presorted price mail with a barcode; followed by ''NONBARCODED'' (or ''NBC'') if pallet contains carrier route and/or Presorted price mail without a barcode.

* * * * *

8.10.5 Package Services Nonstandard Parcels—Bundles and Sacks

* * * * *

[Revise item (h) to read as follows:]

h. *SCF/RPDC,* required, permitted for bundles and sacks. The pallet may contain carrier-route-price and/or Presorted-price mail for the 3-digit ZIP Code groups in L051. Labeling:

1. Line 1: Use L051, Column B.

2. Line 2: ''PSVC NONSTD SCF.''

* * * * *

8.10.6 Combined Mailings of USPS Marketing Mail Marketing Parcels 3.5 Ounces or More, USPS Marketing Mail, Package Services, and Parcel Select Machinable Parcels

* * * * *

[Revise item (c) to read as follows:]

c. *SCF/RPDC,* optional, but required for DSCF prices. Pallets must contain only parcels for the 3-digit ZIP Code groups in L051. Labeling:

1. Line 1: Use L051, Column B.

2. Line 2: ''STD/PSVC MACH SCF.''

* * * * *

8.10.8 Nonstandard Parcels Weighing 2 Ounces or More—USPS Marketing Mail, Including Marketing Parcels

* * * * *

[Revise item (c) to read as follows:]

c. *SCF/RPDC,* required. Allowed only for mail deposited at a DSCF/DRPDC to claim SCF price. labeling:

1. Line 1: Use L051, Column B.

2. Line 2: Use ''STD NONSTD SCF.''

* * * * *

9.0 Combining Bundles of Automation and Nonautomation Flats in Flat Trays and Sacks

9.1 Periodicals

* * * * *

9.1.4 Optional Sack Preparation and Labeling

* * * * *

[Revise item (c) to read as follows:]

c. *SCF,* required at 72 pieces, optional at 24 pieces minimum; labeling:

1. Line 1: use L016, Column B.

2. Line 2: use ''PER'' or ''NEWS'' as applicable and ''FLTS SCF BC/NBC.''

* * * * *

9.1.5 Flay Tray Preparation—Flat-size Machinable Pieces

* * * * *

[Revise items (d) and (e) to read as follows:]

d. *SCF,* required at 72 pieces; optional at 24 pieces minimum, labeling:

1. Line 1: L016, Column B.

2. Line 2: ''PER'' or ''NEWS'' as applicable; followed by ''FLTS''; followed by ''SCF BC/NBC.''

e. *Origin SCF* (required) and *entry SCF(s)* (optional), no minimum, labeling:

1. Line 1: L016, Column B.

2. Line 2: ''PER'' or ''NEWS'' as applicable; followed by ''FLTS''; followed by ''SCF BC/NBC.''

* * * * *

9.3 Bound Printed Matter

* * * * *

9.3.4 Flat Tray/Sack Preparation and Labeling

* * * * *

[Revise item (c) to read as follows:]

c. *SCF,* optional, minimum 20 addressed pieces; labeling:

1. Line 1: L016, Column B.

2. Line 2: ''PSVC FLTS SCF BC/NBC.''

* * * * *

10.0 Merging Bundles of Flats Using the City State Product

* * * * *

10.2 USPS Marketing Mail

* * * * *

10.2.5 Pallet Preparation and Labeling

* * * * *

[Revise item (g) to read as follows:]

g. *SCF/LPC,* required, may contain carrier-route price, automation-price, and Presorted-price bundles. Labeling:

1. Line 1: use L016, Column B.

2. Line 2: ''STD FLTS SCF''; followed by ''BARCODED'' or ''BC'' if the pallet contains automation price mail; followed by ''NONBARCODED'' or

''NBC'' if the pallet contains Presorted price mail and/or carrier route price mail.

* * * * *

12.0 Merging Bundles of Flats on Pallets Using a 5 Percent Threshold

* * * * *

12.2 USPS Marketing Mail

* * * * *

12.2.3 Pallet Preparation and Labeling

* * * * *

[Revise item (g) to read as follows:]

g. *SCF/LPC,* required, may contain carrier-route price, automation-price, and Presorted-price bundles. Labeling:

1. Line 1: use L016, Column B.

2. Line 2: ''STD FLTS SCF''; followed by ''BARCODED'' or ''BC'' if the pallet contains automation price mail; followed by ''NONBARCODED'' or ''NBC'' if the pallet contains Presorted price mail and/or carrier route price mail.

* * * * *

13.0 Merging Bundles of Flats on Pallets Using the City State Product and a 5-Percent Threshold

* * * * *

13.2 USPS Marketing Mail

* * * * *

13.2.4 Pallet Preparation and Labeling

* * * * *

[Revise item (g) to read as follows:]

g. *SCF/LPC,* required, may contain carrier-route price, automation-price, and Presorted-price bundles. Labeling:

1. Line 1: use L016, Column B.

2. Line 2: ''STD FLTS SCF''; followed by ''BARCODED'' or ''BC'' if the pallet contains automation price mail; and followed by ''NONBARCODED'' or ''NBC'' if the pallet contains Presorted price mail and/or carrier route price mail.

* * * * *

15.0 Combining USPS Marketing Mail Flats, Bound Printed Matter Flats, and Periodicals Flats

* * * * *

15.4 Pallet Preparation

15.4.1 Pallet Preparation, Sequence and Labeling

* * * * *

[Revise item (g) to read as follows:]

g. *SCF/LPC, required.* Pallet may contain carrier route, automation or Presorted mail for the 3-digit ZIP Code groups in L016. Labeling:

1. Line 1: Use L016, Column B.

2. Line 2: ''STD/BPM/PER FLTS SCF''; followed by ''BARCODED'' (or ''BC''); ''NONBARCODED'' (or ''NBC'') for Presorted mail, or ''BARCODED/NONBARCODED'' (or ''BC/NBC'') for mixed pallets; followed by ''MIX COMAIL.''

* * * * *

Daria Valan,

Attorney, Ethics and Legal Compliance.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2025–0915 and EPA–R01–OAR–2020–0562; FRL–13065–01–R1]

Air Plan Approval; Rhode Island; Regional Haze State Implementation Plan for the Second Implementation Period; Prong 4 (Visibility) for the 2015 8-Hour Ozone National Ambient Air Quality Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve the regional haze state implementation plan (SIP) revision submitted by Rhode Island on March 7, 2025, as satisfying applicable requirements under the Clean Air Act (CAA) and EPA's Regional Haze Rule (RHR) for the program's second implementation period. Rhode Island's SIP submission addresses the requirement that states must periodically revise their long-term strategies for making reasonable progress towards the national goal of preventing any future, and remedying any existing, anthropogenic impairment of visibility, including regional haze, in mandatory Class I Federal areas. The SIP submission also addresses other applicable requirements for the second implementation period of the regional haze program. EPA is also proposing to approve the remaining element of Rhode Island's September 23, 2020, infrastructure SIP submittal for the 2015 ozone National Ambient Air Quality Standards (NAAQS). The proposed approval of Rhode Island's second implementation period regional haze plan addresses infrastructure SIP requirements related to visibility protection. The EPA is taking this action pursuant to sections 110 and 169A of the Clean Air Act.

DATES: Written comments must be received on or before December 22, 2025.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R01–OAR–2025–0915 at *https://www.regulations.gov.* For comments submitted at *Regulations.gov,* follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Ayla Martinelli, Air Quality Branch, U.S. Environmental Protection Agency, EPA Region 1, 5 Post Office Square—Suite 100, (Mail code 5–MI), Boston, MA 02109—3912, tel. (617) 918–1057, email *martinelli.ayla@epa.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

I. What action is the EPA proposing?
II. Background and Requirements for Regional Haze Plans
  A. Regional Haze Background
  B. Roles of Agencies in Addressing Regional Haze
III. Requirements for Regional Haze Plans for the Second Implementation Period
  A. Long-Term Strategy for Regional Haze
  B. Reasonable Progress Goals
  C. Monitoring Strategy and Other State Implementation Plan Requirements
  D. Requirements for Periodic Reports Describing Progress Towards the Reasonable Progress Goals
  E. Requirements for State and Federal Land Manager Coordination
IV. The EPA's Evaluation of Rhode Island's Regional Haze Submission for the Second Implementation Period
  A. Background on Rhode Island's First Implementation Period SIP Submission
  B. Rhode Island's Second Implementation Period SIP Submission and the EPA's Evaluation
  C. Identification of Class I Areas

D. Calculations of Baseline, Current, and Natural Visibility Conditions; Progress to Date; and the Uniform Rate of Progress
E. Long-Term Strategy for Regional Haze
a. Rhode Island's Response to the Six MANEVU Asks
b. The EPA's Evaluation of Rhode Island's Response to the Six MANEVU Asks and Compliance With 40 CFR51.308(f)(2)(i)
c. Additional Long-Term Strategy Requirements
F. Reasonable Progress Goals
G. Monitoring Strategy and Other Implementation Plan Requirements
H. Requirements for Periodic Reports Describing Progress Towards the Reasonable Progress Goals
I. Requirements for State and Federal Land Manager Coordination
J. Other Required Commitments
V. EPA's Evaluation of Rhode Island's Infrastructure SIP
A. Background and Purpose
B. Section 110(a)(2)(D)(i)(II)—Visibility Protection
VI. Proposed Action
VII. Statutory and Executive Order Reviews

I. What action is the EPA proposing?

On March 7, 2025, the Rhode Island Department of Environmental Management (RIDEM) submitted a revision to its SIP to address regional haze for the second implementation period. RIDEM made this SIP submission to satisfy the requirements of the CAA's regional haze program pursuant to CAA sections 169A and 169B and 40 CFR 51.308. The EPA is proposing to find that the Rhode Island regional haze SIP submission for the second implementation period meets the applicable statutory and regulatory requirements and thus proposes to approve Rhode Island's submission into its SIP.

On September 23, 2020, RIDEM submitted a SIP revision addressing, among other CAA requirements, the CAA section 110(a)(2)(D)(i)(II) visibility protection requirements for the 2015 ozone NAAQS. EPA is proposing to find that, with the approval of the state's regional haze plan, the SIP will contain adequate provisions to satisfy the requirements of CAA section 110(a)(2)(D)(i)(II) relating to visibility protection.

II. Background and Requirements for Regional Haze Plans

A detailed history and background of the regional haze program is provided in multiple prior EPA proposal actions.[1] For additional background on the 2017 RHR revisions, please refer to Section III. Overview of Visibility Protection Statutory Authority, Regulation, and Implementation of ''Protection of Visibility: Amendments to Requirements for State Plans'' of the 2017 RHR.[2] The following is an abbreviated history and background of the regional haze program and 2017 Regional Haze Rule as it applies to the current action.

A. Regional Haze Background

In the 1977 CAA Amendments, Congress created a program for protecting visibility in the nation's mandatory Class I Federal areas, which include certain national parks and wilderness areas.[3] CAA 169A. The CAA establishes as a national goal the ''prevention of any future, and the remedying of any existing, impairment of visibility in mandatory class I Federal areas which impairment results from manmade air pollution.'' CAA 169A(a)(1).

Regional haze is visibility impairment that is produced by a multitude of anthropogenic sources and activities that are located across a broad geographic area and that emit pollutants that impair visibility. Visibility impairing pollutants include fine and coarse particulate matter (PM) (*e.g.,* sulfates, nitrates, organic carbon, elemental carbon, and soil dust) and their precursors (*e.g.,* sulfur dioxide (SO_2), nitrogen oxides (NO_X), and, in some cases, volatile organic compounds (VOC) and ammonia (NH_3)). Fine particle precursors react in the atmosphere to form fine particulate matter ($PM_{2.5}$), which impairs visibility by scattering and absorbing light. Visibility impairment reduces the perception of clarity and color, as well as visible distance.[4]

To address regional haze visibility impairment, the 1999 RHR established an iterative planning process that requires both states in which Class I areas are located and states ''the emissions from which may reasonably be anticipated to cause or contribute to any impairment of visibility'' in a Class I area to periodically submit SIP revisions to address such impairment. CAA 169A(b)(2); see also 40 CFR 51.308(b), (f) (establishing submission dates for iterative regional haze SIP revisions); 64 FR at 35768, July 1, 1999.

On January 10, 2017, the EPA promulgated revisions to the RHR, (82 FR 3078, January 10, 2017), that apply for the second and subsequent implementation periods. The reasonable progress requirements as revised in the 2017 rulemaking (referred to here as the 2017 RHR Revisions) are codified at 40 CFR 51.308(f).

B. Roles of Agencies in Addressing Regional Haze

Because the air pollutants and pollution affecting visibility in Class I areas can be transported over long distances, successful implementation of the regional haze program requires long-term, regional coordination among multiple jurisdictions and agencies that have responsibility for Class I areas and the emissions that impact visibility in those areas. In order to address regional haze, states need to develop strategies in coordination with one another, considering the effect of emissions from one jurisdiction on the air quality in another. Five regional planning organizations (RPOs),[5] which include representation from state and tribal governments, the EPA, and federal land managers (FLMs), were developed in the lead-up to the first implementation period to address regional haze. RPOs evaluate technical information to better understand how emissions from State and Tribal land impact Class I areas across the country, pursue the development of regional strategies to reduce emissions of particulate matter and other pollutants leading to regional haze, and help states meet the consultation requirements of the RHR.

The Mid-Atlantic/Northeast Visibility Union (MANEVU), one of the five RPOs described above, is a collaborative effort of state governments, tribal governments, and various Federal agencies established to initiate and coordinate activities associated with the management of regional haze, visibility, and other air quality issues in the Mid-Atlantic and Northeast corridor of the United States. Member states and tribal governments (listed alphabetically) include Connecticut, Delaware, the

[1] For example, see 90 FR 13516 (March 24, 2025).

[2] See 82 FR 3078 (January 10, 2017).

[3] Areas statutorily designated as mandatory Class I Federal areas consist of national parks exceeding 6,000 acres, wilderness areas and national memorial parks exceeding 5,000 acres, and all international parks that were in existence on August 7, 1977. CAA 162(a). There are 156 mandatory Class I areas. The list of areas to which the requirements of the visibility protection program apply is in 40 CFR part 81, subpart D.

[4] There are several ways to measure the amount of visibility impairment, *i.e.,* haze. One such measurement is the deciview, which is the principal metric used by the RHR. Under many circumstances, a change in one deciview will be perceived by the human eye to be the same on both clear and hazy days. The deciview is unitless. It is proportional to the logarithm of the atmospheric extinction of light, which is the perceived dimming of light due to its being scattered and absorbed as it passes through the atmosphere. Atmospheric light extinction (b^{ext}) is a metric used to for expressing visibility and is measured in inverse megameters (Mm^{-1}). The formula for the deciview is $10 \ln (b^{ext}/10\ Mm^{-1})$. 40 CFR 51.301.

[5] RPOs are sometimes also referred to as ''multi-jurisdictional organizations,'' or MJOs. For the purposes of this notice, the terms RPO and MJO are synonymous.

District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Penobscot Indian Nation, Rhode Island, St. Regis Mohawk Tribe, and Vermont. The Federal partner members of MANEVU are EPA, U.S. National Parks Service (NPS), U.S. Fish and Wildlife Service (FWS), and U.S. Forest Service (USFS).

III. Requirements for Regional Haze Plans for the Second Implementation Period

Under the CAA and EPA's regulations, all 50 states, the District of Columbia, and the U.S. Virgin Islands are required to submit regional haze SIPs satisfying the applicable requirements for the second implementation period of the regional haze program by July 31, 2021. Each state's SIP must contain a long-term strategy for making reasonable progress toward meeting the national goal of remedying any existing and preventing any future anthropogenic visibility impairment in Class I areas. CAA 169A(b)(2)(B). To this end, 40 CFR 51.308(f) lays out the process by which states determine what constitutes their long-term strategies, with the order of the requirements in 40 CFR 51.308(f)(1) through (f)(3) generally mirroring the order of the steps in the reasonable progress analysis [6] and (f)(4) through (f)(6) containing additional, related requirements. Broadly speaking, a state first must identify the Class I areas within the state and determine the Class I areas outside the state in which visibility may be affected by emissions from the state. These are the Class I areas that must be addressed in the state's long-term strategy. See 40 CFR 51.308(f), (f)(2). For each Class I area within its borders, a state must then calculate the baseline (five-year average period of 2000–2004), current, and natural visibility conditions (*i.e.,* visibility conditions without anthropogenic visibility impairment) for that area, as well as the visibility improvement made to date and the ''uniform rate of progress'' (URP). The URP is the linear rate of progress needed to attain natural visibility conditions, assuming a starting point of baseline visibility conditions in 2004 and ending with natural conditions in 2064. This linear interpolation is used as a tracking metric to help states assess the amount of progress they are making towards the national visibility goal over time in each Class I area. See 40 CFR 51.308(f)(1). Each state having a Class I area and/or emissions that may affect visibility in a Class I area must then develop a long-term strategy that includes the enforceable emission limitations, compliance schedules, and other measures that are necessary to make reasonable progress in such areas. A reasonable progress determination is based on applying the four factors in CAA section 169A(g)(1) to sources of visibility-impairing pollutants that the state has selected to assess for controls for the second implementation period. See 40 CFR 51.308(f)(2). Additionally, as further explained below, the RHR at 40 CFR 51.308(f)(2)(iv) separately provides five ''additional factors'' [7] that states must consider in developing their long-term strategies. A state evaluates potential emission reduction measures for those selected sources and determines which are necessary to make reasonable progress. Those measures are then incorporated into the state's long-term strategy. After a state has developed its long-term strategy, it then establishes Reasonable Progress Goals (RPGs) for each Class I area within its borders by modeling the visibility impacts of all reasonable progress controls at the end of the second implementation period, *i.e.,* in 2028, as well as the impacts of other requirements of the CAA. The RPGs include reasonable progress controls not only for sources in the state in which the Class I area is located, but also for sources in other states that contribute to visibility impairment in that area. The RPGs are then compared to the baseline visibility conditions and the URP to ensure that progress is being made towards the statutory goal of preventing any future and remedying any existing anthropogenic visibility impairment in Class I areas. 40 CFR 51.308(f)(2)–(3). There are additional requirements in the rule, including FLM consultation, that apply to all visibility protection SIPs and SIP revisions. *See e.g.,* 40 CFR 51.308(i).

A. Long-Term Strategy for Regional Haze

While states have discretion to choose any source selection methodology that is reasonable, whatever choices they make should be reasonably explained. To this end, 40 CFR 51.308(f)(2)(i) requires that a state's SIP submission include ''a description of the criteria it used to determine which sources or groups of sources it evaluated.'' The technical basis for source selection, which may include methods for quantifying potential visibility impacts such as emissions divided by distance metrics, trajectory analyses, residence time analyses, and/or photochemical modeling, must also be appropriately documented, as required by 40 CFR 51.308(f)(2)(iii).

Once a state has selected the set of sources, the next step is to determine the emissions reduction measures for those sources that are necessary to make reasonable progress for the second implementation period.[8] This is accomplished by considering the four factors—''the costs of compliance, the time necessary for compliance, and the energy and non-air quality environmental impacts of compliance, and the remaining useful life of any existing source subject to such requirements.'' CAA 169A(g)(1). The EPA has explained that the four-factor analysis is an assessment of potential emission reduction measures (*i.e.,* control options) for sources; ''use of the terms 'compliance' and 'subject to such requirements' in section 169A(g)(1) strongly indicates that Congress intended the relevant determination to be the requirements with which sources would have to comply in order to satisfy the CAA's reasonable progress mandate.'' 82 FR at 3091. Thus, for each source it has selected for four-factor analysis,[9] a state must consider a ''meaningful set'' of technically feasible control options for reducing emissions of visibility impairing pollutants. *Id.* at 3088.

The EPA has also explained that, in addition to the four statutory factors, states have flexibility under the CAA and RHR to reasonably consider visibility benefits as an additional factor alongside the four statutory factors.[10]

[6] EPA explained in the 2017 RHR Revisions that we were adopting new regulatory language in 40 CFR 51.308(f) that, unlike the structure in 51.308(d), ''tracked the actual planning sequence.'' (82 FR 3091, January 10, 2017).

[7] The five ''additional factors'' for consideration in section 51.308(f)(2)(iv) are distinct from the four factors listed in CAA section 169A(g)(1) and 40 CFR 51.308(f)(2)(i) that states must consider and apply to sources in determining reasonable progress.

[8] The CAA provides that, ''[i]n determining reasonable progress there shall be taken into consideration'' the four statutory factors. CAA 169A(g)(1). However, in addition to four-factor analyses for selected sources, groups of sources, or source categories, a state may also consider additional emission reduction measures for inclusion in its long-term strategy, *e.g.,* from other newly adopted, on-the-books, or on-the-way rules and measures for sources not selected for four-factor analysis for the second planning period.

[9] ''Each source'' or ''particular source'' is used here as shorthand. While a source-specific analysis is one way of applying the four factors, neither the statute nor the RHR requires states to evaluate individual sources. Rather, states have ''the flexibility to conduct four-factor analyses for specific sources, groups of sources or even entire source categories, depending on state policy preferences and the specific circumstances of each state.'' 82 FR at 3088.

[10] See, *e.g.,* Responses to Comments on Protection of Visibility: Amendments to Requirements for State Plans; Proposed Rule (81 FR 26942, May 4,

Ultimately, while states have discretion to reasonably weigh the factors and to determine what level of control is needed, 40 CFR 51.308(f)(2)(i) provides that a state ''must include in its implementation plan a description of . . . how the four factors were taken into consideration in selecting the measure for inclusion in its long-term strategy.''

As explained above, 40 CFR 51.308(f)(2)(i) requires states to determine the emission reduction measures for sources that are necessary to make reasonable progress by considering the four factors. Pursuant to 40 CFR 51.308(f)(2), measures that are necessary to make reasonable progress towards the national visibility goal must be included in a state's long-term strategy and in its SIP.[11] If the outcome of a four-factor analysis is that an emissions reduction measure is necessary to make reasonable progress towards remedying existing or preventing future anthropogenic visibility impairment, that measure must be included in the SIP.

The characterization of information on each of the factors is also subject to the documentation requirement in 40 CFR 51.308(f)(2)(iii). The reasonable progress analysis is a technically complex exercise, and also a flexible one that provides states with bounded discretion to design and implement approaches appropriate to their circumstances. Given this flexibility, 40 CFR 51.308(f)(2)(iii) plays an important function in requiring a state to document the technical basis for its decision making so that the public and the EPA can comprehend and evaluate the information and analysis the state relied upon to determine what emission reduction measures must be in place to make reasonable progress. The technical documentation must include the modeling, monitoring, cost, engineering, and emissions information on which the state relied to determine the measures necessary to make reasonable progress.

Additionally, the RHR at 40 CFR 51.3108(f)(2)(iv) separately provides five ''additional factors'' [12] that states must consider in developing their long-term strategies: (1) Emission reductions due to ongoing air pollution control programs, including measures to address reasonably attributable visibility impairment; (2) measures to reduce the impacts of construction activities; (3) source retirement and replacement schedules; (4) basic smoke management practices for prescribed fire used for agricultural and wildland vegetation management purposes and smoke management programs; and (5) the anticipated net effect on visibility due to projected changes in point, area, and mobile source emissions over the period addressed by the long-term strategy.

Because the air pollution that causes regional haze crosses state boundaries, 40 CFR 51.308(f)(2)(ii) requires a state to consult with other states that also have emissions that are reasonably anticipated to contribute to visibility impairment in a given Class I area. If a state, pursuant to consultation, agrees that certain measures (*e.g.,* a certain emission limitation) are necessary to make reasonable progress at a Class I area, it must include those measures in its SIP. 40 CFR 51.308(f)(2)(ii)(A). Additionally, the RHR requires that states that contribute to visibility impairment at the same Class I area consider the emission reduction measures the other contributing states have identified as being necessary to make reasonable progress for their own sources. 40 CFR 51.308(f)(2)(ii)(B). If a state has been asked to consider or adopt certain emission reduction measures, but ultimately determines those measures are not necessary to make reasonable progress, that state must document in its SIP the actions taken to resolve the disagreement. 40 CFR 51.308(f)(2)(ii)(C). Under all circumstances, a state must document in its SIP submission all substantive consultations with other contributing states. 40 CFR 51.308(f)(2)(ii)(C).

B. Reasonable Progress Goals

Reasonable progress goals ''measure the progress that is projected to be achieved by the control measures states have determined are necessary to make reasonable progress based on a four-factor analysis.'' 82 FR at 3091.

For the second implementation period, the RPGs are set for 2028. Reasonable progress goals are not enforceable targets. 40 CFR 51.308(f)(3)(iii). While states are not legally obligated to achieve the visibility conditions described in their RPGs, 40 CFR 51.308(f)(3)(i) requires that ''[t]he long-term strategy and the reasonable progress goals must provide for an improvement in visibility for the most impaired days since the baseline period and ensure no degradation in visibility for the clearest days since the baseline period.''

RPGs may also serve as a metric for assessing the amount of progress a state is making towards the national visibility goal. To support this approach, the RHR requires states with Class I areas to compare the 2028 RPG for the most impaired days to the corresponding point on the URP line (representing visibility conditions in 2028 if visibility were to improve at a linear rate from conditions in the baseline period of 2000–2004 to natural visibility conditions in 2064). If the most impaired days RPG in 2028 is above the URP (*i.e.,* if visibility conditions are improving more slowly than the rate described by the URP), each state that contributes to visibility impairment in the Class I area must demonstrate, based on the four-factor analysis required under 40 CFR 51.308(f)(2)(i), that no additional emission reduction measures would be reasonable to include in its long-term strategy. 40 CFR 51.308(f)(3)(ii). To this end, 40 CFR 51.308(f)(3)(ii) requires that each state contributing to visibility impairment in a Class I area that is projected to improve more slowly than the URP provide ''a robust demonstration, including documenting the criteria used to determine which sources or groups [of] sources were evaluated and how the four factors required by paragraph (f)(2)(i) were taken into consideration in selecting the measures for inclusion in its long-term strategy.''

C. Monitoring Strategy and Other State Implementation Plan Requirements

Section 51.308(f)(6) requires states to have certain strategies and elements in place for assessing and reporting on visibility. Individual requirements under this subsection apply either to states with Class I areas within their borders, states with no Class I areas but that are reasonably anticipated to cause or contribute to visibility impairment in any Class I area, or both. Compliance with the monitoring strategy requirement may be met through a state's participation in the Interagency Monitoring of Protected Visual Environments (IMPROVE) monitoring network, which is used to measure visibility impairment caused by air pollution at the 156 Class I areas

2016), Docket Number EPA–HQ–OAR–2015–0531, U.S. Environmental Protection Agency at 186.

[11] States may choose to, but are not required to, include measures in their long-term strategies beyond just the emission reduction measures that are necessary for reasonable progress. For example, states with smoke management programs may choose to submit their smoke management plans to EPA for inclusion in their SIPs but are not required to do so. See, *e.g.,* 82 FR at 3108–09 (requirement to consider smoke management practices and smoke management programs under 40 CFR 51.308(f)(2)(iv) does not require states to adopt such practices or programs into their SIPs, although they may elect to do so).

[12] The five ''additional factors'' for consideration in 40 CFR 51.308(f)(2)(iv) are distinct from the four factors listed in CAA section 169A(g)(1) and 40 CFR 51.308(f)(2)(i) that states must consider and apply to sources in determining reasonable progress.

covered by the visibility program. 40 CFR 51.308(f)(6), (f)(6)(i), (f)(6)(iv).

All states' SIPs must provide for procedures by which monitoring data and other information are used to determine the contribution of emissions from within the state to regional haze visibility impairment in affected Class I areas, as well as a statewide inventory documenting such emissions. 40 CFR 51.308(f)(6)(ii), (iii), (v). All states' SIPs must also provide for any other elements, including reporting, recordkeeping, and other measures, that are necessary for states to assess and report on visibility. 40 CFR 51.308(f)(6)(vi).

D. Requirements for Periodic Reports Describing Progress Towards the Reasonable Progress Goals

Section 51.308(f)(5) requires a state's regional haze SIP revision to address the requirements of paragraphs 40 CFR 51.308(g)(1) through (5) so that the plan revision due in 2021 will serve also as a progress report addressing the period since submission of the progress report for the first implementation period. The regional haze progress report requirement is designed to inform the public and the EPA about a state's implementation of its existing long-term strategy and whether such implementation is in fact resulting in the expected visibility improvement. See 81 FR 26942, 26950 (May 4, 2016), (82 FR at 3119, January 10, 2017). To this end, every state's SIP revision for the second implementation period is required to assess changes in visibility conditions and describe the status of implementation of all measures included in the state's long-term strategy, including of Best Available Retrofit Technology (BART) and reasonable progress emission reduction measures from the first implementation period, and the resulting emissions reductions. 40 CFR 51.308(g)(1) and (2).

E. Requirements for State and Federal Land Manager Coordination

Clean Air Act section 169A(d) requires that before a state holds a public hearing on a proposed regional haze SIP revision, it must consult with the appropriate FLM or FLMs; pursuant to that consultation, the state must include a summary of the FLMs' conclusions and recommendations in the notice to the public. Consistent with this statutory requirement, the RHR also requires that states ''provide the [FLM] with an opportunity for consultation, in person and at a point early enough in the State's policy analyses of its long-term strategy emission reduction obligation so that information and recommendations provided by the [FLM] can meaningfully inform the State's decisions on the long-term strategy.'' 40 CFR 51.308(i)(2). For the EPA to evaluate whether FLM consultation meeting the requirements of the RHR has occurred, the SIP submission should include documentation of the timing and content of such consultation. The SIP revision submitted to the EPA must also describe how the state addressed any comments provided by the FLMs. 40 CFR 51.308(i)(3). Finally, a SIP revision must provide procedures for continuing consultation between the state and FLMs regarding the state's visibility protection program, including development and review of SIP revisions, five-year progress reports, and the implementation of other programs having the potential to contribute to impairment of visibility in Class I areas. 40 CFR 51.308(i)(4).

IV. The EPA's Evaluation of Rhode Island's Regional Haze Submission for the Second Implementation Period

A. Background on Rhode Island's First Implementation Period SIP Submission

RIDEM submitted its regional haze SIP for the first implementation period to the EPA on August 7, 2009. The EPA approved Rhode Island's first implementation period regional haze SIP submission on May 22, 2012 (77 FR 30214). EPA's approval included, but was not limited to, the portions of the plan that address the reasonable progress requirements, as well as Rhode Island's maintenance of nitrogen oxide emissions controls. The requirements for regional haze SIPs for the first implementation period are contained in 40 CFR 51.308(d) and (e). 40 CFR 51.308(b). Pursuant to 40 CFR 51.308(g), Rhode Island was also responsible for submitting a five-year progress report as a SIP revision for the first implementation period, which it did on January 7, 2015. The EPA approved the progress report into the Rhode Island SIP on July 20, 2016 (81 FR 47036).

B. Rhode Island's Second Implementation Period SIP Submission and the EPA's Evaluation

In accordance with CAA section 169A and the RHR at 40 CFR 51.308(f), on March 7, 2025, Rhode Island submitted a revision to the Rhode Island SIP to address its regional haze obligations for the second implementation period, which runs through 2028. Rhode Island made a draft Regional Haze SIP submission available for public comment on January 24, 2025. Rhode Island did not receive any public comments during the public comment period, which concluded on February 28, 2025.

The following sections describe Rhode Island's SIP submission, including analyses conducted by MANEVU and Rhode Island's determinations based on those analyses, Rhode Island's assessment of progress made since the first implementation period in reducing emissions of visibility impairing pollutants, and the visibility improvement progress at nearby Class I areas. This notice also contains EPA's evaluation of Rhode Island's submission against the requirements of the CAA and RHR for the second implementation period of the regional haze program.

C. Identification of Class I Areas

Section 169A(b)(2) of the CAA requires each state in which any Class I area is located or ''the emissions from which may reasonably be anticipated to cause or contribute to any impairment of visibility'' in a Class I area to have a plan for making reasonable progress toward the national visibility goal. The RHR implements this statutory requirement at 40 CFR 51.308(f), which provides that each state's plan ''must address regional haze in each mandatory Class I Federal area located within the State and in each mandatory Class I Federal area located outside the State that may be affected by emissions from within the State,'' and (f)(2), which requires each state's plan to include a long-term strategy that addresses regional haze in such Class I areas. Rhode Island has no mandatory Class I Federal area within its borders.

For the second implementation period, MANEVU performed technical analyses [13] to help assess source and state-level contributions to visibility impairment and the need for interstate consultation. MANEVU used the results of these analyses to determine which states' emissions ''have a high likelihood of affecting visibility in MANEVU's Class I areas.'' [14] Similar to metrics used in the first implementation period,[15] MANEVU used a greater than 2 percent of sulfate plus nitrate emissions contribution criterion to determine whether emissions from individual jurisdictions within the region affected visibility in any Class I areas. The MANEVU analyses for the second implementation period used a

[13] The contribution assessment methodologies for MANEVU Class I areas are summarized in appendix 16 ''Selection of States for MANEVU Regional Haze Consultation (2018).''

[14] *Id.*

[15] See docket EPA–R01–2025–0915 for MANEVU supporting materials.

combination of data analysis techniques, including emissions data, distance from Class I areas, wind trajectories, and CALPUFF dispersion modeling. Although many of the analyses focused only on SO_2 emissions and resultant particulate sulfate contributions to visibility impairment, some also incorporated NO_X emissions to estimate particulate nitrate contributions.

One MANEVU analysis used for contribution assessment was CALPUFF air dispersion modeling. The CALPUFF model was used to estimate sulfate and nitrate formation and transport in MANEVU and nearby regions originating from large electric generating unit (EGU) point sources and other large industrial and institutional sources in the eastern and central United States. Information from an initial round of CALPUFF modeling was collated for the 444 EGUs that were determined to warrant further scrutiny based on their emissions of SO_2 and NO_X. The list of EGUs was based on an enhanced ''Q/d'' analysis [16] that considered recent SO_2 emissions in the eastern United States and an analysis that adjusted previous 2002 MANEVU CALPUFF modeling by applying a ratio of 2011 to 2002 SO_2 emissions. This list of sources was then enhanced by including the top five SO_2 and NO_X emission sources for 2011 for each state included in the modeling domain. A total of 311 EGU stacks (as opposed to individual units) were included in the CALPUFF modeling analysis. Initial information was also collected on the 50 industrial and institutional sources that, according to 2011 Q/d analysis, contributed the most to visibility impact in each Class I area. The ultimate CALPUFF modeling run included a total of 311 EGU stacks and 82 industrial facilities. The summary report for the CALPUFF modeling included the top 10 most impacting EGUs and the top 5 most impacting industrial/institutional sources for each Class I area and compiled those results into a ranked list of the most impacting EGUs and industrial sources at MANEVU Class I areas.[17] Overall, MANEVU found that emission sources located close to Class I areas typically show higher visibility impacts than similarly sized facilities further away. However, visibility degradation appears to be dominated by the more distant emission sources due to their larger emissions. CALPUFF modeling did not include any individual EGU or industrial/institutional point sources in Rhode Island because the state's SO_2 and NO_X emissions were much lower than the other regional sources considered in the CALPUFF modeling analysis.[18]

The second MANEVU contribution analysis used a meteorologically weighted Q/d calculation to assess states' contributions to visibility impairment at MANEVU Class I areas.[19] This analysis focused predominantly on SO_2 emissions and used cumulative SO_2 emissions from a source and a state for the variable ''Q,'' and the distance of the source or state to the IMPROVE monitor receptor at a Class I area as ''d.'' The result is then multiplied by a constant (C_i), which is determined based on the prevailing wind patterns. MANEVU selected a meteorologically weighted Q/d analysis as an inexpensive initial screening tool that could easily be repeated to determine which states, sectors, or sources have a larger relative impact and warrant further analysis. Although MANEVU did not originally estimate nitrate impacts, the MANEVU Q/d analysis was subsequently extended to account for nitrate contributions from NO_X emissions and to approximate the nitrate impacts from area and mobile sources. MANEVU therefore developed a ratio of nitrate-to-sulfate impacts based on the previously described CALPUFF modeling and applied those to the sulfate Q/d results in order to derive nitrate contribution estimates. Several states, such as Rhode Island, did not have CALPUFF nitrate-to-sulfate ratio results because there was no point sources modeled with CALPUFF in the state.

In order to develop a final set of contribution estimates, MANEVU weighted the results from both the Q/d and CALPUFF analyses. The MANEVU mass-weighted sulfate and nitrate contribution results were reported for the MANEVU Class I areas. (The Q/d summary report included results for several non-MANEVU areas as well). If a state's contribution to sulfate and nitrate concentrations at a particular Class I area was 2 percent or greater, MANEVU regarded that state as contributing to visibility impairment in that area. According to MANEVU's analyses, Rhode Island's highest percent mass-weighted sulfate and nitrate contribution was estimated to be 0.5% at Acadia National Park in Maine, with contributions ranging from 0.1% to 0.3% at the other Class I areas in the MANEVU region.[20]

The EPA concluded in the 1999 RHR that ''all [s]tates contain sources whose emissions are reasonably anticipated to contribute to regional haze in a Class I area,'' 64 FR at 35721, and this determination was not changed in the 2017 RHR. Critically, the statute and regulation both require that the cause-or-contribute assessment consider all emissions of visibility-impairing pollutants from a state, as opposed to emissions of a particular pollutant or emissions from a certain set of sources. The screening analyses on which MANEVU relied are useful for certain purposes. MANEVU used information from its technical analysis to rank the largest contributing states to sulfate and nitrate impairment in the seven MANEVU Class I areas and three additional, nearby Class I areas.[21] The rankings were used to determine upwind states that MANEVU deemed important to include in state-to-state consultation based on an identified visibility impact screening threshold. Additionally, large individual source impacts were used to target MANEVU control analysis ''Asks'' [22] of states and sources both within and upwind of MANEVU.[23] The EPA finds the nature of the analyses generally appropriate to support decisions on states with which to consult.

With regard to the analysis and determinations regarding Rhode Island's contribution to visibility impairment at out-of-state Class I areas, the MANEVU technical work focuses on the magnitude of visibility impacts from certain Rhode Island emissions on nearby Class I areas. The MANEVU contribution screening results estimate Rhode Island's highest percent mass-

[16] ''Q/d'' is emissions (Q) in tons per year, typically of one or a combination of visibility-impairing pollutants, divided by distance to a class I area (d) in kilometers. The resulting ratio is commonly used as a metric to assess a source's potential visibility impacts on a particular class I area.

[17] See appendix 8 ''2016 MANEVU Source Contribution Modeling Report—CALPUFF Modeling of Large Electrical Generating Units and Industrial Sources'' and appendix 9 ''MANEVU Updated Q/d*C Contribution Assessment.''

[18] RI Regional Haze SIP submittal at 72.

[19] See appendix 9 ''MANEVU Updated Q/d*C Contribution Assessment.''

[20] RI Regional Haze SIP Submittal at p. 74.

[21] The Class I areas analyzed were Acadia National Park in Maine, Brigantine Wilderness in New Jersey, Great Gulf Wilderness and Presidential Range—Dry River Wilderness in New Hampshire, Lye Brook Wilderness in Vermont, Moosehorn Wilderness in Maine, Roosevelt Campobello International Park in New Brunswick, Shenandoah National Park in Virginia, James River Face Wilderness in Virginia, and Dolly Sods/Otter Creek Wildernesses in West Virginia.

[22] As explained more fully in Section IV.E.a, MANEVU refers to each of the components of its overall strategy as an ''Ask ''of its member states.

[23] The MANEVU consultation report explains that ''[t]he objective of this technical work was to identify states and sources from which MANEVU will pursue further analysis. This screening was intended to identify which states to invite to consultation, not a definitive list of which states are contributing.''

weighted sulfate and nitrate contribution to be 0.5% at Acadia National Park, with the Brigantine Wilderness Area being the next closest Class I area impacted by Rhode Island emissions at 0.3%.[24] However, the MANEVU analyses did not account for all emissions and all components of visibility impairment (*e.g.,* primary PM emissions, and impairment from fine PM, elemental carbon, and organic carbon). In addition, Q/d analyses with a relatively simplistic accounting for wind trajectories and CALPUFF applied to a very limited set of EGUs and major industrial sources of SO_2 and NO_X are not scientifically rigorous tools capable of evaluating contribution to visibility impairment from all emissions in a state. The EPA acknowledges that the contribution to visibility impairment from Rhode Island's emissions at nearby out-of-state Class I areas is smaller than that from numerous other MANEVU states.[25] While some MANEVU states noted that the contributions from several states outside the MANEVU region are significantly larger than its own, we again clarify that each state is obligated under the CAA and RHR to address regional haze visibility impairment resulting from emissions from within the state, irrespective of whether another state's contribution is greater. Additionally, we note that the 2 percent or greater sulfate-plus-nitrate threshold used to determine whether Rhode Island emissions contribute to visibility impairment at a particular Class I area may be higher than what EPA believes is an ''extremely low triggering threshold'' intended by the statute and regulations. In sum, based on the information provided, it is clear that emissions from Rhode Island have relatively small contributions to Class I areas. However, due to the low triggering threshold implied by the Rule and the lack of rigorous modeling analyses, we do not necessarily agree with the level of the State's 2% contribution threshold.

In any event, pursuant to the regulatory requirements, Rhode Island took part in the emission control strategy consultation process as a member of MANEVU. As part of that process, MANEVU developed a set of emissions reduction measures identified as being necessary to make reasonable progress in the seven MANEVU Class I areas. This strategy consists of six Asks for states within MANEVU and five Asks for states outside the region that were found to impact visibility at Class I areas within MANEVU.[26] Rhode Island's submission discusses each of the Asks and explains why or why not each is applicable and how it has complied with the relevant components of the emissions control strategy the MANEVU states laid out. Rhode Island worked with MANEVU to determine potential reasonable measures that could be implemented by 2028, considering the cost of compliance, the time necessary for compliance, the energy and non-air quality environmental impacts, and the remaining useful life of any potentially affected sources.[27] As discussed in further detail below, the EPA is proposing to find that Rhode Island has submitted a regional haze plan that meets the requirements of 40 CFR 51.308(f)(2) related to the development of a long-term strategy. Thus, we propose to find that Rhode Island has satisfied the applicable requirements for making reasonable progress towards natural visibility conditions in Class I areas that may be affected by emissions from the state.

D. Calculations of Baseline, Current, and Natural Visibility Conditions; Progress to Date; and the Uniform Rate of Progress

Section 51.308(f)(1) requires states to determine the following for ''each mandatory Class I Federal area located within the State'': baseline visibility conditions for the most impaired and clearest days, natural visibility conditions for the most impaired and clearest days, progress to date for the most impaired and clearest days, the differences between current visibility conditions and natural visibility conditions, and the URP. This section also provides the option for states to propose adjustments to the URP line for a Class I area to account for visibility impacts from anthropogenic sources outside the United States and/or the impacts from wildland prescribed fires that were conducted for certain, specified objectives. 40 CFR 51.308(f)(1)(vi)(B).

Rhode Island has no Class I areas. MANEVU Class I areas, as well as other nearby Class I areas that MANEVU examined, are listed below. MANEVU used certain areas (as noted below) to represent nearby Class I areas where monitors do not exist.[28] The MANEVU Class I Areas are Lye Brook Wilderness Area (Vermont), Great Gulf Wilderness Area (New Hampshire) (used to represent Presidential Range—Dry River Wilderness Area), Presidential Range—Dry River Wilderness Area (New Hampshire), Acadia National Park (Maine), Moosehorn Wilderness Area (Maine) (used to represent Roosevelt Campobello International Park), Roosevelt Campobello International Park (New Brunswick, Canada), and Brigantine Wilderness Area (New Jersey). Nearby Class I Areas consist of Dolly Sods Wilderness Area (West Virginia) (used to represent Otter Creek Wilderness Area), Otter Creek Wilderness Area (West Virginia), Shenandoah National Park (Virginia), and James River Face Wilderness Area (Virginia).

E. Long-Term Strategy for Regional Haze

a. Rhode Island's Response to the Six MANEVU Asks

Each state having a Class I area within its borders or emissions that may affect visibility in a Class I area must develop a long-term strategy for making reasonable progress towards the national visibility goal. CAA § 169A(b)(2)(B). After considering the four statutory factors, all measures that are determined to be necessary to make reasonable progress must be in the long-term strategy. In developing its long-term strategy, a state must also consider the five additional factors in 40 CFR 51.308(f)(2)(iv). As part of its reasonable progress determinations, the state must describe the criteria used to determine which sources or group of sources were evaluated (*i.e.,* subjected to four-factor analysis) for the second implementation period and how the four factors were taken into consideration in selecting the emission reduction measures for inclusion in the long-term strategy. 40 CFR 51.308(f)(2)(i).

The following section summarizes how Rhode Island's SIP submission addressed the requirements of 40 CFR 51.308(f)(2)(i); specifically, it describes MANEVU's development of the six Asks and how Rhode Island addressed each. The regulations Rhode Island identifies as a result of its responses to the six Asks comprise Rhode Island's long-term strategy for the second planning period to address regional haze visibility impairment for each mandatory Class I Federal area that may be affected by emissions from Rhode Island. In Section IV.E.b. of the NPRM, EPA evaluates

[24] See Table 5–1 of the RI Regional Haze SIP submittal.

[25] Because MANEVU did not include all Rhode Island's emissions or contributions to visibility impairment in its analysis, we cannot definitively state that Rhode Island's contribution to visibility impairment is not the most significant. However, that is very likely the case.

[26] See Section 6.2 of the RI Regional Haze SIP.

[27] *See* 42 U.S.C. 7491(g)(1); 40 CFR 40 CFR 51.308(f)(2)(i).

[28] See appendix 22 ''Mid-Atlantic/Northeast U.S. Visibility Data, 2004–2019 (2nd RH SIP Metrics) January 21, 2021, revision'' at p. 2–2.

Rhode Island's compliance with the requirements of 40 CFR 51.308(f)(2)(i).

States may rely on technical information developed by the RPOs of which they are members to select sources for four-factor analysis and to conduct that analysis, as well as to satisfy the documentation requirements under 40 CFR 51.308(f). Where an RPO has performed source selection and/or four-factor analyses (or considered the five additional factors in 40 CFR 51.308(f)(2)(iv)) for its member states, those states may rely on the RPO's analyses for the purpose of satisfying the requirements of 40 CFR 51.308(f)(2)(i) so long as the states have a reasonable basis to do so and all state participants in the RPO process have approved the technical analyses. 40 CFR 51.308(f)(2)(iii). States may also satisfy the requirement of 40 CFR 51.308(f)(2)(ii) to engage in interstate consultation with other states that have emissions that are reasonably anticipated to contribute to visibility impairment in a given Class I area under the auspices of intra- and inter-RPO engagement.

Rhode Island is a member of the MANEVU RPO and participated in the RPO's regional approach to developing a strategy for making reasonable progress towards the national visibility goal in the MANEVU Class I areas. MANEVU's strategy includes a combination of: (1) measures for certain source sectors and groups of sectors that the RPO determined were reasonable for states to pursue, and (2) a request for member states to conduct four-factor analyses for individual sources that it identified as contributing to visibility impairment. MANEVU refers to each of the components of its overall strategy as an ''Ask'' of its member states. On August 25, 2017, the Executive Director of MANEVU, on behalf of the MANEVU states and tribal nations, signed a statement that identifies six emission reduction measures that comprise the Asks for the second implementation period.[29] The Asks were ''designed to identify reasonable emission reduction strategies that must be addressed by the states and tribal nations of MANEVU through their regional haze SIP updates.'' [30] The statement explains that ''[i]f any State cannot agree with or complete a Class I State's Asks, the State must describe the actions taken to resolve the disagreement in the Regional Haze SIP.'' [31]

MANEVU's recommendations as to the appropriate control measures were based on technical analyses documented in the RPO's reports and included as appendices to, or referenced in, Rhode Island's regional haze SIP submission. One of the initial steps of MANEVU's technical analysis was to determine which visibility-impairing pollutants should be the focus of its efforts for the second implementation period. In the first implementation period, MANEVU determined that sulfates were the most significant visibility impairing pollutant at the region's Class I areas. To determine the impact of certain pollutants on visibility at Class I areas for the purpose of second implementation period planning, MANEVU conducted an analysis comparing the pollutant contribution on the clearest and most impaired days in the baseline period (2000–2004) to the most recent period (2012–2016) [32] at MANEVU and nearby Class I areas. MANEVU found that while SO_2 emissions were decreasing and visibility was improving, sulfates still made up the most significant contribution to visibility impairment at MANEVU and nearby Class I areas. According to the analysis, NO_X emissions have begun to play a more significant role in visibility impacts in recent years as SO_2 emissions have decreased. The technical analyses used by Rhode Island are included in its submission and are as follows: [33]

- 2016 Updates to the Assessment of Reasonable Progress for Regional Haze in MANEVU Class I Areas (Appendix 6);
- Impact of Wintertime SCR/SNCR Optimization on Visibility Impairing Nitrate Precursor Emissions. November 2017 (Appendix 17);
- High Electric Demand Days and Visibility Impairment in MANEVU. December 2017 (Appendix 18);
- Benefits of Combined Heat and Power Systems for Reducing Pollutant Emissions in MANEVU States. March 2016 (Appendix 7);
- 2016 MANEVU Source Contribution Modeling Report—CALPUFF Modeling of Large Electrical Generating Units and Industrial Sources. April 4, 2017 (Appendix 8);
- Contribution Assessment Preliminary Inventory Analysis. October 10, 2016 (Appendix 11);
- Four-Factor Data Collection Memo. March 2017 (Appendix 14);
- Status of the Top 167 Stacks from the 2008 MANEVU Ask. July 2016 (Appendix 10);
- Mid-Atlantic/Northeast U.S. Visibility Data, 2004–2019 (2nd RH SIP Metrics) (Appendix 22);
- Selection of States for MANEVU Regional Haze Consultation 2018 (Appendix 16);
- Ozone Transport Commission/MANEVU 2011 Based Modeling Platform Support Document October (2018 Update) (Appendix 21).

MANEVU gathered information on each of the four statutory factors for six source sectors it determined, based on an examination of annual emission inventories, ''had emissions [of SO_2 and/or NO_X] that were reasonably] anticipated to contribute to visibility degradation in MANEVU:'' electric generating units (EGUs), industrial/commercial/institutional boilers (ICI boilers), cement kilns, heating oil, residential wood combustion, and outdoor wood combustion.[34] MANEVU also collected data on individual sources within the EGU, ICI boiler, and cement kiln sectors.[35] Information for the six sectors included explanations of technically feasible control options for SO_2 or NO_X, illustrative cost-effectiveness estimates for a range of model units and control options, sector-wide cost considerations, potential time frames for compliance with control options, potential energy and non-air-quality environmental impacts of certain control options, and how the remaining useful lives of sources might be considered in a control analysis.[36] Source-specific data included SO_2 emissions [37] and existing controls [38] for certain existing EGUs, ICI boilers, and cement kilns. MANEVU considered this information on the four factors as well as the analyses developed by the RPO's Technical Support Committee when it determined specific emission reduction measures that were found to be reasonable for certain sources within two of the sectors it had examined—EGUs and ICI boilers.[39] The Asks were based on this analysis and looked to

[29] See appendix 20 ''MANEVU Regional Haze Consultation Report and Consultation Documentation.''

[30] *Id.*

[31] *Id.*

[32] The period of 2012–2016 was the most recent period for which data were available at the time of analysis. RI also included 2015–2019 data.

[33] These documents can be found in the docket for this rulemaking.

[34] See appendix 14, MANEVU ''Four-Factor Data Collection'' Memo.

[35] See appendix 6 ''2016 Updates to the Assessment of Reasonable Progress for Regional Haze in MANEVU Class I Areas.''

[36] *Id.*

[37] See appendix 14, MANEVU ''Four-Factor Data Collection'' Memo.

[38] See appendix 10 ''Status of the Top 167 EGUs that Contributed to Visibility Impairment at MANEVU Class I Areas During the 2008 Regional Haze Implementation Period.''

[39] See appendix 14, MANEVU ''Four-Factor Data Collection'' Memo; appendix 6 ''2016 Updates to the Assessment of Reasonable Progress for Regional Haze in MANEVU Class I Areas.''

either optimize the use of existing controls, have states conduct further analysis on EGU or ICI boilers with considerable visibility impacts, implement low sulfur fuel standards, or lock-in lower emission rates.

MANEVU Ask 1 is ''ensuring the most effective use of control technologies on a year-round basis'' at EGUs with a nameplate capacity larger than or equal to 25 megawatts (MW) with already installed NO_X and/or SO_2 controls in order to consistently minimize emissions of haze precursors or obtain equivalent alternative emission reductions. MANEVU observed that EGUs often only run NO_X emissions controls to comply with ozone season trading programs and consequently, NO_X sources may be uncontrolled during the winter and non-peak summer days. MANEVU found that: (1) running existing installed controls [selective catalytic reduction (SCR) and selective non-catalytic reduction (SNCR)] is one of the most cost-effective ways to control NO_X emissions from EGUs; and (2) that running existing controls year-round could substantially reduce the NO_X emissions in many of the states upwind of Class I areas in MANEVU that lead to visibility impairment during the winter from nitrates.[40] MANEVU included this as an emission management strategy because large EGUs had already been identified as dominant contributors to visibility impairment and the low cost of running already installed controls made it reasonable.

Rhode Island identified 5 EGU units that meet the criteria of 25 MW or larger with installed controls.[41] All of the identified units are natural gas-fired and use SCR to control nitrogen oxide emissions. Rhode Island explained that all of the identified units are Title V sources that were subject to prevention of significant deterioration (PSD) permitting requirements. The permits require these facilities to operate their controls year-round except during start up. The requirements and enforceability are reviewed at least once every five years, the sources are inspected every two years, and the permits are federally enforceable. Since these controls are already in effect and are required to operate year-round, Rhode Island concluded that it has therefore met the requirements of Ask 1. Rhode Island also noted that a sixth natural gas-fired EGU—Pawtucket Power—permanently shut down in 2021 and that its title V permit was revoked.[42] As of 2025, the facility is completely decommissioned and demolished.[43]

MANEVU Ask 2 consists of a request that states ''Emission sources modeled by MANEVU that have the potential for 3.0 Mm^{-1} or greater visibility impacts at any MANEVU Class I area, as identified by MANEVU contribution analyses . . . perform a four-factor analysis for reasonable installation or upgrade to emission controls.'' Based on an examination of visibility impact modeling results, MANEVU concluded that a 3.0 Mm^{-1} cutoff captured an appropriately-sized group of sources contributing the largest percentage of visibility impairing pollutants to Class I areas in the MANEVU states.[44] For units identified for the Ask 2 analysis, MANEVU requested that states determine reasonable controls through the consideration of the four factors on a state-by-state and unit-by-unit basis. MANEVU's analysis for Ask 2 did not identify any units in Rhode Island with a potential impact of at least 3.0 Mm^{-1}.[45] In its submittal, Rhode Island presents further information about the State's largest NO_X and SO_2 sources and the controls each employs. Based on 2017 emissions data, only four sources in the State had SO_2 emissions greater than 10 tpy, with the smallest source at about 15 tpy and the largest just under 69 tpy. Only eight sources had NO_X emissions greater than 50 tpy, with the lowest at about 52 tpy and the largest at 244 tpy.[46] Based on the lack of sources at or above the 3.0 Mm^{-1} threshold, further illustrated by the generally small size of its largest sources, Rhode Island concluded that it satisfied Ask 2.

MANEVU Ask 3 is: ''Each MANEVU State that has not yet fully adopted an ultra-low sulfur fuel oil standard as requested by MANEVU in 2007—pursue this standard as expeditiously as possible and before 2028, depending on supply availability, where the standards are as follows: a. distillate oil to 0.0015% sulfur by weight (15 ppm); b. #4 residual oil within a range of 0.25 to 0.5% sulfur by weight; and c. #6 residual oil within a range of 0.3 to 0.5% sulfur by weight.'' Effective June 24, 2014, RIDEM Office of Air Resources (OAR) finalized amendments to 250–RICR–120–05–8: *Sulfur Content of Fuels.* The first phase of limitations lowered the allowable concentration of sulfur in distillate oil and biodiesel to 0.05% (500 ppm) by weight, effective July 1, 2014. In 2018, the beginning of the second implementation period, the second phase of limitations further lowered the limit to 0.0015% (15 ppm) by weight. In addition, the second phase also lowered the sulfur limit for residual oil and alternative fuel to 0.5% (5000 ppm) by weight. EPA approved 250–RICR–120–05–8: *Sulfur Content of Fuels* into Rhode Island's SIP on August 13, 2018 [83 FR 39888]. Since Rhode Island has fully implemented an ultra-low sulfur fuel oil standard, the State therefore concluded that it met Ask 3.

MANEVU Ask 4 requests states to update permits to ''lock in'' lower emissions rates for NO_X, SO_2, and PM at emissions sources larger than 250 million British Thermal Units (MMBtu) per hour heat input that have switched operations to lower emitting fuels. The threshold of 250 MMBTU/hour was based on prior BART analysis. There aren't any coal burning units or non-EGU units having a heat input capacity larger than 250 MMBtu/hr in Rhode Island. While there are three EGUs in Rhode Island above this threshold that continue to burn both natural gas and oil, their oil use is generally limited to periods when natural gas is not available. Rhode Island explains that these sources are subject to Title V permitting requirements under 250–RICR–120–05–29, which specify allowable operating scenarios, and fuels fired. Rhode Island further explains that these sources are reviewed every five years, and if a change in fuel type may increase emissions, or is otherwise not allowed by the permit, it triggers requirements for a new or modified preconstruction permit. Rhode Island concluded that it therefore meets the requirements of Ask 4.

Ask 5 requests that MANEVU states ''control NO_X emissions for peaking combustion turbines that have the potential to operate on high electric demand days'' by either: (1) Meeting NO_X emissions standards specified in the Ask for turbines that run on natural gas and fuel oil, (2) performing a four-factor analysis for reasonable installation of or upgrade to emission controls, or (3) obtaining equivalent emission reductions on high electric

[40] See appendix 17 ''Impact of Wintertime SCR/SNCR Optimization on Visibility Impairing Nitrate Precursor Emissions.''

[41] See Table 6–1 of the RI Regional Haze submittal.

[42] Documents related to the permanent cease of operations of Pawtucket Power can be found in the docket of this rulemaking.

[43] See photos related to the demolition of Pawtucket Power at this link and click ''See more dates'': *https://maps.app.goo.gl/Z4iV2i83bABW45G29.*

[44] Units with smaller contributions of visibility-impairing pollutants were captured by other Asks.

[45] See appendix 15 ''MANEVU Concerning a Course of Action with MANEVU toward Assuring Reasonable Progress for the 2nd Regional Haze Implementation Period (2018–2028).''

[46] RI Regional Haze SIP submittal at p. 80–95.

demand days.[47] The Ask requests states to strive for NO_X emission standards of no greater than 25 ppm for natural gas and 42 ppm for fuel oil, or at a minimum, NO_X emissions standards of no greater than 42 ppm for natural gas and 96 ppm at for fuel oil. MANEVU defined a ''peaking combustion turbine'' for this Ask to be ''a turbine capable of generating 15 megawatts or more, that commenced operation prior to May 1, 2007, is used to generate electricity all or part of which is delivered to the electric power distribution grid for commercial sale and that operated less than or equal to an average of 1752 hours (or 20%) per year during 2014 to 2016.'' After reviewing permit files, air pollution inventory files, RI Office of Energy Resources (OER) data, and Energy Information Administration (EIA) data, RIDEM OAR did not identify any turbines in the State that met the criteria of the Ask.[48] Therefore, Rhode Island concluded that it satisfies the requirements of Ask 5.

The last Ask for states within MANEVU (Ask 6) requests states to report in their regional haze SIPs about programs that decrease energy demand and increase the use of combined heat and power (CHP) and other distributed generation technologies such as fuel cells, wind and solar. Rhode Island reports that its OER continuously develops, administers, and monitors a variety of programs focused on energy efficiency, renewable energy, alternative fuels and energy assurance. Based on 2021 data, Rhode Island's energy efficiency programming achieved savings of 1.8% of electricity consumption and 0.74% of natural gas consumption, and in 2022, Rhode Island was ranked 7th most energy-efficient state in the country.[49] Rhode Island utilizes the ''Lead by Example'' initiative, which coordinates state-level efforts to reduce energy consumption and greenhouse gas (GHG) emissions. For example, the Public School Energy Equity Program has led to the energy improvement of 28 schools in Rhode Island, with a lifetime estimated energy savings of 43,238,884 kWh. Under Rhode Island General Law Chapter 46–12.24.2, The Efficient Buildings Fund has provided approximately 70 million dollars for energy efficiency and renewable energy projects as of 2022. Rhode Island has also implemented programs which contribute to reductions in transportation related emissions. For example, Electrify RI increases the availability and accessibility of electric vehicle charging stations. Additionally, the DRIVE EV program offers rebate incentives for the purchase of electric vehicles and was recently expanded to include electric bicycles via the Erika Niedowski Memorial Electric Bicycle Rebate Program. Rhode Island is also part of the Regional Greenhouse Gas Initiative (RGGI). MANEVU found that the RGGI cooperative results in substantial reductions in emissions of SO_2 and NO_X from the member states.

Continued growth is expected in both distributed generation and combined heat and power plants in Rhode Island. Currently, there are seven distributed generators in Rhode Island and several emergency generators which have submitted permit applications to convert to distributed generators. The units are subject to federal emissions standards as required by permit and capped at 500 hours per year. There are also four combined heat and power plants generating approximately 40 MW of electricity. Due to the initiatives described above,[50] Rhode Island concluded that it satisfies Ask 6.

In summary, Rhode Island identified the following SIP-approved programs as necessary for reasonable progress and therefore included in the State's long term strategy: 250–RICR–120–05–8, fuel sulfur content limitations; 250–RICR–120–05–27, control of nitrogen oxides emissions from fuel-burning equipment at major stationary sources of nitrogen oxides; the 2021 retirement of Pawtucket Power and the revocation of its title V Permit.[51]

b. The EPA's Evaluation of Rhode Island's Response to the Six MANEVU Asks and Compliance With 40 CFR51.308(f)(2)(i)

The EPA is proposing to find that Rhode Island has satisfied the requirements of 40 CFR 51.308(f)(2)(i) related to evaluating sources and determining the emission reduction measures that are necessary to make reasonable progress by considering the four statutory factors. We are proposing to find that Rhode Island has satisfied the requirement to consider the four statutory factors through its analysis and actions to address Ask 3. Additionally, in line with recent proposals from the EPA,[52] where visibility conditions for a Class I area impacted by a state are below the URP and the state has considered the four statutory factors, the state will have presumptively demonstrated reasonable progress for the second planning period for that area. While Rhode Island's regional haze plan is not relying on this policy, the current visibility conditions of the Class I areas in or adjacent to the MANEVU region are below their respective URP glidepaths, providing further support for approval.

As explained above, Rhode Island relied on MANEVU's technical analyses and framework (*i.e.,* the Asks) to select sources and develop its long-term strategy. MANEVU conducted an inventory analysis to identify the source sectors that produced the greatest amount of SO_2 and NO_X emissions in 2011; inventory data were also projected to 2018. Based on this analysis, MANEVU identified the top-emitting sectors for each of the two pollutants, which for SO_2 include coal-fired EGUs, industrial boilers, oil-fired EGUs, and oil-fired area sources including residential, commercial, and industrial sources. The largest sources of NO_X include onroad vehicles, nonroad vehicles, and EGUs.[53] The RPO's documentation explains that ''[EGUs] emitting SO_2 and NO_X and industrial point sources emitting SO_2 were found to be sectors with high emissions that warranted further scrutiny. Mobile sources were not considered in this analysis because any ask concerning mobile sources would be made to EPA and not during the intra-RPO and inter-RPO consultation process among the states and tribes.'' [54] EPA proposes to find that Rhode Island reasonably evaluated the two pollutants—SO_2 and NO_X—that currently drive visibility impairment within the MANEVU region and that it adequately explained and supported its decision to focus on these two pollutants through its reliance on the MANEVU technical analyses cited in its submission.

Section 51.308(f)(2)(i) requires states to evaluate sources or groups of sources and determine the emission reduction measures that are necessary to make reasonable progress by considering the

[47] See appendix 20 ''MANEVU Regional Haze Consultation Report and Consultation Documentation.''

[48] RI Regional Haze SIP submittal at p. 97.

[49] See *Id.;* RI OER 2022 Annual Report at p. 7, which can be found in the docket of this rulemaking.

[50] More information on the energy programs described can be found in the RI Regional Haze SIP Submittal p. 97–101.

[51] Documents related to the permanent cease of operations of Pawtucket Power can be found in the docket of this rulemaking.

[52] See proposed rulemakings published April 18, 2025 (90 FR 16478) and May 14, 2025 (90 FR 20425).

[53] See ''Contributions to Regional Haze in the Northeast and Mid-Atlantic United States: Mid-Atlantic/Northeast Visibility Union (MANEVU) Contribution Assessment. NESCAUM. August 2006.'' A copy of this document can be found in the docket of this rulemaking.

[54] See appendix 20 ''MANEVU Regional Haze Consultation Report and Consultation Documentation.''

four statutory factors. As explained previously, the MANEVU Asks are a mix of measures for sectors and groups of sources identified as reasonable for states to address in their regional haze plans. Several of the Asks include analyses of emissions control strategies, and Rhode Island identified numerous existing controls that are in the SIP and are included in the long-term strategy. For example, Rhode Island's response to Ask 2 examines the state's largest emitters and their current emissions limitations and control equipment. While MANEVU formulated the Asks to be ''reasonable emission reduction strategies'' to control emissions of visibility impairing pollutants,[55] Rhode Island's response to Ask 3 (adoption of ultra-low sulfur fuel oil) engages with the requirement that states determine the emission reduction measures that are necessary to make reasonable progress through consideration of the four factors. As laid out in further detail below, the EPA is proposing to find that MANEVU's analyses conducted to support emission reduction measures, including Ask 3, satisfy the requirement of 40 CFR 51.308(f)(2)(i). The emission reduction measures that are necessary to make reasonable progress must be included in the long-term strategy, *i.e.,* in Rhode Island's SIP. 40 CFR 51.308(f)(2).

Rhode Island asserted that it satisfies Ask 1 because the state permits for the five EGUs covered by this Ask include year-round emission limits and require that controls (SCR in each case) be run at all times the units are in operation and emitting air pollutants. As each of these units are at Title V sources, the requirements are federally enforceable, and Rhode Island renews the permits every five years. EPA thus agrees that Rhode Island satisfied Ask 1.

Ask 2 addresses the sources MANEVU determined have the potential for larger than, or equal to, 3.0 Mm^{-1} visibility impact at any MANEVU Class I area; the Ask requests MANEVU states to conduct four-factor analyses for the specified sources within their borders. This Ask explicitly engages with the statutory and regulatory requirement to determine the emissions reduction measures necessary to make reasonable progress based on the four factors; MANEVU considered it ''reasonable to have the greatest contributors to visibility impairment conduct a four-factor analysis that would determine whether emission control measures should be pursued and what would be reasonable for each source.'' [56]

The RHR recognizes that, due to the nature of regional haze visibility impairment, numerous and sometimes relatively small sources may need to be selected and evaluated for control measures in order to make reasonable progress.[57] In this case, applying the 3.0 Mm^{-1} threshold did not identify any sources in Rhode Island (and only 22 across the entire MANEVU region). We note, however, that the 3.0 Mm-1 threshold used in this Ask is only one part of the MANEVU source identification process and that being below this threshold did not necessarily exclude a source from additional review in connection with another Ask.

As part of the requirement to evaluate and determine the emissions reduction measures that are necessary to make reasonable progress, Rhode Island reviewed existing controls for the state's top emitting sources. Using 2017 emissions data, Rhode Island evaluated its EGU and non-EGU SO_2 sources with emissions greater than 10 tpy and NO_X sources with emissions greater than 50 tpy.[58] Rhode Island Hospital, the state's top SO_2 source (~69 tpy) and also the state's seventh highest NO_X-emitting source (~57 tpy), operates five boilers which are equipped with various control measures.[59] The next top three SO_2 sources collectively accounted for less than 100 tons in 2017.[60] Rhode Island's top NO_X emitter, Manchester Street Station, emitted 243.66 tons of NO_X in 2017.[61] The facility operates three combustion turbines, which are equipped with SCR. Rhode Island's next highest NO_X emitter, Ocean State Power, accounted for 156.55 tons in 2017.[62] Ocean State Power operates four combustion turbines, which are also equipped with SCR.[63] Rhode Island's next top six NO_X emitters collectively accounted for 376 tons in 2017.[64] Each facility identified in Rhode Island's review is a title V source with an active operating permit that must be updated and renewed every five years with public involvement.[65] Each unit is subject to all applicable Federal and State regulations as identified in each source's enforceable permit. EPA is basing the proposed finding on the state's examination of its largest operating sources at the time of SIP submission, and on the emissions from and controls that apply to those sources, as well as on Rhode Island's existing SIP-approved NO_X and SO_2 rules that effectively control emissions from the largest contributing stationary-source sectors.

Ask 3, which addresses the sulfur content of heating oil used in MANEVU states, is based on a four-factor analysis for the heating oil sulfur reduction regulations contained in that Ask; [66] specifically, reducing the sulfur content of distillate oil to 15 ppm. The analysis started with an assessment of the costs of retrofitting refineries to produce 15 ppm heating oil in sufficient quantities to support implementation of the standard, as well as the impacts of requiring a reduction in sulfur content on consumer prices. The analysis noted that, as a result of previous EPA rulemakings to reduce the sulfur content of onroad and nonroad-fuels to 15 ppm, technologies are currently available to achieve sulfur reductions and many refiners are already meeting this standard, meaning that the capital investments for further reductions in the sulfur content of heating oil are expected to be relatively low compared to costs incurred in the past. The analysis also examined, by way of example, the impacts of New York's existing 15 ppm sulfur requirements on heating oil prices and concluded that the cost associated with reducing sulfur was relatively small in terms of the absolute price of heating oil compared to the magnitude of volatility in crude oil prices. It also noted that the slight price premium is compensated by cost savings due to the benefits of lower-sulfur fuels in terms of equipment life and maintenance and fuel stability. Consideration of the time necessary for compliance with a 15-ppm sulfur standard was accomplished through a discussion of the amount of time refiners had needed to comply with the EPA's onroad and nonroad fuel 15 ppm requirement, and the implications existing refinery capacity and distribution infrastructure may have for compliance times with a 15-ppm heating oil standard. The analysis concluded that with phased-in timing for states that have not yet adopted a 15 ppm heating oil standard there ''appears

[55] *Id.*

[56] *Id.*

[57] *See* Responses to Comments on Protection of Visibility: Amendments to Requirements for State Plans; Proposed Rule (81 FR 26942, May 4, 2016), Docket Number EPA–HQ–OAR–2015–0531, U.S. Environmental Protection Agency at 87–88.

[58] RI Regional Haze SIP submission at p. 80–95.

[59] *Id.* at 80 (Table 6–2).

[60] *Id.* Value calculated from the addition of the tpy values of the remaining three facilities.

[61] *Id.*

[62] *Id.*

[63] *Id.* at 82.

[64] *Id.* at 80 (Table 6–3). Value calculated from the addition of the tpy values of the remaining six facilities.

[65] The most recent Title V permit for each source can be found at: *https://dem.ri.gov/environmental-protection-bureau/air-resources/air-permits/operating-permits.*

[66] See appendix 6, ''2016 Updates to the Assessment of Reasonable Progress for Regional Haze in MANEVU Class I Areas.''

to be sufficient time to allow refiners to add any additional heating oil capacity that may be required.'' [67] The analysis further noted the beneficial energy and non-air quality environmental impacts of a 15 ppm sulfur heating oil requirement and that reducing sulfur content may also have a salutary impact on the remaining useful life of residential furnaces and boilers.[68]

The EPA agrees that Rhode Island reasonably relied on MANEVU's four-factor analysis for a low-sulfur fuel oil regulation, which engaged with each of the statutory factors and explained how the information supported a conclusion that a 15 ppm-sulfur fuel oil standard for fuel oils is reasonable. As noted above, RIDEM OAR finalized amendments to 250–RICR–120–05–8: *Sulfur Content of Fuels,* effective June 24, 2014. The first phase of limitations lowered the allowable concentration of sulfur in distillate oil and biodiesel to 0.05% (500 ppm) by weight, effective July 1, 2014. Beginning July 1, 2018, the limit was further lowered to 0.0015% (15 ppm) by weight. In addition, the second phase also lowered the sulfur limit for residual oil and alternative fuel to 0.5% (5000 ppm) by weight. EPA approved 250–RICR–120–05–8: *Sulfur Content of Fuels* into Rhode Island's SIP on August 13, 2018. 83 FR 39888. Since Rhode Island has fully implemented an ultra-low sulfur fuel oil standard consistent with Ask 3's sulfur content standards for the three types of fuel oils (distillate oil, #4 residual oil, #6 residual oil), EPA therefore agrees that Rhode Island satisfied Ask 3.

Rhode Island concluded that it satisfies the requirements of Ask 4, which requests that MANEVU states pursue updating permits, enforceable agreements, and/or rules to lock-in lower emission rates for SO_2, NO_X and PM at EGUs and other sources larger than 250 MMBtu per hour that have switched operations to lower emitting fuels. Rhode Island does not have any large, coal-burning EGUs or non-EGUs meeting the threshold of this Ask. While Rhode Island identified three EGUs that have a heat input capacity greater than the 250 MMBtu/hr threshold and that can burn both natural gas and oil, as noted above, their oil use is generally limited by permit to periods when natural gas is not available. In New England, this is generally limited to cold weather periods when natural gas is diverted from EGUs for use in residential heating.[69] Rhode Island also explained that these three EGUs are already subject to title V permitting requirements under 250–RICR–120–05–29, ''Operating Permits,'' which are renewed every five years and specify allowable operating scenarios, which includes type of fuels fired. Any change in fuel type that is not allowed by permit would trigger requirements for a preconstruction permit. EPA acknowledges Rhode Island's conclusion that it meets the requirements of Ask 4.

Ask 5 addresses NO_X emissions from peaking combustion turbines that have the potential to operate on high electric demand days. RIDEM reviewed permit files, air pollution inventory files, RI OER data, and U.S. EIA data, and did not identify any turbines that meet the criteria of this Ask. That is, Rhode Island does not have any units rated at 15MW or higher that were operational prior to 2007 that sold electricity to the grid and operated less than an average of 1752 hours per year during 2014–2016. EPA agrees that Rhode Island reasonably demonstrated that it meets Ask 5.

Finally, regarding Ask 6, Rhode Island pointed to various policy efforts to increase energy efficiency and reduce reliance on fossil fuels for energy. Rhode Island is nationally recognized as a leader in energy efficiency. As discussed in Section IV.E.a., Rhode Island's OER spearheads a multitude of major programs focused on energy efficiency, renewable energy, alternative fuels and energy assurance. EPA agrees that Rhode Island has satisfied the request of Ask 6 to consider and report in its SIP measures or programs related to energy efficiency, cogeneration, and other clean distributed generation technologies.

In sum, Rhode Island identified several mechanisms for controlling pollutants that impair visibility—including its regulation limiting sulfur content in fuels (which is in Rhode Island's SIP), as well as the continued implementation of NO_X RACT for point sources. EPA proposes to find that Rhode Island has reasonably concluded that these measures are necessary to make reasonable progress for the second planning period.

In addition to these SIP-approved measures, Rhode Island also identified other federally enforceable and permanent controls, including its mobile source control measures, as key emission reduction strategies. Onroad mobile emissions reductions are due in part to Rhode Island's adoption of more stringent motor vehicle emission standard regulations.[70] These SIP-approved standards ensure that vehicles sold in the state meet increasingly stringent emissions requirements through time. Other efforts to reduce air pollution from onroad mobile sources include adoption of inspection and maintenance of vehicle emissions control systems.

EPA is therefore proposing to find the state's approach meets the statutory and regulatory requirements for several reasons. Specifically, EPA is proposing to find—based on Rhode Island's participation in the MANEVU planning process, how it has addressed the Asks, and the EPA's assessment of Rhode Island's emissions and point sources—that Rhode Island has complied with the requirements of section 51.308(f)(2)(i). Rhode Island's application of MANEVU Ask 3 engages with the requirement that states evaluate and determine the emission reduction measures necessary to make reasonable progress by considering the four statutory factors.

In determining the emissions reduction measures necessary to make reasonable progress, Rhode Island reasonably evaluated and explained its decision to focus on SO_2 and NO_X to address visibility impairment within the MANEVU region. Rhode Island adequately supported that decision through reasonable reliance on the MANEVU technical analyses cited in its submission. EPA notes that MANEVU concluded that sulfates from SO_2 emissions were still the primary driver of visibility impairment in the second implementation period and that MANEVU conducted a four-factor analysis to support Ask 3, which requests that states pursue ultra-low sulfur fuel oil standards to address SO_2 emissions. Rhode Island's SIP-approved sulfur in fuel rule, 250–RICR–120–05–8: *Sulfur Content of Fuels,* sets stringent limits for sulfur content and SO_2 emissions for fuels. Rhode Island's rule controls SO_2 emissions from area and point sources by limiting the sulfur content of distillate oil and biodiesel to 0.0015% and the sulfur content of residual oils and alternative fuels to 0.5%. EPA previously approved these requirements into Rhode Island's SIP, and they went into effect in July 2018. Rhode Island's submittal also includes evaluations of the state's largest SO_2 and NO_X sources which demonstrate that these facilities have relatively small emissions of NO_X and SO_2 and are already subject to stringent emission control measures. For instance, while

[67] *Id.* at 8–7.

[68] *Id.* at 8–8.

[69] See, *e.g., ISO New England 2024/2025 Winter Outlook,* ISO New England (Nov. 7, 2024). A copy of this document can be found in the docket of this rulemaking.

[70] See *https://rules.sos.ri.gov/Regulations/Part/250-120-05-37.*

the state contains no ozone nonattainment areas, Rhode Island is nonetheless required to apply NO_X RACT to certain sources, owing to its location within the Ozone Transport Region. EPA approved Rhode Island's latest NO_X RACT rule in 2020,[71] which has been employed on Rhode Island's highest NO_X emitting point source, Manchester Street Station, among others. As discussed previously, continued implementation of federal mobile source programs will provide further reductions in NO_X emissions from Rhode Island. Moreover, the FLMs responsible for the Class I areas most impacted by Rhode Island emissions sources (Acadia National Park, Lye Brook, Brigantine Wilderness, etc.)[72] did not identify any sources in Rhode Island for four-factor analysis or request any revisions or other analyses.[73] In particular, the US Forest Service stated that it had ''conducted a substantive review'' of Rhode Island's plan, was ''satisfied'' with it, and ''offer[ed] no suggestions for change.''[74] Similarly, the National Park Service commended Rhode Island on its draft submission and stated it had no further conclusions or recommendations.[75] In short, Rhode Island's SO_2 and NO_X emissions are already low, are controlled by EPA-approved limits in the SIP (as a result of Regional Haze and other CAA requirements), and have overall small contributions to visibility impairment in Class I areas. The projected 2028 visibility conditions for Class I areas influenced by emissions from Rhode Island sources are all below the URP, and EPA proposes to find that Rhode Island's SIP submittal satisfies the requirements that states determine the emission reduction measures that are necessary to make reasonable progress by considering the four factors and that their long-term strategies include the enforceable emission limitations, compliance schedules, and other measures necessary to make reasonable progress.

c. Additional Long-Term Strategy Requirements

The consultation requirements of 40 CFR 51.308(f)(2)(ii) provide that states must consult with other states that are reasonably anticipated to contribute to visibility impairment in a Class I area to develop coordinated emission management strategies containing the emission reductions measures that are necessary to make reasonable progress. Section 51.308(f)(2)(ii)(A) and (B) require states to consider the emission reduction measures identified by other states as necessary for reasonable progress and to include agreed upon measures in their SIPs. Section 51.308(f)(2)(ii)(C) speaks to what happens if states cannot agree on what measures are necessary to make reasonable progress.

Rhode Island participated in and provided documentation of the MANEVU intra- and inter-RPO consultation processes, which included consulting with both MANEVU and non-MANEVU states about emissions from Rhode Island reasonably anticipated to contribute to visibility impairment in Class I areas within the MANEVU area and in adjacent areas. The consultations addressed developing coordinated emission management strategies containing the emission reductions necessary to make reasonable progress at the Class I areas impacted by emissions from States within MANEVU. Rhode Island addressed impacts to the MANEVU Class I areas by providing information on the enforceable measures it has in place that satisfy each Ask.[76] Rhode Island included in its Regional Haze SIP submittal all measures agreed to during state-to-state consultations and emission reduction measures identified by other states. While Rhode Island did not receive any requests from non-MANEVU states during its public comment period to consider additional measures to address visibility impairment in Class I areas outside MANEVU, MANEVU documented issues some non-MANEVU states raised about MANEVU's analyses during consultation. For instance, MANEVU noted in its Consultation Report that upwind states expressed concern regarding the analyses the RPO utilized for the selection of states for the consultation. MANEVU agreed that these tools, as all models, have their limitations, but nonetheless deemed them appropriate. Additionally, there were several comments regarding the choice of the 2011 modeling base year. MANEVU agreed that the choice of base year is critical to the outcome of the study. MANEVU acknowledged that there were newer versions of the emission inventories and the need to use the best available inventory for each analysis. MANEVU, however, concluded that the selected inventories were appropriate for the analysis.[77] Additionally, upwind states noted that they would not be able to address the MANEVU Asks until they finalize their SIPs. MANEVU believed the assumption of the implementation of the Asks from upwind states in its 2028 control case modeling was reasonable, and Rhode Island included both the 2028 base case and control case modeling results in its SIP, representing visibility conditions at the Class 1 areas in the MANU–VU States assuming upwind states do not and do implement the Asks, respectively.

In sum, Rhode Island participated in the MANEVU intra- and inter-RPO consultation and included in its SIP submittal the measures identified and agreed to during those consultations, thereby satisfying 40 CFR 51.308(f)(2)(ii)(A) and (B). Rhode Island satisfied 40 CFR 51.308(f)(2)(ii)(C) by participating in MANEVU's consultation process, which documented the disagreements between the upwind states and MANEVU and explained MANEVU's reasoning on each of the disputed issues. Based on the entirety of MANEVU's intra- and inter-RPO consultation, including the MANEVU responses to other states' concerns and various technical analyses in the SIP submission, we propose to determine that Rhode Island has satisfied the consultation requirements of section 51.308(f)(2)(ii).

The documentation requirement of 40 CFR 51.308(f)(2)(iii) provides that states may meet their obligations to document the technical bases on which they are relying to determine the emission reductions measures that are necessary to make reasonable progress through an RPO, as long as the process has been ''approved by all State participants.'' As explained above, Rhode Island chose to rely on MANEVU's technical information, modeling, and analysis to support development of its long-term strategy. The MANEVU technical analyses on which Rhode Island relied are listed in the state's SIP submission and include source contribution assessments, information on each of the four factors and visibility modeling information for certain EGUs, and evaluations of emission reduction strategies for specific source categories. Rhode Island also provided information to further demonstrate the technical bases and emission information it relied on to determine the emission reductions measures that are necessary to make

[71] See 85 FR 54924.

[72] RI Regional Haze SIP submission at p. 74 (Table 5–1).

[73] See appendix 23 ''USDA Comment Letter RI Regional Haze SIP'' and appendix 24 ''National Park Service Comment on Proposed RI Regional Haze SIP.''

[74] See appendix 23 ''USDA Comment Letter RI Regional Haze SIP.''

[75] See appendix 24 ''National Park Service Comment on Proposed RI Regional Haze SIP.''

[76] See appendix 20 ''MANEVU Regional Haze Consultation Report and Consultation Documentation.''

[77] *Id.* at p. 47.

reasonable progress. Based on the documentation provided by the state, we propose to find Rhode Island satisfies this requirement of 40 CFR 51.308(f)(2)(iii).

Section 51.308(f)(2)(iii) also requires that the emissions information considered to determine the measures that are necessary to make reasonable progress include information on emissions for the most recent year for which the state has submitted triennial emissions data to the EPA (or a more recent year), with a 12-month exemption period for newly submitted data. Rhode Island drafted the plan using the 2017 NEI emission data for NO_X, SO_2, PM, VOCs and NH_3. Additionally, Rhode Island included Air Markets Program Data (AMPD) emissions for NO_X and SO_2 until 2019. The 2020 NEI indicates relatively minor increases in NO_X emissions from certain EGUs. Rhode Island, as indicated throughout this notice, evaluated these facilities and in-place NO_X control measures. For example, while Ocean State Power experienced a small increase in NO_X emissions totaling around 10 tpy, this facility is already equipped with SCR. Despite minor increases from certain sources, NO_X EGU emissions in Rhode Island experienced a minor decline overall in 2020. A portion of this reduction came from Rhode Island's largest NO_X emitter, Manchester Street Station, with NO_X emissions falling nearly 40 tpy from 2017 to 2020.[78] The 2020 NEI also shows a minor net increase in EGU emissions of SO_2. Rhode Island, however, as previously discussed in the evaluation of Ask 3, continues to employ the use of low sulfur fuel oil, which the state adopted based off consideration of the four factors. It is likely, given the State's overall relatively small emissions and the level of control through existing programs, that consideration of the 2020 NEI would not have affected Rhode Island's source selection and analysis. Based on Rhode Island's consideration and analysis of the emission data in its SIP submittal, the EPA proposes to find that Rhode Island has satisfied the emissions information requirement in 40 CFR51.308(f)(2)(iii).

We also propose to find that Rhode Island reasonably considered the five additional factors in 40 CFR 51.308(f)(2)(iv) in developing its long-term strategy. Pursuant to 40 CFR 51.308(f)(2)(iv)(A), Rhode Island noted that existing and ongoing state and federal emission control programs that contribute to emission reductions through 2028 would impact emissions of visibility impairing pollutants from point and nonpoint sources in the second implementation period. RIDEM OAR considered these reductions as part of the MANE–VU process that generated emission inventories and projections that reflect ongoing programs and were incorporated into the modeling for the RPGs (see appendix 5 of the state's submittal for controls included in the inventories and Section 2 of the state's submittal for the RPGs). These also were considered in the emissions rates used in the CALPUFF and Q/d screening models. Additionally, Rhode Island notes the state's commitment to reduce mobile source emissions through numerous programs and regulations that will have a positive visibility impact both in and out of Rhode Island.

Rhode Island's consideration of measures to mitigate the impacts of construction activities as required by 40 CFR 51.308(f)(2)(iv)(B) includes, in section 6.5 of its SIP submission, discussion of Rhode Island regulation 250–RICR–120–05–5, ''Fugitive Dust,'' which regulates dust from construction and demolition activities. The regulation provides that ''No person shall cause or permit any materials, including but not limited to sand, gravel, soil, aggregate and any other organic or inorganic solid matter capable of releasing dust, to be handled, transported, mined, quarried, stored or otherwise utilized in any way so as to cause airborne particulate matter to travel beyond the property line of the emission source without taking adequate precautions to prevent particulate matter from becoming airborne.'' Rhode Island also considered this regulation's role in mitigating impacts from construction activities when it developed its long-term strategy for the first planning period. Rhode Island further notes that MANEVU analysis for the second implementation period found that crustal material does not play a major role in visibility impairment at Class I areas.[79] RIDEM OAR concluded that its regulations are sufficient to mitigate the impacts of construction activities.

Pursuant to 40 CFR 51.308(f)(2)(iv)(C), source retirements and replacement schedules are addressed in section 6.6 of Rhode Island's submittal. Rhode Island considered source retirements and replacements in developing the 2028 emission inventories described in Section 4 of the submittal, as described in the Gamma Inventory technical support documentation in appendix 19, and in RIDEM OAR's implementation of the 2017 MANE–VU Statement. The sources that were subsequently retired after the 2011 base year and therefore not included in the 2028 inventory are listed in Table 6–7 of the Rhode Island submittal.

In considering smoke management as required in 40 CFR 51.308(f)(2)(iv)(D), Rhode Island explained that Smoke Management Programs (SMP) are only required when smoke impacts from fires managed for resource benefits contribute significantly to regional haze.[80] The 2017 NEI indicates that prescribed forest and agricultural fires emissions in Rhode Island are very minor; the inventory estimates that those emissions from those source categories totaled 34 tons of PM_{10}, 29 tons of $PM_{2.5}$ and 4 tons of SO_2 in 2017, which constitutes only a small portion of the total Rhode Island $PM_{2.5}$, PM_{10}, and SO_2 inventories (0.84%, 0.47%, 0.51%, respectively). Therefore, RIDEM OAR concludes that no substantial change has occurred that would alter the conclusions of the previous SIP regarding the sources of visibility impairment, and therefore no change is needed to make reasonable progress. EPA agrees that Rhode Island adequately considered smoke management practices as part of its submittal as required by 40 CFR 51.308(f)(2)(iv)(D).

Rhode Island considered the anticipated net effect of projected changes in point, area, and mobile source emissions over the period addressed by the LTS (*i.e.,* 2018–2028) as required by 40 CFR 51.308(f)(2)(iv)(E). Rhode Island considered the MANEVU-developed inventory projections and modeling for visibility impact for 2028 that incorporated the ''Asks'' for MANEVU states as well as the Asks developed for upwind states and EPA/FLMs. These projections and modeling incorporated the RIDEM OAR LTS from the first implementation period with no additional regulatory action for the second implementation period. The results of that modeling are shown as RPGs in Section 2 of the submittal and are also detailed in the presentation of RPGs in the MANE–VU visibility report.[81] The 2028 inventory projections

[78] See 2020 NEI Report *https://awsedap.epa.gov/public/extensions/nei_report_2020/dashboard.html#point-db.*

[79] See appendix 13, ''Regional Haze Metrics Trends and HYSPLIT Trajectory Analyses,'' at p. 51 (May 2017).

[80] See section 6.7 of RI Regional Haze Submittal.

[81] See appendix 22 ''Mid-Atlantic/Northeast U.S. Visibility Data, 2004–2017 (2nd RH SIP Metrics).'' MANE–VU (prepared by Maine Department of

Continued

demonstrate a substantial reduction in emissions and the modeling demonstrates a substantial improvement in visibility impairment through 2028.[82]

Because Rhode Island has reasonably considered each of the five additional factors, the EPA proposes to find that Rhode Island has satisfied the requirements of 40 CFR 51.308(f)(2)(iv).

F. Reasonable Progress Goals

Section 51.308(f)(3) contains the requirements pertaining to RPGs for each Class I area. Because Rhode Island does not host a Class I area, it is not subject to either 40 CFR 51.308(f)(3)(i) or 51.308(f)(3)(ii)(A). Section 51.308(f)(3)(ii)(B) requires that, if a state contains sources that are reasonably anticipated to contribute to visibility impairment in a Class I area in *another* state and the RPG for the most impaired days in that Class I area is above the URP glidepath, the upwind state must demonstrate that there are no additional emission reduction measures that may reasonably be anticipated to contribute to visibility impairment in the Class I area that would be reasonable to include in the long-term strategy.

None of the Class I areas in or adjacent to the MANEVU region have RPGs above their respective URP glidepath. Table 2–1 of Rhode Island's SIP submittal summarizes baseline, current, and reasonable progress goal haze index levels for class I areas in or adjacent to the MANEVU region. The table displays baseline (*i.e.,* visibility conditions during 2000–2004), natural, and current (2015–2019) visibility conditions for the most impaired and clearest days at each area. Additionally, Table 2–1 of the submittal shows the 2028 modeled visibility values with projected controls for the most impaired days and how those values compare to the URP glidepaths for 2028. The 2028 RPGs for each Class I area are well below their respective URP glidepath. Therefore, 40 CFR 51.308(f)(3)(ii)(B) is not applicable to Rhode Island.

G. Monitoring Strategy and Other Implementation Plan Requirements

Section 51.308(f)(6) specifies that each comprehensive revision of a state's regional haze SIP must contain or provide for certain elements, including monitoring strategies, emissions inventories, and any reporting, recordkeeping and other measures needed to assess and report on visibility. Since Rhode Island does not contain any Class I areas, it is not required to submit the monitoring strategy referenced in 51.308(f)(6), nor are the requirements in 51.308(f)(6)(i), (ii), and (iv) applicable.

40 CFR 51.308(f)(6)(iii), however, applies to states with no Class I areas (such as Rhode Island) and requires them to include in their Regional Haze SIPs procedures by which monitoring data and other information are used in determining the contribution of emissions from within the state to visibility impairment at Class I areas in other states. Visibility data analysis procedures are described in the MANEVU visibility data report. Other procedures and data used for determining Rhode Island's contribution to visibility impairment are described in section 4 of the Rhode Island SIP and the MANEVU documents referenced.[83]

Section 51.308(f)(6)(v) requires SIPs to provide for a statewide inventory of emissions of pollutants that are reasonably anticipated to cause or contribute to visibility impairment, including emissions for the most recent year for which data are available and estimates of future projected emissions. It also requires a commitment to update the inventory periodically. Rhode Island provides for emissions inventories and estimates for future projected emissions by participating in the MANEVU RPO and complying with EPA's Air Emissions Reporting Rule (AERR). In 40 CFR part 51, subpart A, the AERR requires states to submit updated emissions inventories for criteria pollutants to EPA's Emissions Inventory System (EIS) every three years. The emission inventory data are used to develop the NEI, which provides for, among other things, a triennial statewide inventory of pollutants that are reasonably anticipated to cause or contribute to visibility impairment.

Section 4 of Rhode Island's submission includes tables of NEI data. The source categories of the emissions inventories included are: (1) Point sources, (2) nonpoint sources, (3) nonroad mobile sources, and (4) onroad mobile sources. The point source category is further divided into AMPD point sources and non-AMPD point sources. Rhode Island included NEI emissions inventories for the following years: 2002 (one of the regional haze program baseline years), 2008, 2011, 2014, and 2017; and for the following pollutants: SO_2, NO_X, PM_{10}, $PM_{2.5}$, VOCs, and NH_3. Rhode Island also provided a summary of SO_2 and NO_X emissions for AMPD sources for the years 2002, 2008, 2011, 2014, and 2016–2019. Consideration of the 2020 NEI data shows small variability in emissions. However, the more recent emission data would likely not have affected Rhode Island's source selection or analysis of the already well-controlled facilities.

Section 51.308(f)(6)(v) also requires states to include estimates of future projected emissions and include a commitment to update the inventory periodically.[84] Rhode Island relied on the MANEVU 2028 emissions projections for MANEVU states. MANEVU completed two 2028 projected emissions modeling cases—a 2028 base case that considers only on-the-books controls and a 2028 control case that considers implementation of the MANEVU Asks.[85] The EPA proposes to find that Rhode Island has met the requirements of 40 CFR 51.308(f)(6) as described above, including through its continued participation in the MANEVU RPO and its on-going compliance with the AERR, and that no further elements are necessary at this time for Rhode Island to assess and report on visibility pursuant to 40 CFR 51.308(f)(6)(vi).

H. Requirements for Periodic Reports Describing Progress Towards the Reasonable Progress Goals

Section 51.308(f)(5) requires that periodic comprehensive revisions of states' Regional Haze plans also address the progress report requirements of 40 CFR 51.308(g)(1) through (5). The purpose of these requirements is to evaluate progress towards the applicable RPGs for any Class I area within the state and each Class I area outside the state that may be affected by emissions from within that state. Sections 51.308(g)(1) and (2) apply to all states and require a description of the status of implementation of all measures included in a state's first implementation period regional haze plan and a summary of the emission reductions achieved through implementation of those measures. Section 51.308(g)(3) applies only to

Environmental Protection). January 21, 2021, revision.

[82] See section 4.9 of the RI Regional Haze SIP submittal.

[83] See appendix 22 ''Mid-Atlantic/Northeast U.S. Visibility Data, 2004–2017 (2nd RH SIP Metrics).'' MANE–VU (prepared by Maine Department of Environmental Protection). January 21, 2021, revision.

[84] The CAA Amendments and the Air Emissions Reporting Rule (40 CFR part 51 Subpart A), requires that Rhode Island's Office of Air Resources conduct annual inventories of air emissions from point sources and periodic inventories every three years of emissions from nonpoint (area) sources, nonroad mobile sources, and on-road mobile sources. This data is electronically submitted to EPA and is part of the triannual NEI. For further information, visit *https://dem.ri.gov/environmental-protection-bureau/air-resources/emissions-inventory.*

[85] See appendix 21 ''OTC/MANEVU 2011 Based Modeling Platform Support.''

states with Class I areas within their borders and requires such states to assess current visibility conditions, changes in visibility relative to baseline (2000–2004) visibility conditions, and changes in visibility conditions relative to the period addressed in the first implementation period progress report. Section 51.308(g)(4) applies to all states and requires an analysis tracking changes in emissions of pollutants contributing to visibility impairment from all sources and sectors since the period addressed by the first implementation period progress report. This provision further specifies the year or years through which the analysis must extend depending on the type of source and the platform through which its emission information is reported. Finally, 40 CFR 51.308(g)(5), which also applies to all states, requires an assessment of any significant changes in anthropogenic emissions within or outside the state that have occurred since the period addressed by the first implementation period progress report, including whether such changes were anticipated and whether they have limited or impeded expected progress towards reducing emissions and improving visibility.

Rhode Island's submission describes the status of measures of the long-term strategy from the first implementation period.[86] As a member of MANEVU, Rhode Island considered the MANEVU Asks and adopted corresponding measures into its long-term strategy for the first implementation period. The MANEVU Asks were: (1) Timely implementation of Best Available Retrofit Technology (BART) requirements; (2) EGU controls including Controls at 167 Key Sources that most affect MANEVU Class I areas; (3) Low sulfur fuel oil strategy; and (4) Continued evaluation of other control measures.

During the first planning period for regional haze, programs that were put in place focused on reducing SO_2 emissions. Effective June 24, 2014, RIDEM OAR finalized amendments to 250–RICR–120–05–8: Sulfur Content of Fuels to lower the sulfur content of fuel oil. This rule was fully implemented by July 1, 2018, and Rhode Island continues to enforce the requirements of this regulation. The other MANEVU states implemented similar rules, and the reductions achieved from these and other measures reduced sulfates formed from SO_2 emissions and led to vast improvements in visibility at the MANEVU Federal Class I Areas. Lastly, Rhode Island committed to continued evaluation of other possible control measures that would reduce haze-causing emissions in consultation with other MANE–VU states. Thus, Rhode Island met all the identified reasonable measures requested during the first implementation period. The submittal also includes periodic emission data that demonstrate a decrease in VOCs, NO_X, PM and SO_2 emissions throughout the state.

The EPA proposes to find that Rhode Island has met the requirements of 40 CFR 51.308(g)(1) and (2) because its SIP submission describes the measures included in the long-term strategy from the first implementation period, as well as the status of their implementation and the emission reductions achieved through such implementation.

Pursuant to 40 CFR 51.308(g)(4), Rhode Island provides a summary of emissions of NO_X, SO_2, PM_{10}, $PM_{2.5}$, VOCs, and NH_3 from all sources and activities, including from point, nonpoint, nonroad mobile, and onroad mobile sources, for the time period from 2002 to 2017, based on emission inventory information submitted pursuant to the AERR in 40 CFR part 51, subpart A. With respect to sources that report directly to EPA, Rhode Island also included AMPD state summary data for SO_2 and NO_X emissions for 2016 through 2019. The reductions achieved by Rhode Island emission control measures are seen in the emissions inventory.

Based on Rhode Island's SIP submittal, the State experienced a 50% NO_X emissions reduction from 2002 to 2017. These reductions are largely from the nonroad and onroad mobile sectors which account for 15,545 tons of NO_X reduction. As a result of Federal rules to reduce emissions from nonroad vehicles and equipment, new engine standards for nonroad vehicles and equipment have driven these reductions in the nonroad sector. Examples of regulatory programs that have reduced, and/or will continue to reduce, emissions from nonroad vehicles and equipment include *Control of Emissions of Air Pollution from Nonroad Diesel Engines and Fuel,*[87] *Control of Emissions from Air Pollution from Locomotive Engines and Marine Compression-Ignition Engines Less Than 30 Liters Per Cylinder,*[88] and *Control of Emissions from Nonroad Spark-Ignition Engines and Equipment.*[89] Onroad mobile emission reductions are due in part to Rhode Island's adoption of more stringent motor vehicle emission standard regulations.[90] These SIP-approved standards ensure that vehicles sold in the state meet increasingly stringent emissions requirements through time, driving emissions reductions in the onroad sector. Furthermore, NO_X emissions are expected to continue to decrease as fleet turnover occurs and the older more polluting vehicles and equipment are replaced by newer, cleaner ones.

Table 4–1 of Rhode Island's SIP submittal shows nonpoint emissions doubling from 2008 to 2011. Starting in 2008, marine vessels and underway rail emissions were included in the NEI nonpoint data category instead of the nonroad data category. However, in more recent years these nonroad sources are displaying decreases due to the above-mentioned Federal rules for new engine standards for nonroad vehicles and equipment. Most other nonpoint area source NO_X emissions, approximately 75 percent, are from residential and commercial natural gas fuel combustion for heating purposes. Additional area source NO_X emissions are from distillate fuel combustion, residential wood burning, prescribed burning and forest fires. Increases in emissions from 2011 to 2014 are due to increases in natural gas consumption and EPA methodology changes for fuel combustion emissions from boilers and engines, and for wildfires and prescribed burning.

Emissions of SO_2 have shown a significant decline of 90% in Rhode Island over the period 2002 to 2017. The reduction in point source emissions is primarily due to the revision to 250–RICR–120–05–8, Sulfur Content of Fuels which, as described previously in this notice, phased in an approach for requiring reduced sulfur content in fuel. The emission decreases in the nonroad sector from 2002 to 2008 are partly due to EPA moving the marine vessels and railroad emissions from the nonroad sector to the nonpoint sector. Subsequently, decreases in nonpoint sector emissions are mostly due to Federal rules that reduced sulfur content in nonroad mobile diesel fuel and to increased use of low sulfur distillate oil for heating. Since some components of the MANEVU low sulfur fuel strategy were not implemented until 2018, and as MANEVU states continue to adopt rules to implement the strategy, additional SO_2 emissions reductions are expected to continue.

Table 4–18 of Rhode Island's submittal shows VOC emissions from all

[86] See Section 3 of the RI Regional Haze SIP submittal.

[87] See 69 FR 38958.

[88] See 73 FR 37096.

[89] See 73 FR 59034.

[90] See *https://rules.sos.ri.gov/Regulations/Part/250-120-05-37.*

NEI data categories for the period 2002 to 2017 in Rhode Island. VOC emissions decreased by 57%, 23,483 tons, across all NEI data categories since 2002 to 2017. Much of the decrease in VOC emissions is due to Federal and State rules for evaporative sources such as the following: portable fuel containers; architectural, industrial, and maintenance coatings; consumer products; and solvent degreasing. Evaporative VOC emissions from these types of sources are expected to continue to decline as more states adopt rules based on the Ozone Transport Commission (OTC) Model Rules.[91] Evaporative VOC emissions from onroad mobile sources have decreased due to state motor vehicle inspection and maintenance programs and the increasing prevalence of on-board refueling vapor recovery (ORVR) equipped vehicles in the fleet. VOC emissions from nonroad and onroad mobile sources are expected to continue to decrease as older, more polluting vehicles are replaced by newer, cleaner ones. Other decreases are due to state VOC RACT rules.

In Rhode Island's submittal, table 4–7 shows a summary of PM_{10} emissions from all NEI data categories for the period from 2002 to 2017. In Rhode Island, PM_{10} emissions steadily decreased in the point, nonpoint, and nonroad categories for this period. There was an overall reduction in PM_{10} emissions of 21%. Most of this reduction came from the nonpoint category due to fuel switching from oil to natural gas. The variation in emissions in the nonpoint category is due to changes in calculation methodologies for residential wood burning and fugitive dust categories, which have varied significantly. The apparent increase in the onroad emissions is due to changes in emission inventory calculation methodologies, which resulted in higher particulate matter estimates.

Table 4–10 of Rhode Island's submittal shows a summary of $PM_{2.5}$ emissions from all NEI data categories for the period from 2002 to 2017. Overall, $PM_{2.5}$ emissions increased by 41%. However, much of this increase is due to Rhode Island not submitting $PM_{2.5}$ data for point and nonpoint sources in 2002. Rhode Island submitted total particulate matter data in 2002 which was augmented by EPA for $PM_{2.5}$. Additionally, the data in Table 4–10 do not accurately reflect the reduction in $PM_{2.5}$ emissions anticipated based on the large number of point sources that would be in the nonpoint category for fuel combustion switching from oil to natural gas. The variations in the onroad and nonpoint category are due to changes in emission inventory calculation methodologies, which resulted in higher particulate matter estimates in some years. $PM_{2.5}$ emissions steadily decreased in the nonroad category for this period. This reduction can likely be attributed to new Federal engine standards for nonroad vehicles and equipment.[92]

Table 4–21 of Rhode Island's submission shows ammonia (NH_3) emissions from all NEI data categories for the period 2002 to 2017. Though ammonia decreases were achieved in the onroad sector due to Federal new engine standards for vehicles and equipment, increases and decreases from 2002 to 2017 in the other categories are due to reporting, grouping and methodology changes. There was a reduction in the point source category and little change in the nonroad category.

The EPA is proposing to find that Rhode Island has satisfied the requirements of 40 CFR51.308(g)(4) by providing emissions information for NO_X, SO_2, PM_{10}, $PM_{2.5}$, VOC, and NH_3 broken down by type of source.

The emissions trend data in the SIP submission support Rhode Island's assessment that no significant increase of haze-causing pollutant emissions has occurred in the state during the reporting period and that changes in emissions have not limited or impeded progress in reducing pollutant emissions and improving visibility. The EPA is proposing to find that Rhode Island has met the requirements of 40 CFR51.308(g)(5).

I. Requirements for State and Federal Land Manager Coordination

Section 169A(d) of the Clean Air Act requires states to consult with FLMs before holding the public hearing on a proposed regional haze SIP, and to include a summary of the FLMs' conclusions and recommendations in the notice to the public. In addition, section 51.308(i)(2)'s FLM consultation provision requires a state to provide FLMs with an opportunity for consultation that is early enough in the state's policy analyses of its emission reduction obligation so that information and recommendations provided by the FLMs can meaningfully inform the state's decisions on its long-term strategy. If the consultation has taken place at least 120 days before a public hearing or public comment period, the opportunity for consultation will be deemed early enough, but the opportunity for consultation must be provided at least sixty days before a public hearing or public comment period at the state level. Section 51.308(i)(2) also requires that the consultation include the opportunity for the FLMs to discuss their assessment of visibility impairment in any Class I area and their recommendations on the development and implementation of strategies to address visibility impairment. Section 51.308(i)(3) requires states, in developing their implementation plans, to include a description of how they addressed FLMs' comments.

The states in the MANEVU RPO conducted FLM consultation early in the planning process concurrent with the state-to-state consultation that formed the basis of the RPO's decision making process. As part of the consultation, the FLMs were given the opportunity to review and comment on the technical documents developed by MANE–VU. The FLMs were invited to attend the intra- and inter-RPO consultations calls among states and at least one FLM representative was documented to have attended seven intra-RPO meetings and all inter-RPO meetings. Rhode Island participated in these consultation meetings and calls.[93]

As part of this early engagement with the FLMs, on April 12, 2018, the NPS sent letters to the MANEVU states requesting that they consider specific individual sources in their long-term strategies.[94] NPS used an analysis of emissions divided by distance (Q/d) to estimate the impact of MANEVU facilities. To select the facilities, NPS first summed 2014 NEI NO_X, PM_{10}, SO_2, and SO_4 emissions and divided by the distance to a specified NPS mandatory Class I Federal area. NPS summed the Q/d values across all MANEVU states relative to Acadia, Mammoth Cave, and Shenandoah National Parks, ranked the Q/d values relative to each Class I area, created a running total, and identified those facilities contributing to 80% of the total impact at each NPS Class I area. NPS applied a similar process to facilities in Maine but relative to just Acadia National Park. NPS merged the resulting lists of facilities and sorted them by their states. NPS suggested that a state consider those facilities

[91] See *https://otcair.org/materials/model-rules-and-guidelines.*

[92] See *https://www.epa.gov/emission-standards-reference-guide/epa-emission-standards-nonroad-engines-and-vehicles* for info on EPA's nonroad engine programs.

[93] See appendix 20 ''MANEVU Regional Haze Consultation Report and Consultation Documentation.''

[94] *Id.*

comprising 80% of the Q/d total, not to exceed the 25 top ranked facilities. The NPS identified one facility in Rhode Island in this letter; Dominion Energy Manchester Street, INC.[95] As explained in the discussion for Ask 1, Manchester Street facility operates three 119.05 MW combustion turbines capable of burning #2 fuel oil and natural gas and is equipped with an SCR system. The operating permit of this facility limits NO_X emissions to 47.5 and 78.78 lb/hr for natural gas and #2 fuel oil, respectively, and limits SO_2 emissions to 73.13 and 63.8 lb/hr for natural gas and #2 fuel oil, respectively.[96] The units are required to comply with all applicable Federal and State regulations as identified in the enforceable permit.

On July 30, 2024, RIDEM OAR sent its pre-proposal draft SIP revision to representatives of the NPS, the U.S. Forest Service (USFS), and the U.S. Fish and Wildlife Service for a 60-day review and comment period pursuant to 40 CFR 51.308(i)(2) before making it available for public comment. Rhode Island received responses from the NPS and the USFS. The NPS stated that it ''appreciate[d RIDEM's] work for clean air and clear views across the region and d[id] not intend to provide further conclusions and recommendations on the Rhode Island Regional Haze SIP revision.'' The NPS further stated that ''emissions from Rhode Island facilities have not been identified as impairing visibility at any National Park Service managed Class I areas.'' [97] The USFS also responded by noting its satisfaction with the draft proposal and acknowledging the opportunity to work closely with Rhode Island through the initial evaluation, development, and subsequent review of this plan.[98]

Rhode Island held a public comment period for this Regional Haze SIP revision. On January 24, 2025, RIDEM issued a notice of public hearing and comment and the availability of the draft Regional Haze SIP revision for 2018–2028 on RIDEM's web page. The notice announced the opportunity to submit written comments or requests for public hearing until February 28, 2025. No comments or requests for a public hearing were received.

For the reasons stated above, the EPA proposes to find that Rhode Island has satisfied the requirements under CAA section 169A(d) and 40 CFR 51.308(i) to consult with the FLMs on its regional haze SIP for the second implementation period.

J. Other Required Commitments

Rhode Island's March 7, 2025, SIP submission includes a commitment to revise and submit a regional haze SIP in 2028, and every ten years thereafter. The state's commitment includes submitting periodic progress reports in accordance with 40 CFR51.308(f) and a commitment to evaluate progress towards the reasonable progress goal for each mandatory Class I Federal area located within the state and in each mandatory Class I Federal area located outside the state that may be affected by emissions from within the state in accordance with 40 CFR51.308(g).

V. EPA's Evaluation of Rhode Island's Infrastructure SIP for the 2015 Ozone Standard

A. Background and Purpose

On October 1, 2015, EPA promulgated a revision to the ozone NAAQS (2015 ozone NAAQS), lowering the level of both the primary and secondary standards to 0.070 parts per million (ppm). Section 110(a)(1) of the CAA requires states to submit, within 3 years after promulgation of a new or revised standard, SIPs meeting the applicable requirements of section 110(a)(2). On September 23, 2020, RIDEM submitted a revision to its SIP addressing the infrastructure requirements of CAA sections 110(a)(1) and 110(a)(2) for the 2015 ozone NAAQS.

Effective November 15, 2021, EPA approved Rhode Island's submittal as adequately addressing the following CAA elements or portions thereof: 110(a)(2)(A); (B); (C); (D) except (D)(i)(I) and (D)(i)(II)–visibility protection; (E); (F); (G); (J); (K); (L); (M) and disapproved for element (H)- future SIP revisions. This action did not include three interstate transport provisions under section 110(a)(2)(D)(i), namely the ''good neighbor'' provisions at section 110(a)(2)(D)(i)(I) (also known as the State's Transport SIP or ''prongs 1 and 2'') and the provision relating to visibility protection at 110(a)(2)(D)(i)(II) (also known as ''prong 4'').

Shortly after, effective January 10, 2022, EPA approved Rhode Island's submittal as adequately addressing the ''good neighbor'' provisions at section 110(a)(2)(D)(i)(I). With the proposed approval of Rhode Island's Regional Haze plan for the second implementation period, today's action is proposing approval of the remaining element of Rhode Island's September 2020 ISIP for addressing requirements under section 110(a)(2)(D)(i)(II)—visibility protection, also known as ''prong 4''.

B. Section 110(a)(2)(D)(i)(II)—Visibility Protection

CAA Section 110(a)(2)(D)(i)(II), prong 4, requires SIPs to contain adequate provisions to prohibit emissions in amounts that will interfere with measures required to be included in the applicable implementation plan for any other state under part C of the Act to protect visibility. EPA issued guidance on infrastructure SIPs in a September 13, 2013, memorandum titled ''Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act sections 110(a)(1) and 110(a)(2)'' (''2013 Guidance''). The 2013 Guidance states that these prong 4 requirements can be satisfied by approved SIP provisions that the EPA has found to adequately address any contribution of that state's sources that impact the visibility program requirements in other states.[99]

The 2013 Guidance lays out how a state's infrastructure SIP may satisfy prong 4. In the second planning period, confirmation that the state has a fully approved regional haze SIP that fully meets the requirements of 40 CFR 51.308 will satisfy the requirements of prong 4.[100] A fully approved regional haze SIP [101] will ensure that emissions from sources under an air agency's jurisdiction are not interfering with measures required to be included in other air agencies' plans to protect visibility.

In the second planning period, EPA's Regional Haze regulations under 40 CFR 51.308(f) require that a State consider the emission reduction measures identified by other States as being necessary to make reasonable progress towards meeting the national visibility goal in Class I Federal areas. Specifically, the regulations also require a State to include in its Regional Haze SIP all measures agreed to during that process or measures that will provide equivalent visibility improvement. 40

[95] *Id.*

[96] A copy of the operating permit for this facility can be found in the docket of this rulemaking.

[97] See appendix 24 ''National Park Service Comment on Proposed RI Regional Haze SIP.''

[98] See appendix 23 ''USDA Comment Letter RI Regional Haze SIP.''

[99] 2013 Guidance at 32–33. A copy of this guidance can be found in the docket of this rulemaking.

[100] The EPA acknowledges that in the 2013 Guidance, we indicated that the EPA may find it appropriate to supplement the guidance regarding the relationship between regional haze SIPs and prong 4 after second implementation period SIPs become due, which occurred on July 31, 2021. After a review of the 2013 Guidance and the second implementation period regional haze requirements, the EPA maintains the interpretation that a fully approved regional haze SIP satisfies prong 4 requirements in the second implementation period.

[101] Since second implementation period SIPs became due, a ''fully approved regional haze SIP'' would necessarily include fully approved first and second implementation period regional haze SIPs.

CFR 51.308(f)(2)(ii). Thus, in meeting the requirements of 40 CFR 51.308(f), an approved regional haze SIP meeting the requirements of 40 CFR 51.308(f)(2)(ii) will ensure that emissions from sources under an air agency's jurisdiction are not interfering with measures required to be included in other air agencies' plans to protect visibility and will, therefore, satisfy Prong 4.

As discussed above, Rhode Island is a member of the MANEVU RPO and participated in the RPO's regional approach to identifying emission reduction measures necessary to make reasonable progress towards the national visibility goal in the MANEVU Class I areas. That process also included consultations with States in other RPOs, and Rhode Island did not receive any requests from non-MANEVU States to consider additional measures to address visibility impairment in Class I areas outside the MANEVU States. In today's action, EPA has proposed to approve Rhode Island's submittal as meeting the requirements of 40 CFR 51.308(f) for the second planning period. See Section IV.E.c. Accordingly, EPA also proposes that Rhode Island meets the visibility protection requirements of CAA § 110(a)(2)(D)(i)(II) for the 2015 ozone NAAQS.

VI. Proposed Action

The EPA is proposing to approve the ''Rhode Island Regional Haze State Implementation Plan Revision for the Second Implementation Period (2018–2028)'', final submittal dated March 2025 and submitted to EPA on March 7, 2025, as satisfying the regional haze requirements for the second implementation period contained in 40 CFR 51.308(f), (g), and (i). Additionally, EPA is proposing approval of the remaining element of Rhode Island's September 23, 2020, ISIP for addressing requirements under section 110(a)(2)(D)(i)(II)—visibility protection, also known as ''prong 4''.

VI. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely proposes to approve state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA.

In addition, this proposed rulemaking action, pertaining to Rhode Island regional haze SIP submission for the second planning period, is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Ozone, Particulate matter, Sulfur oxides.

Dated: October 29, 2025.

Mark Sanborn,

Regional Administrator, Region 1.

[FR Doc. 2025–20444 Filed 11–19–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2025–1311; FRL–13029–01–R1]

Air Plan Approval; Connecticut; Ozone Ambient Air Quality Standard and Adhesive and Sealants Regulation Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of Connecticut. This revision updates state regulations containing ambient air quality standards (AAQS) for ozone to be consistent with EPA's national ambient air quality standards (NAAQS). In addition, this update clarifies the volatile organic compound (VOC) calculation methods for adhesive and sealant products. The intended effect of this action is to propose approval of these regulations into the Connecticut SIP. This action is being taken under the Clean Air Act.

DATES: Written comments must be received on or before December 22, 2025.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R01–OAR–2025–1311 at *https://www.regulations.gov,* or via email to *Berman.Laura@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the ''For Further Information Contact'' section. For the full EPA public comment policy, information about CBI or multimedia

submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.* Publicly available docket materials are available at *https://www.regulations.gov* or at the U.S. Environmental Protection Agency, EPA Region 1 Regional Office, Air and Radiation Division, 5 Post Office Square—Suite 100, Boston, MA. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection.

FOR FURTHER INFORMATION CONTACT: Laura Berman, Energy and Resilience Branch, U.S. Environmental Protection Agency, EPA Region 1, 5 Post Office Square—Suite 100, (Mail code 5–MI), Boston, MA 02109–3912, tel. (617) 918–1856, email *Berman.Laura@epa.gov.*

SUPPLEMENTARY INFORMATION:

Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA.

Table of Contents

I. Background and Purpose
A. The 2015 Ozone NAAQS
B. Ozone Transport Commission Model Rule for Adhesives and Sealants
II. EPA's Evaluation of Connecticut's Submittal
A. RCSA 22a–174–24
B. RCSA 22a–174–44
III. Proposed Action
IV. Incorporation by Reference
V. Statutory and Executive Order Reviews

I. Background and Purpose

On April 30, 2025, the Connecticut Department of Energy and Environmental Protection (CT DEEP) submitted a revision to its State Implementation Plan for sections 22a–174–24 and 22a–174–44 of the Regulations of Connecticut State Agencies (RCSA). The revision consists of adding the 0.070 parts per million ozone standard in RCSA 22a–174–24 and clarifying the volatile organic compound calculation methods available for adhesive and sealant products in RCSA 22a–174–44.

A. The 2015 Ozone NAAQS

Section 109 of the Clean Air Act (CAA) directs EPA to establish National Ambient Air Quality Standards requisite to protect public health with an adequate margin of safety (primary standard) and for the protection of public welfare (secondary standard). Sections 109(d)(1) of the CAA requires EPA to complete a thorough review of the NAAQS at 5-year intervals and promulgate new standards when appropriate. Additionally, Section 107 of the CAA requires the establishment of air quality control regions for the purpose of implementing the NAAQS.

On October 26, 2015, EPA revised both the primary and secondary NAAQS for ozone to a level of 0.070 parts per million (ppm) to provide increased protection of public health and the environment (*See* 80 FR 65292). This final ozone rule became effective on December 28, 2015.

B. Ozone Transport Commission Model Rule for Adhesives and Sealants

The Ozone Transport Commission (OTC) is a multi-state organization created under Section 184 of the Clean Air Act. The OTC is responsible for advising EPA on developing and implementing regional solutions to the ground-level ozone problem in the Northeast and Mid-Atlantic regions. The OTC committees develop consensus-based model rules and guidelines for use by their members at their discretion. The OTC itself is not a regulatory authority and does not adopt these as requirements for the region. Each OTC member that opts to adopt a model rule or guideline may modify it according to its own circumstances, and each OTC member is the primary authority on interpreting its rules and guidelines within its jurisdiction.

On December 7, 2006, the OTC issued the OTC Model Rule of Adhesives and Sealants.[1] The provisions of this model rule limit emissions of VOCs from adhesives, sealants and primers. The model rule achieves VOC reductions through two basic components: sale and manufacture restrictions that limit the VOC content of specified adhesives, sealants and primers sold in the state; and use restrictions that apply primarily to commercial/industrial applications. By reducing the availability of higher VOC content adhesives and sealants within the state, the sales prohibition is also intended to address adhesive and sealant usage at area sources. Emissions from residential use of regulated products are addressed through the sales restrictions and simple use provisions. The model rule is based on a 1998 reasonable available control technology (RACT) determination prepared by the California Air Resources Board (CARB).[2] On April 2, 2024, the OTC issued corrective/clarifying revisions to the model rule to clarify the VOC calculation methods available for adhesive and sealant products.[3]

II. EPA's Evaluation of Connecticut's Submittal

A. RCSA 22a–174–24

Connecticut's April 30, 2025, SIP submittal includes revisions to RCSA section 22a–174–24, ''Connecticut primary and secondary ambient air quality standards.'' Specifically, CT DEEP is revising subsection (i) of section 22a–174–24 by adding subdivision (3) into Connecticut's SIP. This regulation has been revised to maintain consistency between the Connecticut AAQS and EPA's NAAQS for ozone. Specifically, Connecticut adopted the 2015 ozone primary and secondary 8-hour standards of 0.070 parts per million. A copy of CT DEEP's revisions to RCSA section 22a–174–24 is located in the docket of this proposed rulemaking.[4]

Connecticut's air quality standards rule, RCSA section 22a–174–24, as well as amendments to this rule, have been previously approved into the Connecticut SIP, with the most recent approval occurring on June 24, 2015 (*See* 80 FR 36242). EPA has reviewed Connecticut's revisions to its ambient air quality standards, definitions, and references and has determined they are consistent with the federal NAAQS in 40 CFR part 50. Connecticut's revised RCSA section 22a-174–24 includes additional and more stringent air quality standards than the previous SIP-approved version of this rule. Thus, the revised RCSA section 22a–174–24 satisfies the anti-backsliding requirements in Section 110(l) of the CAA and we are proposing to approve Connecticut's revised rule into the Connecticut SIP.

B. RCSA 22a–174–44

Connecticut's April 30, 2025, SIP submittal includes revisions to RCSA section 22a–174–44, ''Adhesives and sealants.'' Specifically, CT DEEP is revising subdivision (2) of subsection (e) of section 22a–174–44 in Connecticut's SIP. This regulation has been revised to correct the VOC calculation methods for adhesive and sealant products. Specifically, the correction clarifies the VOC content determinations for low-solids adhesives, sealants, adhesive primers and sealant primers as set out in subparagraph (C) of subdivision (2).

[1] *See* OTC Model Rule for Adhesives and Sealants.

[2] *See* CARB Determination of Reasonably Available Control Technology and Best Available Retrofit Control Technology for Adhesives and Sealants.

[3] *See* OTC Model Rules and Guidelines.

[4] *See* State Implementation Plan Revision Concerning Minor Revisions to Two Air Quality Regulations: Attachment A–2, Changes to the State Implementation Plan Resulting from the Amendment of RCSA Sections 22a–174–24 and 22a–174–44 (p. 14).

Additionally, this correction clarifies the calculation methodology for non-low solids adhesives, sealants, adhesive primers and sealant primers. A copy of CT DEEP's revisions to RCSA section 22a–174–44 is located in the docket of this proposed rulemaking.[5]

Connecticut's adhesives and sealants rule, RCSA section 22a–174–44, has been previously approved into the Connecticut SIP on June 9, 2014 (*See* 79 FR 32873). RCSA section 22a–174–44 is based on the OTC Model Rule for Adhesives and Sealants and includes the calculation methods available for adhesive and sealant products from the OTC Model Rule. EPA has reviewed Connecticut's revisions to its adhesives and sealants rule and has determined they are consistent with the revised April 2, 2024, OTC Model Rule for Adhesives and Sealants. EPA is proposing to approve Connecticut's revised rule into the Connecticut SIP.

III. Proposed Action

EPA is proposing to approve Connecticut's April 30, 2025 SIP revision to their RCSA 22a–174–24 and 22a–174–44, and incorporate each into the Connecticut SIP. EPA is soliciting public comments on the issues discussed in this notice or on other relevant matters. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to this proposed rule by following the instructions listed in the **ADDRESSES** section of this **Federal Register**.

IV. Incorporation by Reference

In this rule, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference changes to Connecticut RCSA sections 22a–174–24 and 22a–174–44 as adopted on April 2, 2025, and described in section II. of this preamble. The changes primarily update the AAQS to match the primary and secondary NAAQS for ozone and clarifies VOC calculation methods for adhesive and sealant products. The EPA has made, and will continue to make, these documents generally available through *https://www.regulations.gov* and at the EPA Region 1 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Clean Air Act and applicable Federal regulations. *See* 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this proposed action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993);
- Is not subject to Executive Order 14192 (90 FR 9065, February 6, 2025) because SIP actions are exempt from review under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a state program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act.

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: October 1, 2025.

Mark Sanborn,

Regional Administrator, EPA Region 1.

[FR Doc. 2025–20463 Filed 11–19–25; 8:45 am]

BILLING CODE 6560–50–P

[5] *See* State Implementation Plan Revision Concerning Minor Revisions to Two Air Quality Regulations: Attachment A–2, Changes to the State Implementation Plan Resulting from the Amendment of RCSA Sections 22a–174–24 and 22a–174–44 (p. 14–16).

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2025–0205; FRL–11969–01–R3]

Air Plan Approval; Delaware; 2006 24-Hour Fine Particulate Matter Limited Maintenance Plan for the Philadelphia Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a limited maintenance plan (LMP) submitted by the Delaware Department of Natural Resources and Environmental Control (DNREC). This LMP is a revision to Delaware's state implementation plan (SIP) and addresses the New Castle County portion of the Philadelphia-Wilmington, PA–NJ–DE area (Philadelphia Area). The EPA is proposing to approve the New Castle County portion of the Philadelphia Area LMP because it provides for the maintenance of the 2006 24-hour fine particulate matter ($PM_{2.5}$) national ambient air quality standard (NAAQS) through the end of the second 10-year maintenance period. In addition, the EPA is initiating the process to find the LMP adequate for transportation conformity purposes. This action is being taken under the Clean Air Act (CAA).

DATES: Written comments must be received on or before December 22, 2025.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R03–OAR–2025–0205 at *www.regulations.gov,* or via email to *gordon.mike@epa.gov.* For comments submitted at *Regulations.gov,* follow the online instructions for submitting comments. Once submitted, comments

cannot be edited or removed from *Regulations.gov*. For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Sarah McCabe, Planning & Implementation Branch (3AD30), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1600 John F Kennedy Boulevard, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–5786. Ms. McCabe can also be reached via electronic mail at *mccabe.sarah@epa.gov.*

SUPPLEMENTARY INFORMATION: On April 15, 2024, DNREC submitted a revision to the State's SIP. This revision is a LMP for the second 10-year maintenance period for the 2006 24-hour $PM_{2.5}$ NAAQS for the New Castle County portion of the Philadelphia-Wilmington, PA–NJ–DE area. The Philadelphia Area is comprised of New Castle County in Delaware; Burlington, Camden, and Gloucester Counties in New Jersey; and Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties in Pennsylvania. This action is expected to ensure that the State of Delaware meets CAA requirements.

I. Background

A. The $PM_{2.5}$ NAAQS

Under section 109 of the CAA, the EPA has established NAAQS for certain pervasive air pollutants (referred to as ''criteria pollutants'') and conducts periodic reviews of the NAAQS to determine whether they should be revised or whether new NAAQS should be established. The EPA sets the NAAQS for criteria pollutants at levels required to protect public health and welfare.[1] The EPA's particulate matter standards address particles with diameters that are generally two and half micrometers or smaller (fine particulate matter or $PM_{2.5}$) and particles with diameters that are generally 10 micrometers or smaller (PM_{10}). $PM_{2.5}$ is one of the ambient pollutants for which the EPA has established health-based standards.

Fine particulate matter contributes to effects that are harmful to human health and the environment, including premature mortality, aggravation of respiratory and cardiovascular disease, decreased lung function, visibility impairment, and damage to vegetation and ecosystems. Individuals particularly sensitive to $PM_{2.5}$ exposure include older adults, people with heart and lung disease, and children. *See* 78 FR 3086 at 3088 (January 15, 2013). $PM_{2.5}$ can be emitted directly into the atmosphere as a solid or liquid particle (primary $PM_{2.5}$ or direct $PM_{2.5}$) or can be formed in the atmosphere (secondary $PM_{2.5}$) as a result of various chemical reactions among precursor pollutants such as nitrogen oxides (NO_X), sulfur dioxide (SO_2), volatile organic compounds (VOCs), and ammonia (NH_3).[2]

On July 18, 1997 (62 FR 38652), the EPA revised the NAAQS for particulate matter to add new standards for $PM_{2.5}$. The Agency established primary and secondary annual and 24-hour standards for $PM_{2.5}$. The annual standard was set at 15.0 micrograms per cubic meter ($\mu g/m^3$) based on a 3-year average of annual mean $PM_{2.5}$ concentrations, and the 24-hour (daily) standard was set at 65 $\mu g/m^3$ based on the 3-year average of the annual 98th percentile values of 24-hour $PM_{2.5}$ concentrations at each population-oriented monitor within an area.[3]

On October 17, 2006 (71 FR 61144), the EPA promulgated the 2006 $PM_{2.5}$ NAAQS. It retained the annual average NAAQS at 15.0 $\mu g/m^3$ but lowered the level of the 24-hour $PM_{2.5}$ NAAQS to 35 $\mu g/m^3$ based on a 3-year average of the annual 98th percentile values of 24-hour concentrations.[4]

On December 14, 2012, the EPA promulgated the 2012 $PM_{2.5}$ NAAQS, including lowering the annual standard to 12.0 $\mu g/m^3$ based on a 3-year average of annual mean $PM_{2.5}$ concentrations. The EPA maintained the 24-hour standard of 35 $\mu g/m^3$ based on a 3-year average of the 98th percentile of 24-hour concentrations. *See* 78 FR 3086 (January 15, 2013).

On February 7, 2024, the EPA revised the NAAQS for particulate matter to add new standards for $PM_{2.5}$. The EPA strengthened the level of the annual primary $PM_{2.5}$ standard from 12.0 $\mu g/m^3$ to 9.0 $\mu g/m^3$. The EPA retained the primary and secondary 24-hour $PM_{2.5}$ standards, secondary annual $PM_{2.5}$ standard, and primary and secondary PM_{10} standards. *See* 89 FR 16202 (March 6, 2024).

B. Designation of $PM_{2.5}$ NAAQS Nonattainment Areas and Subsequent Actions

Following promulgation of a new or revised NAAQS, the EPA is required by CAA section 107(d) to designate areas throughout the nation as attaining or not attaining the NAAQS. On November 13, 2009 (74 FR 58688), the EPA designated the Philadelphia Area as nonattainment for the 2006 24-hour $PM_{2.5}$ NAAQS.

Initially, the EPA did not assign classifications for $PM_{2.5}$ for the 2006 24-hour NAAQS (*e.g.* marginal, moderate, etc.). Subsequently, on January 4, 2013, the Court of Appeals for the District of Columbia remanded the EPA's implementation rule as a result of *Natural Resources Defense Council* v. *EPA,* 706 F.3d 428 (D.C. Cir. 2013), regarding the failure of the EPA to assign classifications for $PM_{2.5}$ for the 2006 24-hour NAAQS. The Court concluded that the EPA had improperly based the 2007 implementation rule for the 2006 24-hour $PM_{2.5}$ NAAQS solely upon the requirements of Title I, part D, subpart 1 of the CAA, and had failed to address the requirements of part D, subpart 4. In response to the court decision, the EPA subsequently assigned classifications to the applicable areas. On April 25, 2014, the EPA finalized a rule identifying the classification of all $PM_{2.5}$ areas currently designated nonattainment for the 2006 24-hour $PM_{2.5}$ NAAQS as ''Moderate'' (79 FR 31566, June 2, 2014).

On November 27, 2012, the State of Delaware submitted to the EPA a redesignation request and maintenance plan for the New Castle County portion

[1] For a given air pollutant, ''primary'' national ambient air quality standards are those determined by the EPA as requisite to protect the public health. ''Secondary'' standards are those determined by the EPA as requisite to protect the public welfare from any known or anticipated adverse effects associated with the presence of such air pollutant in the ambient air. CAA section 109(b).

[2] EPA, Air Quality Criteria for Particulate Matter, No. EPA/600/P–99/002aF and EPA/600/P–99/002bF, October 2004.

[3] The primary and secondary standards were set at the same level for both the 24-hour and the annual $PM_{2.5}$ standards.

[4] Under EPA regulations at 40 CFR part 50, the primary and secondary 2006 24-hour $PM_{2.5}$ NAAQS are attained when the annual arithmetic mean concentration, as determined in accordance with 40 CFR part 50, appendix N, is less than or equal to 35 $\mu g/m^3$ at all relevant monitoring sites in the subject area, averaged over a 3-year period.

of the Philadelphia Area. The EPA redesignated the New Castle County portion of the Philadelphia Area from nonattainment to attainment for the 2006 24-hour $PM_{2.5}$ NAAQS and approved the maintenance plan for the first 10-year maintenance period effective September 4, 2014 (79 FR 45350, August 5, 2014). The first 10-year maintenance period for the New Castle County portion of the Philadelphia Area ended on September 4, 2024, and the Area's second 10-year maintenance period, which is the subject of this proposed rulemaking, extends through September 4, 2034.

C. Limited Maintenance Plans

Section 107(d)(3)(E) of the CAA sets out the requirements for redesignating a nonattainment area to attainment. One of the criteria for redesignation is to have an approved maintenance plan under section 175A of the Act. Section 175A requires that nonattainment areas seeking redesignation to attainment submit ''a revision of the applicable state implementation plan to provide for the maintenance of the [NAAQS] for such air pollutant in the area concerned for at least 10 years after the redesignation.'' Pursuant to section 175A(b), eight years into the first maintenance period, the applicable state or local agency must submit a second maintenance plan demonstrating that the area will continue to attain for the following 10-year period. On September 4, 1992, the EPA issued guidance on the content of a maintenance plan (Memorandum from John Calcagni, Director, Air Quality Management Division, entitled ''Procedures for Processing Requests to Redesignate Areas to Attainment,'' (hereinafter referred to as the ''Calcagni Memorandum'')) [5] which explained that states may meet this requirement to ''provide for the maintenance of the NAAQS'' by using projected emissions inventories or air quality modeling showing continued maintenance until the end of the relevant maintenance period. The EPA clarified in subsequent guidance memoranda that rather than using air quality modeling or an emission inventory projection, certain areas could meet the CAA section 175A requirement to provide for maintenance by demonstrating that the area's design value was well below the NAAQS and that the historical stability of the area's air quality levels showed that the area was unlikely to violate the NAAQS in the future.[6] Design values (DV) for the 2006 24-hour $PM_{2.5}$ NAAQS are calculated using the 3-year average of annual 98th percentile 24-hour average $PM_{2.5}$ mass concentration values recorded at each eligible monitoring site.

Most recently, in October 2022, the EPA released guidance extending this streamlined option for demonstrating maintenance under CAA section 175A to certain $PM_{2.5}$ areas, titled ''Guidance on the Limited Maintenance Plan Option for Moderate $PM_{2.5}$ Nonattainment Areas and $PM_{2.5}$ Maintenance Areas'' ($PM_{2.5}$ LMP Guidance).[7]

The EPA refers to this streamlined demonstration of maintenance as a limited maintenance plan or LMP. The EPA has interpreted CAA section 175A as permitting this option because section 175A does not define how areas may demonstrate maintenance, and in the EPA's experience with implementing the various NAAQS, areas that qualify for an LMP and have approved LMPs, have rarely, if ever, experienced subsequent violations of the NAAQS. As noted in the $PM_{2.5}$ LMP Guidance, states seeking an LMP must still submit the other maintenance plan elements outlined in the Calcagni Memorandum, including an attainment emissions inventory, provisions for the continued operation of the ambient air quality monitoring network, verification of continued attainment, and a contingency plan in the event of a future violation of the NAAQS.

The $PM_{2.5}$ LMP Guidance describes a process for states to demonstrate that an area qualifies for an LMP by showing that, based on recent measured air quality, the area is unlikely to violate the NAAQS in the future. The $PM_{2.5}$ LMP Guidance relies on the critical design value (CDV) concept. This guidance describes a process for a $PM_{2.5}$ area to qualify for an LMP by showing that the area's average design value (ADV) for each site in the area (based upon the most recent five design values as calculated) [8] is at or below the CDV. The CDV is an indicator of the likelihood of future violations of the NAAQS in an area given the area's current ADV and its historical variability. The $PM_{2.5}$ LMP Guidance provides a means for calculating the CDV for an area (or monitoring site). The CDV calculation for a monitoring site involves parameters including: (1) the level of the relevant NAAQS; [9] (2) the coefficient of variation (CV) of recent design values measured at that site; and (3) a statistical parameter t_c (critical t-value) corresponding to a 10 percent probability of exceedance, such that sites with historically high variability in design values result in a lower (or more stringent) CDV.[10] The CDV is the highest average design value an area could have before it may experience a future exceedance of the NAAQS with a certain probability—in the case of the $PM_{2.5}$ LMP Guidance, a probability of one in ten.[11] Therefore, if an area's current ADV is less than the area's CDV, that area has less than a ten percent probability of exceeding the NAAQS in the future. The eligibility calculations for the CDV demonstration are shown in table 1 in this document.

[5] See Calcagni, John, Director, Air Quality Management Division, EPA Office of Air Quality Planning and Standards, ''Procedures for Processing Requests to Redesignate Areas to Attainment,'' September 4, 1992 (Calcagni Memorandum). A copy of this memorandum can be found in the docket for this proposed rulemaking.

[6] See ''Limited Maintenance Plan Option for Nonclassifiable Ozone Nonattainment Areas'' from Sally L. Shaver, Office of Air Quality Planning and Standards (OAQPS), dated November 16, 1994; ''Limited Maintenance Plan Option for Nonclassifiable CO Nonattainment Areas'' from Joseph Paisie, OAQPS, dated October 6, 1995; and ''Limited Maintenance Plan Option for Moderate PM_{10} Nonattainment Areas'' from Lydia Wegman, OAQPS, dated August 9, 2001(hereinafter referred to as the ''Wegman Memorandum''). Copies of these guidance memoranda can be found in the docket for this proposed rulemaking.

[7] The guidance document titled ''Guidance on the Limited Maintenance Plan Option for Moderate $PM_{2.5}$ Nonattainment Areas and $PM_{2.5}$ Maintenance Areas'' can be found at *https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P1015UL4.pdf.* A copy of the guidance is in the docket for this proposed rulemaking.

[8] The EPA recommends that the ADV be calculated using at least five years of design values, each representing a three-year period, because this approach would rely on a more robust dataset. However, we acknowledge that an alternative interpretation may be acceptable, where these variables could be calculated using three years of design values, collectively representing five years of air quality data. See $PM_{2.5}$ LMP Guidance at 7.

[9] As noted in Attachment A of the Wegman Memorandum, the CDV calculation was designed to apply for any NAAQS pollutant and is not specific to PM_{10}.

[10] $PM_{2.5}$ LMP Guidance at 7.

[11] The $PM_{2.5}$ Guidance directs states to calculate a site-specific CDV for the monitoring site in an area with the highest design value, and also for all other active monitoring sites in the area with complete data.

Table 1: The Critical Design Value Calculation

Standard Deviation (σ)	$\sigma = \sqrt{\frac{\Sigma (x_i - ADV)^2}{n-1}}$
Coefficient of Variation (CV)	CV = σ / ADV
Critical Design Value (CDV)	CDV = NAAQS / (1+(t_c×CV))

Per the EPA's transportation conformity regulations, a LMP must also ''demonstrate that it would be unreasonable to expect that such an area would experience enough motor vehicle emissions growth for a NAAQS violation to occur.'' [12] For further discussion of transportation conformity, see section III of this document.

II. Summary of SIP Revision and EPA Analysis

On April 15, 2024, the EPA received Delaware's second 10-year maintenance plan SIP submission for the 2006 24-hour $PM_{2.5}$ NAAQS for the New Castle County portion of the Philadelphia Area.

A. Qualifying for the Limited Maintenance Plan Option

As discussed in section I.C. of this document, one way for an area to qualify for an LMP is to show that the area's ADV (based upon the most recent five years of monitoring data) is at or below the CDV. The New Castle County portion of the Philadelphia Area includes five ambient air monitoring sites for the 24-hour $PM_{2.5}$ NAAQS: the Bellefonte I site (AQS 10–003–1003), the Lums Pond site (AQS 10–003–1007), the RT 9 site (AQS 10–003–1008), the Newark site (AQS 10–003–1012), and the MLK site (AQS 10–003–2004). Due to multiple technical and operational issues from 2014–2020, four out of the five $PM_{2.5}$ monitors were unable to meet the data completeness requirement [13] for multiple years (Bellefonte, RT 9, Newark, and Lums Pond). For the New Castle County portion of the Philadelphia Area, Delaware calculated the ADV by averaging the most recent five consecutive 3-year averages (design values) of monitoring data at the time of submission, from 2014 to 2020.[14] Delaware is in the process of transitioning from manual to continuous monitors, which are expected to reduce monitor downtime due to technical/mechanical issues.[15] The MLK monitoring station meets the EPA's $PM_{2.5}$ design value completeness rules for 2014–2020 as the EPA allows the collocated Federal equivalent methods (FEM) to fill in when the primary monitor is down.[16] Collocated refers to two or more air samplers, analyzers, or other instruments that are operated simultaneously while located side by side, separated by a distance that is large enough to preclude the air sampled by any of the devices from being affected by any of the other devices, but small enough so that all devices obtain identical or uniform ambient air samples that are equally representative of the general area in which the group of devices is located. Additionally, FEM is a method of measuring the concentration of an air pollutant in the ambient air that has been designated as an equivalent method in accordance with 40 CFR part 53. A Federal reference method (FRM) is a method of sampling and analyzing the ambient air for an air pollutant that is specified as a reference method in an appendix to 40 CFR part 50, or a method that has been designated as a reference method in accordance with 40 CFR part 53. Data from these monitors are measured using the EPA approved methods including FEM and FRM.

Since each design value is calculated by averaging three years of the 98th percentile of 24-hour average, the average of the five consecutive 3-year design values includes data from a seven-year period (2014–2020).[17] Table 2 in this document presents five 3-year design values for the 24-hour $PM_{2.5}$ NAAQS for the New Castle County portion of the Philadelphia Area that were available to Delaware while developing the LMP. Due to incomplete data, only the MLK monitoring site is used to calculate eligibility for the LMP. This is consistent with the $PM_{2.5}$ LMP Guidance, however, ADVs and CDVs were calculated for the monitors with incomplete data for reference. The ADV of the MLK site is 20 μg/m³.

[12] See 40 CFR 93.109(e).

[13] In accordance with 40 CFR part 50, appendix N, each quarter of a three-year period must be >75% complete for the entire three-year Design Value to be considered >75% complete.

[14] Delaware provided data for this LMP demonstration from the time period according to the timeline in CAA section 175A(b), *i.e.,* 2022, 8 years after initial redesignation. The most recent DVs for the MLK site are 19 μg/m³ (2019–2021), 17 μg/m³ (2020–2022), 20 μg/m³ (2021–2023), and 19 μg/m³ (2022–2024). The ADV for the MLK site from 2019–2024 (18.75 μg/m³) is consistent with the data provided in this demonstration and qualifies for an LMP as it falls below the calculated MLK CDV of 32.14 μg/m³.

[15] See Division of Air Quality, Delaware Department of Natural Resources and Environmental Control, ''2024 Delaware Ambient Air Monitoring Network Plan for Criteria Pollutants'' May 2024. *documents.dnrec.delaware.gov/Air/monitoring/delaware-air-monitoring-network-plan.pdf.* A copy of this memorandum can be found in the docket for this proposed rulemaking.

[16] See Wayland, Richard A., Director, Air Quality Assessment Division, EPA Office of Air Quality Planning and Standards, ''Implementing Continuous $PM_{2.5}$ Federal Equivalent Methods (FEMs) and Approved Regional Methods (ARMs) in State or Local Air Monitoring Station (SLAMS) Networks,'' July 24, 2008. *www.epa.gov/sites/default/files/2015–09/documents/use_of_pm2_5_fems_and_arms_in_slams_network.pdf.*

[17] See footnote 14. The average of the most recent 3-year design values from 2019–2024 are 18 μg/m³ (Bellefonte-DVs do not meet completeness rules), 18 μg/m³ (Lums Pond), 18 μg/m³ (RT 9), 16.5 μg/m³ (Newark- DVs do not meet completeness rules), and 18.75 μg/m³ (MLK). These design value averages are equal to or lower than the 2014–2020 design value averages, thus indicating that the LMP approach is still appropriate.

TABLE 2—NEW CASTLE COUNTY 24-HOUR $PM_{2.5}$ NAAQS DESIGN VALUES

[µg/m³] [a]

Design value period	Bellefonte I	Lums Pond	RT 9	Newark	MLK
2014–2016	*22	*19	*23	23	23
2015–2017	*21	*18	*18	*22	21
2016–2018	*18	*16	*16	*18	19
2017–2019	19	18	17	*19	20
2018–2020	*17	17	17	*17	19
Average of 3-year design values	19	18	18	20	20

[a] Taken from Delaware's 2006 24-hour $PM_{2.5}$ LMP SIP submission for the New Castle County portion of the Philadelphia Area
* Fails to meet $PM_{2.5}$ design value data completeness rules.[18]

To calculate the CDV for each area, the EPA used the recent five years of design values and their variability with the equation presented in the $PM_{2.5}$ LMP Guidance, replicated in table 1 in this document.

Table 3 in this document shows the input and results of the LMP eligibility calculations.[19] The resulting CDV for the New Castle County portion of the Philadelphia Area is calculated to be 31.1 µg/m³. The New Castle County portion of the Philadelphia Area's ADV (20 µg/m³) falls below the site-specific CDV of 31.1 µg/m³ and thus meets the first criterion for LMP eligibility.[20] While this calculation is based solely on the MLK monitor, it is notable that the ADV and CDV calculations for each of the four monitors with incomplete data are also consistent with LMP eligibility.

TABLE 3—LMP ELIGIBILITY CALCULATIONS AND INPUTS OF CDVS AT NEW CASTLE COUNTY MONITORS FOR THE 24-HOUR $PM_{2.5}$ NAAQS [a]

Site	Monitor	Standard deviation	CV	ADV (2014–2020) [µg/m³]	CDV [µg/m³]	Qualify for an LMP?
Bellefonte I*	10–003–1003	2.073644135	0.106888873	19	30.1	Yes.
MLK	10–003–2004	1.67332	0.082025	20	31.1	Yes.
RT 9*	10–003–1008	2.774887	0.152466	18	28.4	Yes.
Newark*	10–003–1012	2.588436	0.130729	20	29.2	Yes.
Lums Pond*	10–003–1007	1.1401754	0.0647827	18	31.8	Yes.

[a] Taken from "EPA_DE LMP Criteria Data Analysis (Site Specific)" spreadsheet found in the docket of this rulemaking.
NAAQS = 35 µg/m³.
t_c = 1.533.
* Fails to meet $PM_{2.5}$-design value data completeness rules.[21]

As discussed in section III in this document below, due to the air quality and VMT trends, the EPA is proposing to conclude that it would be unreasonable to expect that the area will experience growth in motor vehicle emissions sufficient to cause a violation of the 2006 24-hour $PM_{2.5}$ NAAQS over the second maintenance period. As discussed in further sections of this document, the EPA proposes to find that Delaware's LMP for the New Castle County portion of the Philadelphia Area includes all the necessary components, so we are proposing to approve the second LMP as a revision to the Delaware SIP.

B. Attainment Emissions Inventories

States that qualify for an LMP must still meet the other elements of a maintenance plan, as articulated in the Calcagni Memorandum. This includes an attainment year emissions inventory consistent with the EPA's most recent guidance on emission inventories for nonattainment areas.[22] Delaware has developed emission inventories that meet the criterion of 172(c)(3) every three years since 1990. For the second 10-year maintenance plan for the New Castle County portion of the Philadelphia Area, Delaware provided an emissions inventory consistent with the EPA's most recent guidance from the latest comprehensive, accurate inventory of actual emissions from all sources of NO_X, $PM_{2.5}$, and SO_2 in the calendar year 2017, which was the latest inventory at the time of development of the LMP. Delaware postponed proposal of their second maintenance plan, originally scheduled for September 2, 2022, due to the EPA's development of the $PM_{2.5}$ LMP guidance. On October 27, 2022, the EPA released the $PM_{2.5}$ LMP guidance, so Delaware updated their original LMP draft to align with the guidance. Meanwhile, the 2020 National Emissions Inventory (NEI) was released on July 31, 2023. Delaware proposed the LMP for approval at the state level on January 23, 2024, and finalized their approval on March 12, 2024. On April 15, 2024, Delaware submitted the LMP to the EPA. This timeline indicates that

[18] In accordance with 40 CFR part 50, appendix N, each quarter of a three-year period must be >75% complete for the entire three-year Design Value to be considered >75% complete.

[19] See "LMP Criteria Data Analysis" spreadsheet in the docket for this proposed rulemaking.

[20] The ADV for the MLK site from 2019–2024 (18.75 µg/m³) aligns with the data provided in this demonstration and qualifies for an LMP as it falls below the calculated MLK CDV of 32.14 µg/m³. Additionally, the 2019–2024 ADVs and CDVs for the monitors that do not meet data completeness rules are consistent with LMP eligibility.

[21] In accordance with 40 CFR part 50, appendix N, each quarter of a three-year period must be >75% complete for the entire three-year Design Value to be considered >75% complete.

[22] The guidance document titled "Emissions Inventory Guidance for Implementation of Ozone and Particulate Matter National Ambient Air Quality Standards (NAAQS) and Regional Haze Regulations" can be found at *www.epa.gov/sites/default/files/2017-07/documents/ei_guidance_may_2017_final_rev.pdf.*

for the majority of the development of the LMP, Delaware was using the most recently available emissions data, the 2017 NEI, originally released in April 2020, with an updated final release in January 2021.

Table 4 in this document includes the following four categories from the 2008 and 2017 inventories for direct $PM_{2.5}$ and its precursors (NO_X and SO_2): point sources, nonpoint (area) sources, on-road mobile sources, and nonroad mobile sources.

TABLE 4—NEW CASTLE COUNTY 2008 AND 2017 ANNUAL EMISSIONS INVENTORY (TPY) COMPARISON FOR $PM_{2.5}$ [a], NO_X, AND SO_2 [b]

Source	2008 Annual (tpy)			2017 Annual (tpy)			Percent decrease/increase		
Sector	NO_X	$PM_{2.5}$	SO_2	NO_X	$PM_{2.5}$	SO_2	NO_X	$PM_{2.5}$	SO_2
Point	5,657	1,109	10,576	2,582	566	551	−54	−49	−95
Nonpoint	1,287	1,191	402	1,443	1,500	41	12	26	−90
Nonroad	4,317	312	1,067	3,074	162	44	−29	−48	−96
Onroad	9,311	282	94	5,136	150	23	−45	−47	−76
All Sectors	20,572	2,894	12,139	12,235	2,378	659	−41	−18	−95

[a] Total primary $PM_{2.5}$.
[b] Taken from "DE LMP Errata 7–2–25" spreadsheet, found in the docket for this proposed rulemaking.

The redesignation request and first 10-year maintenance plan for the New Castle County portion of the Philadelphia Area included a 2008 emissions inventory. The emissions of direct $PM_{2.5}$ and its precursors in the New Castle County portion of Philadelphia Area have decreased substantially between the 2008 and 2017 inventory (18% decrease in $PM_{2.5}$, 41% decrease in NO_X, and a 95% decrease in SO_2).

C. Air Quality Monitoring Network

Once an area is redesignated, the applicable state or local agency must continue to operate an appropriate air monitoring network in accordance with 40 CFR part 58 to verify the attainment status of the area over the maintenance period. Delaware operates, in accordance with the requirements of 40 CFR part 58, five $PM_{2.5}$ monitors within the Philadelphia Area.[23] On June 30, 2023, DNREC submitted its 2023 Annual Monitoring Plan, which the EPA approved on November 17, 2023. Additionally, on June 25, 2024, DNCREC submitted its 2024 Annual Monitoring Plan, which the EPA approved on November 27, 2024. Delaware's annual monitoring network plans and the EPA's approval letters are included in the docket associated with this action.

D. Verification of Continued Attainment

Delaware, through DNREC, has the legal authority to enforce and implement the requirements of the New Castle County portion of the Philadelphia Area LMP. This includes the authority to adopt, implement, and enforce any subsequent emissions control contingency measures determined to be necessary to correct future $PM_{2.5}$ attainment problems.

In demonstrating maintenance, continued attainment of the NAAQS can be verified through operation of an appropriate air quality monitoring network. The Calcagni Memorandum states that the maintenance plan should contain provisions for continued operation of air quality monitors that will provide such verification. As discussed previously in section II.C., $PM_{2.5}$ is currently monitored by DNREC within the New Castle County portion of the Philadelphia Area. In section 2.7 of Delaware's submitted limited maintenance plan, DNREC committed to continue to conduct ambient $PM_{2.5}$ air quality monitoring in the New Castle County portion of the Philadelphia Area throughout the term of the second 10-year maintenance period. Delaware will also track the progress of the maintenance demonstration by periodically updating the emissions inventory as required by the Air Emissions Reporting Requirements Rule (AERR), or as required by Federal regulation during the maintenance plan period. Tracking will include annual and periodic evaluations for any significant emission increases above the 2008 attainment year levels.

E. Contingency Provisions

CAA section 175A(d) states that a maintenance plan must include contingency provisions, as necessary, to ensure prompt correction of any violation of the relevant NAAQS which may occur after redesignation of the area to attainment. As explained in the Calcagni Memorandum, these contingency provisions are an enforceable part of the federally approved SIP. The maintenance plan should clearly identify the events that would "trigger" the adoption and implementation of a contingency provision, the contingency provision(s) that would be adopted and implemented, and the schedule indicating the timeframe by which the state would adopt and implement the provision(s). The Calcagni Memorandum states that the EPA will determine the adequacy of a contingency plan on a case-by-case basis. At a minimum, the plan must require that the state implement all measures contained in the CAA part D nonattainment plan for the area prior to redesignation.

In Delaware's $PM_{2.5}$ LMP submission, DNREC included maintenance plan contingency provisions to ensure the area will continue to meet the 2006 $PM_{2.5}$ NAAQS. The submission describes a process and a timeline to identify, evaluate, and select the appropriate contingency measure(s) from a list of measures in the event of a violation of the $PM_{2.5}$ NAAQS. Delaware commits to two levels of contingency response that may be implemented to reduce emissions, a "warning level response" and an "action level response." A warning level response is prompted whenever the 98th percentile 24-hour $PM_{2.5}$ concentration of 35.5 $\mu g/m^3$ or greater occurs in a single calendar year within New Castle County and/or the New Castle County, Delaware maintenance area total $PM_{2.5}$, NO_X and SO_2 emissions increase more than 10% above the levels in the 2008 attainment year emissions inventory. An action level response is triggered whenever a three-year average of the 98th percentile (DV) 24-hour $PM_{2.5}$ concentration of 35.5 $\mu g/m^3$ or greater occurs within New Castle County.

[23] Delaware is in the process of transitioning from manual to continuous monitors, which are expected to reduce monitor downtime due to technical/mechanical issues. See Delaware Ambient Air Monitoring Network Plan at note 15.

Should a warning level response be triggered, measures that can be implemented in a short time will be selected in order to be in place within 30 months from the close of the calendar year that prompted the warning level. Should an action level response be triggered, implementation of necessary control measures will take place as expeditiously as possible, but in no event later than 30 months after the certification of a NAAQS violation. Within three months of certification, Delaware will identify and quantify the emissions reductions expected to result in the future from existing and future state and federal regulatory measures. Within six months of certification, Delaware will use the best available air quality modeling to evaluate the air quality improvement expected to result in New Castle County from the measures and emissions reductions identified below. Within nine months, Delaware will draft any needed permit conditions or SIP regulations, and within 12 months, Delaware will complete the rulemaking or permit revision process and submit to the EPA.

Delaware's potential contingency measures include the following: (1) working with local metropolitan planning organizations (MPOs) to implement transportation control measures, (2) vehicle inspection and maintenance measures enhancements, (3) alternative fuel and additional diesel retrofit programs for fleet vehicle operations, (4) require NO_X or SO_2 emission offsets for new and modified major sources, (5) increase the ratio of emission offsets required for new sources, (6) require NO_X or SO_2 controls on new minor sources, and (7) require increased recovery efficiency at sulfur recovery plants.

III. Transportation Conformity

Transportation conformity is required by section 176(c) of the CAA. Transportation conformity for the purposes of the SIP means that transportation activities will not cause or contribute to new air quality violations, worsen existing violations, or delay timely attainment of the NAAQS or any required interim emission reductions or other milestones in any area. *See* CAA 176(c)(1)(A) and (B). While qualification for the LMP option does not exempt an area from the need to determine transportation conformity, in an area with an adequate or approved LMP, transportation conformity may be demonstrated without a regional emissions analysis for the relevant NAAQS and pollutant (40 CFR 93.109(e)). An LMP must demonstrate that it is unreasonable to expect that the qualifying areas would experience so much growth in on-road motor vehicle emissions during the maintenance period that a violation of the relevant NAAQS would occur. *See* 40 CFR 93.109(e). Hence, because no such impact is expected, areas with LMPs are not required to do a regional emissions analysis as part of a transportation conformity determination. See 40 CFR 93.109(e). Therefore, an LMP does not include a motor vehicle emissions budget.

The $PM_{2.5}$ LMP Guidance notes that an LMP may be particularly appropriate for a second maintenance plan, as the area will have demonstrated attainment of the $PM_{2.5}$ NAAQS for at least 8 years. To demonstrate that it would be unreasonable to expect that the area would experience enough motor vehicle growth for a NAAQS violation to occur, the guidance states that an LMP submission for an area's second maintenance plan should address the area's $PM_{2.5}$ air quality trends and the historical and projected vehicle miles traveled (VMT). To determine whether it would be unreasonable to expect that the area would experience sufficient motor vehicle emissions growth in the remaining maintenance period for a violation of the NAAQS to occur as required by 40 CFR 93.109(e), Delaware submitted both air quality data and VMT trend data for the New Castle County portion of the Philadelphia Area. As shown in table 2 of this document, design values for the New Castle County portion of the Philadelphia Area have remained well below the NAAQS since the 2014–2016 monitoring period. Additionally, as shown in table 4 of this document, the on-road mobile emissions, when comparing 2008 to 2017, decreased significantly for NO_X and $PM_{2.5}$ (45% and 47%).

Delaware's Division of Air Quality also assessed historical and future projected VMT to determine VMT growth trends. The VMT projections considered by Delaware were based on transportation models provided by the Delaware Department of Transportation (DelDOT). DelDOT used MOVES3 [24] (Motor Vehicle Emission Simulator) runs using the most recent 10 years of Highway Performance Monitoring System (HPMS) data for New Castle County. Delaware's Division of Air Quality used the annual growth rate from 2013–2019 (pre-COVID) to extrapolate the VMT for the 10-year period addressed by the LMP (2025–2035). The extrapolated VMT projects an 18.59 percent increase in VMT over the 10-year LMP period. [25] Delaware's Division of Air Quality performed a motor vehicle analysis to determine whether increased emissions from on-road mobile sources could, over the 10-year period, increase PM concentrations in the area and threaten the assumption of maintenance that underlies the LMP. If the mobile design value (M) is less than or equal to the margin of safety (MOS), it demonstrates that an increase in vehicle miles travelled, or other mobile emissions is unlikely to negatively impact air quality. Based on Delaware's Division of Air Quality's results, the value of M (8.2 $\mu g/m^3$) is less than the MOS (13.4 $\mu g/m^3$), which therefore qualifies for the LMP.

The EPA is proposing to conclude that the VMT growth rate of 18.59 percent between the 10-year LMP period (2025–2035) would not cause an exceedance of the CDV of 30.3ug/m^3 in table 3 of this document. Given the results of the motor vehicle analysis and the downward trend of $PM_{2.5}$ concentrations as shown in table 4 in this document, the state has adequately demonstrated that it would be unreasonable to expect that this area will experience growth in motor vehicle emissions sufficient to cause a violation of the 2006 24-hour $PM_{2.5}$ NAAQS, and therefore, the New Castle County portion of the Philadelphia-Wilmington, PA-NJ-DE area would qualify for the LMP option.[26]

For areas with an approved or adequate LMP, transportation plan and transportation improvement program (TIP) conformity determinations that meet applicable requirements continue to be required in these areas (see table 1 in 40 CFR 93.109). Additionally, project-level conformity determinations must continue to be completed according to all applicable requirements for federally supported highway and transit projects, including the hot-spot requirements for projects in $PM_{2.5}$ nonattainment and maintenance areas.

In addition to these proposed actions, the EPA is notifying the public that the Agency is initiating the adequacy process for the New Castle County portion of the Philadelphia-Wilmington, PA-NJ-DE area LMP. See 40 CFR 93.118(e)(4) for the criteria the EPA considers, and 40 CFR 93.118(f)(2) for

[24] EPA's MOVES3 Technical Guidance: Using MOVES to Prepare Emission Inventories for State Implementation Plans and Transportation Conformity is located in the EPA's guidance portal at *www.epa.gov/state-and-local-transportation/policy-and-technical-guidance-state-and-local-transportation.*

[25] Taken from ''DE LMP Errata 7–2–25'' found in the docket for this proposed rulemaking.

[26] See table 3 in ''DE LMP Errata 7–2–25'' found in the docket for this proposed rulemaking.

the process the EPA follows. Since LMPs do not include motor vehicle emissions budgets, in the case of an LMP, the EPA's adequacy review is to assess whether the demonstration required by 40 CFR 93.109(e) is met. Any comments on the adequacy of the submitted Delaware LMP should be submitted to the docket established for this rulemaking. It is important to note that the New Castle County portion of the Philadelphia Area has approved motor vehicle emission budgets for NO_X and direct $PM_{2.5}$ for the year 2025 from the first maintenance plan that must continue to be met in any transportation conformity determination made through the year 2025.[27] In addition, project-level conformity requirements as well as the other transportation conformity criteria continue to apply with respect to the 2006 $PM_{2.5}$ NAAQS for conformity determinations that occur through the maintenance period, *i.e.,* through 2034.[28] The EPA will complete the adequacy determination process either in the final action on this proposal or by notifying the State in writing, publishing a notice in the **Federal Register** and by posting the finding on the EPA's adequacy web page. *See* 40 CFR 93.118(f).

IV. General Conformity

The general conformity regulations of November 30, 1993 (58 FR 63214), as amended, apply within nonattainment areas and redesignated attainment areas operating under maintenance plans (*i.e.,* maintenance areas). General conformity requires conformity to the purpose of a SIP, which means that Federal activities not related to transportation plans, programs, and projects (*i.e.,* general Federal activities) will not cause or contribute to any new violation of any standard in any area, increase the frequency or severity of any existing violation of any standard in any area, or delay timely attainment of any standard or any required interim emission reductions or other milestones in any area (CAA section 176(c)(1)(A) and (1)(B)). As noted in the $PM_{2.5}$ LMP Guidance, the EPA's general conformity regulations do not distinguish between maintenance areas with an approved ''full maintenance plan'' and those with an approved LMP. Thus, maintenance areas with an approved LMP are subject to the same general conformity requirements under 40 CFR part 93 subpart B, as those covered by a ''full maintenance plan.'' Nothing less than full compliance with the general conformity program is required within an LMP.

V. Proposed Action

The EPA is proposing to approve the second 10-year limited maintenance plan for the New Castle County Portion of the Philadelphia-Wilmington, PA-NJ-DE 2006 24-hour $PM_{2.5}$ maintenance area submitted by DNREC on April 15, 2024. The EPA has reviewed the air quality data for this area and the Agency has determined that: (1) the area continues to show attainment of the $PM_{2.5}$ NAAQS; and (2) the area qualifies for an LMP, as described in this action, and has met the CAA's requirement for a second 10-year maintenance plan. The EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action. If finalized, the EPA's approval of this LMP will satisfy the CAA section 175A requirements for the second 10-year maintenance period.

The EPA is also initiating the process to determine if the LMP is adequate for transportation conformity purposes. As discussed in section III of this document, the EPA may complete that process either in its final action on the LMP or through a separate process provided for in the transportation conformity regulations. *See* 40 CFR 93.118(f).

VI. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Clean Air Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993); and 13563 (76 FR 3821, January 21, 2011);
- Executive Order 14192 (90 FR 9065, February 6, 2025) does not apply because SIP actions are exempted from review under Executive Order 12866.;
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a state program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act.

In addition, this proposed rulemaking, regarding the second 10-year $PM_{2.5}$ limited maintenance plan for the New Castle County portion of the Philadelphia-Wilmington, PA-NJ-DE 2006 24-hour $PM_{2.5}$ maintenance area, does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the State, and the EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Particulate matter, Reporting and recordkeeping requirements.

Amy Van Blarcom-Lackey,

Regional Administrator, Region III.

[FR Doc. 2025–20418 Filed 11–19–25; 8:45 am]

BILLING CODE 6560–50–P

[27] *See* 79 FR 45350, August 5, 2014.

[28] *See* 40 CFR 93.102(b)(4) and Transportation Conformity Guidance for Areas Reaching the End of the Maintenance Period (October 2014, EPA–420–B–14–093).

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2024–0325; FRL–13014–01–R1]

Finding of Failure To Attain and Reclassification of Tribal Portions of the Greater Connecticut Ozone Nonattainment Area as Serious for the 2015 Ozone National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) previously granted the

State of Connecticut's request to reclassify the Greater Connecticut ozone nonattainment area from Moderate to Serious under the 2015 ozone National Ambient Air Quality Standards (NAAQS). That request, however, did not include areas governed by the Mashantucket Pequot Tribal Nation and the Mohegan Indian Tribe that are located within this nonattainment area. Given that ozone monitoring data indicate that the Greater Connecticut area failed to attain the 2015 ozone NAAQS by the applicable attainment date, we are proposing to find that these tribal portions of the area did not attain the standards by the attainment date and to reclassify those portions of the area by operation of law to Serious nonattainment for the 2015 ozone NAAQS. This action, if finalized as proposed, would fulfill the EPA's statutory obligation to determine whether the Mashantucket Pequot Tribal Nation and the Mohegan Indian Tribe portions of the Greater Connecticut area attained the NAAQS by the attainment date. This action also solicits public comment on EPA's prior action on CT DEEP's request to exclude event-influenced air quality monitoring data from regulatory decisions. EPA is required to provide an opportunity for public comment on the claimed exceptional events and all supporting data. This proposed action provides the public with an opportunity to comment on the claimed exceptional events, all supporting documents, and the EPA's July 22, 2024 concurrence and nonconcurrence with CT DEEP's request.

DATES: Written comments must be received on or before December 22, 2025.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R01–OAR–2024–0325 at *https://www.regulations.gov,* or via email to *lillis.patrick@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.* Publicly available docket materials are available at *https://www.regulations.gov* or at the U.S. Environmental Protection Agency, EPA Region 1 Regional Office, Air and Radiation Division, 5 Post Office Square—Suite 100, Boston, MA. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection.

FOR FURTHER INFORMATION CONTACT: Patrick Lillis, Air and Radiation Division (Mail Code 5–MI), U.S. Environmental Protection Agency, Region 1 5 Post Office Square, Suite 100, Boston, Massachusetts 02109–3912; tel. (617)–918–1067, or by email at *lillis.patrick@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA.

Table of Contents

I. Background and Purpose
A. Ozone Reclassification
1. What is the background for the proposed action?
2. Overview of Proposal
3. What is the statutory authority for the proposed actions?
4. How does EPA determine whether an area has attained the 2015 ozone standard?
B. Exceptional Events
1. What is the background for the proposed action?
2. Overview of Proposal
II. What is the EPA proposing and what is the rationale?
A. Evaluation of Design Value Data and Exceptional Events Documentation
B. Determination of Failure To Attain and Reclassification
C. Serious Area Requirements and Proposed Schedule
III. Proposed Action
IV. Statutory and Executive Order Reviews

I. Background and Purpose

A. Ozone Reclassification

1. What is the background for the proposed action?

The CAA requires the EPA to establish primary and secondary NAAQS for certain pervasive pollutants that ''may reasonably be anticipated to endanger public health and welfare.'' The primary NAAQS is designed to protect public health with an adequate margin of safety, and the secondary NAAQS is designed to protect public welfare and the environment. The EPA has set NAAQS for six common air pollutants, referred to as criteria pollutants, including ozone. The NAAQS represent the air quality levels an area must meet to comply with the CAA. Ozone is a gas composed of three oxygen atoms and is created by chemical reactions between volatile organic compounds (VOC) and oxides of nitrogen (NO_X) in the atmosphere in the presence of sunlight. Ground-level ozone can harm human health and the environment. Ozone exposure has been associated with increases in susceptibility to respiratory infections, medication use by asthmatics, doctor visits, and emergency department visits and hospital admissions for individuals with respiratory disease. Ozone exposure may also contribute to premature death, especially in people with heart and lung disease.

In October 2015, the EPA strengthened the primary and secondary eight-hour ozone NAAQS from 0.075 parts per million (ppm) to 0.070 ppm (''2015 ozone NAAQS'').[1] In accordance with section 107(d) of the CAA, the EPA must designate an area ''nonattainment'' if it is violating the NAAQS or if it is contributing to a violation of the NAAQS in a nearby area. With respect to the ozone NAAQS, the EPA further classifies nonattainment areas as ''Marginal,'' ''Moderate,'' ''Serious,'' ''Severe,'' or ''Extreme,'' depending upon the ozone design value for an area.[2] As a general matter, higher classified ozone nonattainment areas are subject to additional CAA planning requirements than lower classified areas but are allowed more time to demonstrate attainment of the ozone NAAQS.[3]

Effective on August 3, 2018, the EPA designated 52 areas throughout the country as nonattainment for the 2015 ozone NAAQS.[4] In a separate action, the EPA assigned classification thresholds and attainment dates based on the severity of an area's ozone problem, determined by the area's design value

[1] 80 FR 65291, October 26, 2015.

[2] See CAA section 181(a)(1). For the 2015 ozone NAAQS, the design value at each monitoring site is the annual fourth-highest daily maximum 8-hour average ozone concentration, averaged over three years. The design value for an area is the highest design value among the monitoring sites in the area.

[3] See, generally, subpart 2 of part D of title I of the CAA.

[4] 83 FR 25776, June 4, 2018.

(DV).[5] [6] The EPA established the attainment date for Marginal, Moderate, and Serious nonattainment areas as 3 years, 6 years, and 9 years, respectively, from the effective date of the final designations. Thus, the attainment date for Marginal nonattainment areas for the 2015 ozone NAAQS was August 3, 2021, the attainment date for Moderate areas was August 3, 2024, and the attainment date for Serious areas is August 3, 2027. On October 7, 2022, the EPA determined that 22 areas including the Greater Connecticut area, did not attain the standards by the Marginal attainment date,[7] and these areas were reclassified as Moderate by operation of law. The Mashantucket Pequot Tribal Nation and the Mohegan Indian Tribe, which are the two tribal territories being addressed in this proposed action, are located within the boundaries of the Greater Connecticut nonattainment area.

2. Overview of Proposal

The EPA is required to determine whether areas designated nonattainment for an ozone NAAQS attained the standard by the applicable attainment date, and to take certain steps for areas that failed to attain.[8] The EPA's determination of attainment for the 2015 ozone NAAQS is ''based on a nonattainment area's DV as of the attainment date.''

The 2015 ozone NAAQS is met at an EPA regulatory monitoring site when the DV does not exceed 0.070 ppm. For the Moderate nonattainment areas for the 2015 ozone NAAQS addressed in this action, the attainment date was August 3, 2024. Because the DV is based on the three most recent, complete calendar years of data, the EPA's determinations for each Moderate 2015 ozone NAAQS nonattainment area under CAA section 181(b)(2) are based upon the complete, quality-assured, and certified ozone monitoring data from calendar years 2021, 2022, and 2023.

At the request of CT DEEP, the Greater Connecticut area was voluntarily reclassified from Moderate to Serious for the 2015 ozone NAAQS before the August 3, 2024, nonattainment date.[9] However, the tribal portions of the Greater Connecticut area remained classified as Moderate. The entire Greater Connecticut area, including the tribal portions, factually failed to attain the 2015 ozone NAAQS. This finding was not altered by CT DEEP's Exceptional Event (EE) demonstration discussed in Section I.B. of this action. EPA is proposing to determine that the tribal portions of the Greater Connecticut area failed to attain and will be reclassified as Serious for the 2015 ozone NAAQS. If the EPA determines that a nonattainment area classified as Moderate failed to attain by the attainment date, CAA section 181(b)(2)(B) requires the EPA to publish a document in the **Federal Register**, identifying each such area and identifying the applicable reclassification.

3. What is the statutory authority for the proposed actions?

The statutory authority for these determinations is provided by the CAA, as amended (42 U.S.C. 7401 *et seq.*). Relevant portions of the CAA include, but are not necessarily limited to, sections 181 and 182.

As noted earlier, CAA section 107(d) provides that when the EPA establishes or revises a NAAQS, the agency must designate areas of the country as nonattainment, attainment, or unclassifiable based on whether an area is not meeting (or contributing to air quality in a nearby area that is not meeting) the NAAQS, meeting the NAAQS, or cannot be classified as meeting or not meeting the NAAQS, respectively. Subpart 2 of part D of title I of the CAA governs the classification, state planning, and emissions control requirements for any areas designated as nonattainment for a revised primary ozone NAAQS. In particular, CAA section 181(a)(1) requires each area designated as nonattainment for a revised ozone NAAQS to be classified at the same time as the area is designated based on the extent of the ozone problem in the area (as determined based on the area's design value). Classifications for ozone nonattainment areas range from ''Marginal'' to ''Extreme'' based on the severity of the area's air quality problem.

CAA section 182 provides the specific attainment planning and additional requirements that apply to each ozone nonattainment area based on its classification. CAA section 182, as interpreted by the EPA's implementing regulations in the Code of Federal Regulations (CFR) at 40 CFR 51.1308 through 51.1317, also establishes the timeframes by which air agencies must submit and implement SIP revisions to satisfy the applicable attainment planning elements, and the timeframes by which nonattainment areas must attain the 2015 ozone NAAQS. For reclassified areas, CAA section 182(i) provides that the Administrator may adjust applicable deadlines other than attainment dates if such adjustment is necessary or appropriate to assure consistency among the required submissions.

Section 181(b)(2)(A) of the CAA requires that within 6 months following the applicable attainment date, the EPA shall determine whether an ozone nonattainment area attained the ozone standard based on the area's DV as of that date. For nonattainment areas that the EPA determines have not timely attained, CAA section 181(a)(5) gives the EPA the discretion to grant a 1-year extension of the attainment date for qualifying areas upon application by any state. In the event an area fails to attain the ozone NAAQS by the applicable attainment date and is not granted a 1-year attainment date extension, CAA section 181(b)(2)(A) requires the EPA to make the determination that an ozone nonattainment area failed to attain the ozone standard by the applicable attainment date, and requires the area to be reclassified by operation of law to the higher of: (1) the next higher classification for the area, or (2) the classification applicable to the area's design value as of the determination of failure to attain. Section 181(b)(2)(B) of the CAA required the EPA to publish the determination of failure to attain and accompanying reclassification in the **Federal Register** no later than 6 months after the attainment date, which in the case of the two tribal territories located in the Greater Connecticut nonattainment area, was February 3, 2025.

Once an area is reclassified, the state is required to submit certain SIP revisions in accordance with its more stringent classification. The SIP revisions are intended to, among other things, demonstrate how the area will attain the NAAQS as expeditiously as practicable, but no later than August 3, 2027, the Serious area attainment date for the 2015 ozone NAAQS. According to CAA section 182(i), a state with a reclassified ozone nonattainment area must submit the applicable attainment plan requirements ''according to the schedules prescribed in connection with such requirements'' in CAA section 182(c) for Serious areas, but the EPA ''may adjust any applicable deadlines (other than attainment dates) to the extent such adjustment is necessary or appropriate to assure consistency among the required submissions.'' EPA has addressed the SIP revision and

[5] 83 FR 10376, May 8, 2018.

[6] CAA section 181(b)(2)(A). A DV is a statistic used to compare data collected at an ambient air quality monitoring site to the applicable NAAQS to determine compliance with the standard. The data handling conventions for calculating DVs for the 2015 ozone NAAQS are specified in appendix U to 40 CFR part 50. *See also* n.3, *supra.*

[7] 87 FR 60897, November 7, 2022

[8] CAA section 181(b)(2).

[9] 89 FR 60827, July 29, 2024.

implementation deadlines for newly reclassified Serious areas, as well as the continued applicability of Moderate area requirements that these areas may not yet have met, in a separate rulemaking.[10]

Under the CAA and Tribal Authority Rule (TAR), Tribes may, but are not required to, submit implementation plans to the EPA for approval.[11] Accordingly, for the Greater Connecticut nonattainment area, the Mashantucket Pequot Tribal Nation and the Mohegan Indian Tribe would not be required to submit any tribal implementation plan (TIP) revisions applicable to the Serious areas established in CAA section 182(c) and in the 2015 ozone NAAQS SIP Requirements Rule.

4. How does EPA determine whether an area has attained the 2015 ozone standard?

As discussed earlier, the 2015 ozone NAAQS is attained at a site when the design value at each ambient air quality monitoring site within the area does not exceed 0.070 ppm. The rounding convention in Appendix U dictates that concentrations shall be reported in ''ppm'' to the third decimal place, with additional digits to the right being truncated. Thus, a computed 3-year average ozone concentration of 0.071 ppm is greater than 0.070 ppm and would exceed the standard, but a design value of 0.0709 is truncated to 0.070 and attains the 2015 ozone NAAQS.

The EPA's determination of attainment by the Moderate attainment date of August 3, 2024, is based upon hourly ozone concentration data for calendar years 2021, 2022 and 2023 that have been collected and quality-assured in accordance with 40 CFR part 58 and reported to the EPA's Air Quality System (AQS) database.[12]

B. Exceptional Events

1. What is the background for the proposed action?

Exceptional events are unusual or naturally occurring events that can affect air quality but are not reasonably controllable using techniques that tribal, state or local air agencies may implement to attain and maintain the NAAQS. Exceptional events may include wildfires, high wind dust events, prescribed fires, stratospheric ozone intrusions, and volcanic and seismic activities. Under section 319(b) of the CAA, air agencies can request the exclusion of event-influenced data when ''exceptional'' events influence monitoring data and cause exceedances or violations of the NAAQS, and the EPA can agree to exclude these data, from the data set used for certain regulatory decisions.

2. Overview of Proposal

On January 10, 2024, the Connecticut Department of Energy and Environmental Protection (CT DEEP) Bureau of Air Management submitted an initial notification for an intended EE demonstration, and on July 1, 2024, submitted an EE demonstration for exceedances or violations of the 2015 ozone NAAQS that occurred at the Cornwall (AQS Site ID #090050005), East Hartford (AQS Site ID #090031003), and Groton (AQS Site ID #090110124) monitoring sites in the Greater Connecticut area. CT DEEP requested that EPA exclude data for April 13–14, June 30–July 1, and July 12, 2023, at the Groton monitoring site, as well as data for July 1, 2023, at the East Hartford and Cornwall monitoring locations. The EPA's July 22, 2024, action on the demonstration affects the determinations of attainment by the attainment date for the Greater Connecticut area (including the two tribal territories). The EE initial notification, EE demonstration, the EPA's response to the initial notification, and EPA's July 22, 2024, decision on the EE demonstration are provided in the docket for this rulemaking.

II. What is the EPA proposing and what is the rationale?

The EPA is proposing this action to fulfill its statutory obligation under CAA section 181(b)(2) to determine whether the tribal portions of the Greater Connecticut area attained the 2015 ozone NAAQS as of the attainment date of August 3, 2024, and to reclassify both tribal portions of the area. The two tribal territories are governed by the Mashantucket Pequot Tribal Nation and the Mohegan Indian Tribe.

A. Evaluation of Design Value Data and Exceptional Events Documentation

The EPA evaluated air quality data to determine if the two tribal portions of the Moderate nonattainment area attained the 2015 ozone NAAQS by the attainment date of August 3, 2024. The areas' ozone design values for 2021–2023 are shown in Table 1. Based on the certified, complete data from 2021–2023, the design value for the tribal portions of the Greater Connecticut area is 0.072 ppm and the 2023 4th highest daily maximum 8-hour average is 0.071 ppm.

TABLE 1—2021–2023 FOURTH HIGHEST DAILY MAXIMUM 8-HOUR AVERAGE OZONE CONCENTRATIONS AND DESIGN VALUES AT ALL MONITORS IN THE GREATER CONNECTICUT AREA

AQS site ID	County	State	Fourth highest daily maximum 8-hour average ozone concentration (ppm)			2021–2023 design value (DV) (ppm)
			2021	2022	2023	
090031003	Hartford	Connecticut	0.066	0.074	0.07	0.07
090050005	Litchfield	Connecticut	0.068	0.07	0.067	0.068
090110124	New London	Connecticut	0.075	0.071	0.071	0.072
090131001	Tolland	Connecticut	0.067	0.068	0.07	0.068
090159991	Windham	Connecticut	0.068	0.064	0.063	0.065

On July 1, 2024, CT DEEP submitted an EE demonstration. The EE demonstration proposed five days to be excluded from the 2023 ozone season. The EPA's previous action on the demonstration affects the determination

[10] 90 FR 5651, January 17, 2025.

[11] CAA section 301(d); 40 CFR part 49.

[12] The EPA maintains the AQS, a database that contains ambient air pollution data collected by the EPA, state, local, and tribal air pollution control agencies. The AQS also contains meteorological data, descriptive information about each monitoring station (including its geographic location and its operator) and data quality assurance/quality control information. The AQS data is used to (1) assess air quality, (2) assist in attainment/non-attainment designations, (3) evaluate SIPs for non-attainment areas, (4) perform modeling for permit review analysis, and (5) prepare reports for Congress as mandated by the CAA. Access is through the website at *https://www.epa.gov/aqs.*

of attainment by the attainment date for the Mashantucket Pequot Tribal Nation and the Mohegan Indian Tribe.[13] The EE initial notification, EE demonstration, the EPA's response to the initial notification, and EPA's decision on the EE demonstration are provided in the docket for this rulemaking.

For the Greater Connecticut nonattainment area (including the two tribal territories) to have an attaining 2021–2023 DV for the 2015 ozone NAAQS, the EPA would have had to concur on all of the requested air quality monitoring data for exclusion in the EE demonstration that CT DEEP submitted for 2023. Furthermore, to qualify for an extension of the attainment date, the EPA would have to concur on all of the air quality monitoring data requested for exclusion at the Groton (New London County) monitoring site in the EE demonstration submitted for 2023. The EPA responded to CT DEEP's Initial Notification submittal for an intended EE demonstration, dated March 7, 2024, indicating that the events described may affect a future regulatory decision.[14] Because regulatory significance is required for EPA concurrence on an EE demonstration and subsequent exclusion of the event-influenced data from the design value, the EPA therefore determined it would evaluate the demonstration submitted by CT DEEP under the Exceptional Events Rule (EER). The demonstration submitted by CT DEEP stated that the exceedances measured on April 13–14 were caused by annual agricultural and prescribed fires from the Flint Hills region of Kansas, and nearby wildfires from Pennsylvania, New York, and New Jersey. The demonstration from CT DEEP also stated that there were exceedances or violations on June 30–July 1 due to Quebec, Canada, wildfires that transported smoke into the area. CT DEEP also asserted that high levels of ozone were recorded due to smoke from western Canadian wildfires on July 12. A summary of CT DEEP's exceptional event demonstration dates, type of events, and regulatory monitoring sites affected is outlined in Table 2 below.

TABLE 2—SUMMARY OF CRITICAL AND ANALYTICALLY COMPLEX EXCEPTIONAL EVENT DEMONSTRATION IN GREATER CONNECTICUT

Event date	Type of event	Monitoring sites affected
April 13, 2023	Annual Agricultural and Prescribed Fires, Wildfires	Groton (New London Co.).
April 14, 2023	Annual Agricultural and Prescribed Fires, Wildfire	Groton (New London Co.).
June 30, 2023	Wildfire	Groton (New London Co.).
July 1, 2023	Wildfire	Groton (New London Co.), East Hartford (Hartford Co.), Cornwall (Litchfield Co.).
July 12, 2023	Wildfire	Groton (New London Co.).

The EPA concurred with CT DEEP's request to exclude data on June 30 and July 1, 2023, at the Groton monitoring site, and on July 1, 2023, at the East Hartford and Cornwall monitoring sites. However, the EPA did not concur with CT DEEP's request to exclude data on April 13–14 or July 12 from the Groton monitoring site. Please refer to the technical support document for EPA's July 22, 2024, EE decision located in the docket of this rulemaking for further information regarding EPA's decision on CT DEEP's EE demonstration.

The 2007 EER and 2016 EER [15] contain the procedural requirements and the criteria that the EPA uses to evaluate EE demonstrations. The demonstration must satisfy all of the EER criteria for the EPA to concur with excluding the air quality data from regulatory decisions. If any one of the criteria are not met, the EPA will nonconcur with the demonstration. In addition to the procedural requirements, the demonstration must include: (1) a narrative conceptual model describing the event(s) causing the exceedance or violation and a discussion of how the emissions from the event(s) led to the exceedance or violation, (2) a demonstration of a clear causal relationship between the event and the monitored exceedance or violation, (3) analyses comparing the event-influenced concentration to concentrations at the same monitoring site at other times to support the clear causal relationship, (4) a demonstration that the event was both not reasonably controllable and not reasonably preventable, and (5) a demonstration that the event was a human activity unlikely to recur at a particular location or was a natural event.

The EPA found that CT DEEP's demonstration met the Exceptional Events Rule criteria for some of the dates and monitors as noted above and determined that wildfire smoke events had regulatory significance for purposes of calculating the Area's most recent design value. As such, the EPA is proposing and taking comment on the EPA's July 22, 2024, decision regarding CT DEEP's request to exclude air quality monitoring data as an exceptional event for regulatory purposes. The rationale for the EPA's July 22, 2024, exceptional events determination is detailed in the docket. For this proposed action, the EPA will rely on the calculated design values that exclude the event-influenced data for the purpose of determining attainment of the 2015 ozone NAAQS. Further details on CT DEEP's analyses and the EPA's concurrence and nonconcurrence, including the exceptional events initial notification, exceptional events demonstration, the EPA's response to the initial notification, and EPA's technical support document can be found in the docket for this rulemaking.

While the EPA has concurred with CT DEEP's request to exclude event-influenced air quality monitoring data (June 30 and July 1, 2023, at the Groton monitoring site, and on July 1, 2023, at the East Hartford and Cornwall monitoring sites) from regulatory decisions, these regulatory actions require the EPA to provide an opportunity for public comment on the claimed exceptional events and all supporting data. This proposed action provides the public with an opportunity to comment on the claimed exceptional events, all supporting documents, and the EPA's concurrence and

[13] CAA section 319(b) defines an exceptional event as an event that (i) affects air quality; (ii) is not reasonably controllable or preventable; (iii) is an event caused by human activity that is unlikely to recur at a particular location or a natural event; and (iv) is determined by the Administrator through process established in regulation to be an exceptional event.

[14] Letter from L. Hamjian, Director, EPA R1 Air and Radiation Div., to T. Babbidge, Chief, Bureau of Air management., Conn. Dept. of Energy and Envtl. Prot. (March 7, 2024).

[15] The EPA promulgated the EER in 2007, pursuant to the 2005 amendment of CAA section 319. In 2016, the EPA finalized revisions to the EER, which superseded the 2007 EER. The 2007 EER and 2016 EER revisions added sections 50.1(j)–(r); 50.14; and 51.930 to title 40 of the CFR.

nonconcurrence with CT DEEP's request.

B. Determination of Failure To Attain and Reclassification

The EPA is proposing to determine that the Mashantucket Pequot Tribal Nation and the Mohegan Indian Tribe portions of the Greater Connecticut area failed to attain the 2015 ozone NAAQS by the attainment date of August 3, 2024. Table 1 shows the annual fourth highest daily maximum 8-hour average ozone concentration and 2021–2023 DV for each monitor in the Greater Connecticut nonattainment area, which includes the two Tribes' territories.

The tribal portions of the Greater Connecticut area will be reclassified to Serious, the next higher classification, as provided under CAA section 181(b)(2)(A)(i) and codified at 40 CFR 51.1303. The areas are required to attain the standard ''as expeditiously as practicable'' but no later than 9 years after the initial designation as nonattainment, which in this case would be no later than August 3, 2027.

C. Serious Area Requirements and Proposed Schedule

Moderate nonattainment areas that failed to attain the 2015 ozone NAAQS by the attainment date will be reclassified as Serious by operation of law upon the effective date of the final reclassification notice. EPA has addressed the Serious area requirements and SIP submittal schedule for relevant air agencies newly reclassified Serious areas, as well as the continued applicability of Moderate area requirements that these areas may not yet have met, in a separate rulemaking.[16] As discussed previously, under the CAA and TAR, Tribes may, but are not required to, submit implementation plans to the EPA for approval.

III. Proposed Action

EPA is proposing that the tribal portions of the Greater Connecticut area failed to attain the 2015 ozone standard by the Moderate area attainment date of August 3, 2024, based on a 2021–2023 DV of 0.072 ppm. CAA section 181(b)(2) requires areas that have failed to attain by their attainment date be reclassified to the higher of (i) the next highest classification, or (ii) the classification that corresponds with the area's DV as of the time that the EPA publishes the document identifying the areas that have failed to attain by their attainment date. Accordingly, the EPA is proposing that the tribal portions of the area, which includes the Mashantucket Pequot Tribal Nation and the Mohegan Indian Tribe, failed to attain the 2015 ozone NAAQS by August 3, 2024, and therefore the tribal portions of the nonattainment area must be reclassified as Serious.

As noted previously, a Tribe that is part of an area that is reclassified from Moderate to Serious nonattainment is not required to submit a TIP revision to address new Serious area requirements. Under the EPA requirements, the NNSR major source threshold and offset requirements change for stationary sources seeking preconstruction permits in any nonattainment areas newly classified as Serious, including on tribal lands. Areas such as the Mashantucket Pequot Tribal Nation and the Mohegan Indian Tribe that were already classified as Serious for a previous ozone NAAQS, however, are already subject to these lower thresholds and higher offset ratios, so a reclassification to Serious for the 2015 ozone NAAQS would have no effect on the NNSR permitting requirements for the tribal lands in those areas.[17] The EPA is soliciting public comment on the reclassification from Moderate to Serious nonattainment for the 2015 ozone NAAQS.

The EPA is also soliciting public comment on EPA's July 22, 2024, decision of CT DEEP's exceptional events demonstration to exclude air quality data from the 2023 ozone season and its decision to nonconcur on other elements of CT's demonstration. This is in accordance with EPA's 2016 Exceptional Events Rule (EER).[18] The EPA is taking comment for 30 days upon publication of this proposed rule in the **Federal Register**. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to this proposed rule by following the instructions listed in the **ADDRESSES** section of this **Federal Register**.

IV. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review, and Executive Order 14094: Modernizing Regulatory Review

This action is not a ''significant regulatory action'' under the terms of Executive Order 12866 (58 FR 51735, October 4, 1993) and is therefore not subject to review under Executive Order 14094 (88 FR 21879, April 11, 2023).

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

This action is not subject to Executive Order 14192 (90 FR 9065, February 6, 2025) because determinations of attainment by the attainment date under the CAA are exempt from review under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

This rule does not impose an information collection burden under the provisions of the PRA of 1995 (44 U.S.C. 3501 *et seq.*). This action does not contain any information collection activities and serves only to propose determinations that the tribal portions of the Greater Connecticut nonattainment area failed to attain the 2015 ozone standards by the August 3, 2024, attainment date where such areas will be reclassified as Serious nonattainment for the 2015 ozone standards.

D. Regulatory Flexibility Act (RFA)

This action is certified as not having a significant economic impact on a substantial number of small entities under the RFA (5 U.S.C. 601 *et seq.*). This action will not impose any requirements on small entities. The determination of failure to attain the 2015 ozone standards (and resulting reclassifications), do not in and of themselves create any new requirements beyond what is mandated by the CAA.

E. Unfunded Mandates Reform Act (UMRA)

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

F. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. The division of responsibility between the Federal government and the states for purposes of implementing the NAAQS is established under the CAA.

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

Executive Order 13175 (65 FR 67249, November 9, 2000), requires EPA to develop an accountable process to ensure ''meaningful and timely input by

[16] 90 FR 5651, January 17, 2025.

[17] The Mashantucket Pequot Tribal Nation and Mohegan Indian Tribe were reclassified as a ''serious'' nonattainment area under the 2008 Ozone NAAQS on August 23, 2019 (84 FR 44238).

[18] 81 FR 68216, October 3, 2016.

Tribal officials in the development of regulatory policies that have Tribal implications.'' This action has Tribal implications. However, it will neither impose substantial direct compliance costs on federally recognized tribal governments, nor preempt tribal law. As noted previously, a Tribe that is part of an area that is reclassified from Moderate to Serious nonattainment is not required to submit a TIP revision to address new Serious area requirements. However, the EPA is proposing the determinations of failure to attain in this action. Ordinarily, the NNSR major source threshold and offset requirements will change for stationary sources seeking preconstruction permits in any nonattainment areas newly classified as Serious, including on tribal lands. Areas that are already classified as Serious for a previous ozone NAAQS, however, are already subject to these higher offset ratios and lower thresholds, so a reclassification to Serious for the 2015 ozone NAAQS would have no effect on the NNSR permitting requirements for the tribal lands in those areas.

The EPA has communicated with the affected Tribes located within the boundaries of the nonattainment area addressed in this proposed rule to inform them of this forthcoming action.

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

EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997) as applying to those regulatory actions that concern environmental health or safety risks that EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it does not establish an environmental standard intended to mitigate health or safety risks.

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

This action is not subject to Executive Order 13211 (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards. Therefore, EPA is not considering the use of any voluntary consensus standards.

List of Subjects in 40 CFR Part 52

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

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

Dated: September 29, 2025.

Mark Sanborn,

Regional Administrator, EPA Region 1.

[FR Doc. 2025–20497 Filed 11–19–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2024–0268; FRL–12929–01–R5]

Air Plan Approval; Minnesota; Metropolitan Council Wastewater Treatment Plant Title I PM_{10} SIP Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a request from the Minnesota Pollution Control Agency (MPCA) to revise its State Implementation Plan (SIP) by updating information for the Metropolitan Council Environmental Service (MCES) Metropolitan Council Wastewater Treatment Plant (Metro Plant) in Ramsey County, Minnesota. This SIP revision is being proposed in conjunction with an amendment to a part 70 permit maintaining federally enforceable title I SIP conditions. This SIP revision would result in a reduction of allowable emissions of particulate matter less than 10 microns (PM_{10}) emitted by the facility.

DATES: Comments must be received on or before December 22, 2025.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2024–0268 at *http://www.regulations.gov,* or via email to *arra.sarah@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from the docket. EPA may publish any comment received to its public docket. Do not submit to EPA's docket at *https://www.regulations.gov* any information you consider to be Confidential Business Information (CBI), Proprietary Business Information (PBI), or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI, PBI, or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Nicole Naber, Air and Radiation Division (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6609, *naber.nicole@epa.gov.* The EPA Region 5 office is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays.

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA.

I. Background

This proposed SIP revision affects the Metro Plant at 2400 Childs Road, Saint Paul, Minnesota. This facility utilizes three fluidized bed incinerators each using activated carbon, a baghouse, a wet scrubber, and a wet electrostatic precipitator to process wastewater solids and reduce PM_{10} emissions. The facility's permit contains site-specific restrictions as part of Minnesota's SIP for PM_{10} in the Red Rock Road PM_{10} Maintenance Area. This SIP currently contains non-expiring title I conditions from a part 70 permit issued for the facility (Permit No. 12300053–006), which establish emission limits and various conditions that were deemed essential to reach attainment for the 1987 National Ambient Air Quality Standards (NAAQS) for PM_{10}. This amendment to the MCES permit allows for the addition of a new emission unit, specifically an additional fluidized bed incinerator. To ensure the addition of this new unit will not cause a violation of the PM_{10} standard, an emission limit decrease and discontinuation of some emission units are being included in the

permit revision. This permit revision results in a reduction of allowable PM_{10} emissions at the facility; therefore, the MPCA is requesting that EPA approve changes to the site-specific SIP for MCES (included in the Minnesota SIP at 40 CFR 52.1220).

II. Analysis of Minnesota's Submittal

The purpose of Minnesota's permit action and related site-specific SIP revision is to address changes at the facility, specifically the addition of a fluidized bed incinerator, and decreases in other emission limits, many of which are affected by title I SIP conditions. This SIP revision is being proposed with an amendment to a part 70 permit maintaining federally enforceable title I SIP conditions (Air Emission Permit No. 12300053–102). The permit is final and was published on January 4, 2024, with an administrative amendment on March 6, 2024. MPCA provided EPA with detailed emissions information for each of the changes to the permit and SIP as well as the overall PM_{10} emission changes from the prior SIP submittal that EPA approved on September 11, 2002 (67 FR 57517), (associated with permit 12300053–006), to this submittal (associated with permit 12300053–102). This SIP revision incorporates several changes made in Permit No. 12300053–102 including lower allowable PM_{10} emissions at the facility through more stringent emissions limits on several pieces of equipment and processes. The limits for existing fluidized bed incinerators (FBIs) EQUI 3, EQUI 4, and EQUI 5 will be lowered from 2.01 pounds per hour (lbs/hr) PM_{10} to 1.70 lbs/hr PM_{10} on a 3-run average, as specified in permit conditions 5.7.13, 5.8.13, and 5.9.13. The limits for auxiliary boilers EQUI 10 and EQUI 11 will be lowered from 25.82 pounds per day (lbs/day) PM_{10} to 18.54 lbs/day PM_{10} on a 24-hour block average, as specified in permit condition 5.3.13. The limit for ash loadout housekeeping vacuum EQUI 50 will be lowered from 0.05 grains per dry standard cubic foot (gr/dscf) PM_{10} to 0.005 gr/dscf PM_{10}, on a 3-run average, as specified in permit condition 5.24.2. Finally, MCES will also use natural gas instead of fuel oil in EQUI 10 and EQUI 11 significantly lowering the PTE from 1.23 lbs/hr PM_{10} to 0.39 lbs/hr PM_{10} and will modify their ash handling equipment to meet the new proposed PM_{10} emission limit of 0.005 gr/dscf. The facility modeled these lower PM_{10} emissions limits in conjunction with equipment and operational limitations and the analysis showed a combined decrease of 6.3 tons per year in allowable emissions from the actions proposed in the title I SIP revision. The changes meet section 110(l) requirements since they are all decreases in emissions.

The permit also includes changes that will not be incorporated into the SIP but are included in the docket as part of the submittal. These changes are still federally enforceable through non-expiring title I NAAQS synthetic minor conditions included in the facility's permit, under Minnesota's EPA-approved permit program. Specifically, these permit revisions include plans to build a fourth FBI (EQUI 133) and additional revisions such as rerouting of the pressure relief cycles. The potential to emit (PTE) from adding EQUI 133 and discontinuing EQUI 9 will be lowered from 14.08 lbs/hr to 9.22 lbs/hr. If MCES builds EQUI 133, it must also forfeit the construction and operation of three alkaline stabilization cells (EQUI 6, EQUI 7, EQUI 8). If MCES is unable to build the fourth FBI, MCES may continue with the previously permitted and SIP-approved construction and operation of three alkaline stabilization cells (EQUI 6, EQUI 7, EQUI 8). The facility provided modeling to demonstrate that these changes do not contribute to exceedances or violations of the PM_{10} standard which were assessed through the New Source Review program to ensure they meet Clean Air Act (CAA) requirements.

Under section 110(l) of the CAA, EPA cannot approve a SIP revision if it would interfere with attainment of the NAAQS, reasonable further progress toward attainment, or any other applicable requirement of the CAA. Through this submittal, MPCA has demonstrated to EPA that 110(l) requirements have been met through the permit amendment and the successive SIP revision. The SIP revision shows a decrease in emissions and the permit changes have also been demonstrated to not interfere with attainment of the NAAQS. Therefore, EPA finds that Minnesota's permit action and successive SIP revision meet CAA requirements.

III. What action is EPA taking?

EPA is proposing to incorporate into Minnesota's SIP all the conditions cited as ''Title I Condition: 40 CFR 52.1220 (PM_{10} SIP)'' in Permit No. 12300053–102. These revisions include both the changes in ash handling within the facility and the lower allowable PM_{10} emissions for each Fluidized Bed Incinerator (EQUI 3, EQUI 4, EQUI 5), auxiliary boilers (EQUI 10, EQUI 11), and ash loadout vacuum (EQUI 50).

This SIP submittal includes Permit No. 12300053–102 and the supporting technical documentation.

IV. Incorporation by Reference

In this rulemaking, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference all the conditions cited as ''Title I Condition: 40 CFR 52.1220(PM_{10} SIP)'' in Minnesota Permit No. 12300053–102, published on January 4, 2024, with an administrative amendment on March 6, 2024, discussed in section II of this preamble. EPA has made, and will continue to make, these documents generally available through *www.regulations.gov* and at the EPA Region 5 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve State choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Is not subject to Executive Order 14192 (90 FR 9065, February 6, 2025) because SIP actions are exempt from review under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a State program;

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

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

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: November 5, 2025.

Anne Vogel,

Regional Administrator, Region 5.

[FR Doc. 2025–20441 Filed 11–19–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2025–0734; FRL–13009–01–R3]

Air Plan Approval; District of Columbia; Creation of Synthetic Minor Permit Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a state implementation plan (SIP) revision submitted by the Department of Energy and Environment (DOEE, the ''Department'') on behalf of the District of Columbia (DC, the ''District''). The revisions pertain to creating a synthetic minor permit program and resolving the regulatory differences between the District's current regulations and those regulations approved previously in Chapters 1 and 2 of the Air Quality Regulations. The intended effect of this action is to enable DC to create federally enforceable synthetic minor permit conditions for sources of criteria pollutants pursuant to section 110 of the Clean Air Act (CAA, the ''Act''). This action is being taken under the CAA.

DATES: Written comments must be received on or before December 22, 2025.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R03–OAR–2025–0734 at *www.regulations.gov,* or via email to *Talley.David@epa.gov.* For comments submitted at *Regulations.gov,* follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Yongtian He, Permits Branch (3AD10), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1600 John F Kennedy Boulevard, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–2339. Mr. He can also be reached via electronic mail at *he.yongtian@epa.gov.*

SUPPLEMENTARY INFORMATION: On August 11, 2023, the Department of Energy and Environment (DOEE) submitted a revision to the DC SIP to create a synthetic minor permit program and address regulatory differences between the District's current regulations and those approved previously in Chapters 1 and 2 of the Air Quality Regulations. DOEE submitted the SIP revision request along with a SIP revision related to Startup, Shutdown, and Malfunction (SSM). Those proposed SIP Revisions related to Chapter 1 and SSM will be processed in a separate SIP action.

I. Background

A SIP-approved minor source permitting program can include provisions for issuing permits that establish federally enforceable emissions limits to restrict the Potential to Emit (PTE) of certain pollutants below major stationary source and major modification applicability thresholds. ''Synthetic minor'' permits establish these federally enforceable emission limits for sources obtaining construction permits, and also establish these emission limits in the corresponding operating permits.

This DC SIP revision is intended to create a synthetic minor permit program through provisions in title 20 of the District of Columbia Municipal Regulations (20 DCMR), specifically 20 DCMR Chapter 2 Section 200.6 and 200.7 as amended, in conjunction with other provisions that already existed in 20 DCMR Chapter 2 and were previously approved into the DC SIP. These provisions enable a new source or modification of an existing source to limit its PTE below major source thresholds in order to qualify as minor and avoid major new source review (NSR) applicability, including the prevention of significant deterioration (PSD) in attainment areas and nonattainment NSR (NNSR) in nonattainment areas. These provisions also allow new sources or modifications of existing sources to avoid major source status under title V of the CAA through limiting PTE. A stationary source may request federally enforceable permit limits to limit its PTE to below major source threshold, thus becoming a minor source ''synthetically.'' The intended effect is similar to federally enforceable state operating permit (FESOP) programs established in many states. State operating permit programs which have been incorporated into the SIP render operating permits issued pursuant to such a program federally enforceable. This FESOP mechanism allows sources to reduce their PTE to below the title V applicability thresholds and thereby legally avoid being subject to title V.

On June 28, 1989 (54 FR 27274), the EPA published criteria for approving and incorporating into the SIP regulatory programs for the issuance of federally enforceable state operating permits (''June 28, 1989 Final Rule'').[1] Permits issued pursuant to an operating permit program meeting these criteria and approved into the SIP are

[1] See ''Requirements for the Preparation, Adoption, and Submittal of Implementation Plans; Approval and Promulgation of Implementation Plans,'' June 28, 1989 (54 FR 27274).

considered federally enforceable. The EPA has encouraged States to consider developing such programs in conjunction with title V operating permit programs for the purpose of creating federally enforceable limits on a source's PTE. The EPA published a guidance document on September 18, 1992 entitled ''Limitation of Potential to Emit with Respect to Title V Applicability Thresholds'' to address a state's ability to utilize a title V permit, or other federally-enforceable means, to limit the PTE for various purposes.[2] On January 22, 1996, the EPA released the Seitz memo ''EPA Interim Policy on Federal Enforceability Requirement for Limitations on Potential to Emit.'' [3] This mechanism would enable sources to reduce their PTE of criteria pollutants to below the title V applicability thresholds and avoid being subject to title V.

The purpose of DC's synthetic minor program is to provide sources a mechanism to avoid Title V and new source review major source applicability and make those synthetic minor permit conditions both enforceable by the District and federally enforceable. Therefore, requirements for the development of a FESOP program are appropriate criteria with which to evaluate the DOEE synthetic minor program.

II. Summary of SIP Revision and EPA Analysis

A. SIP Revisions

The District of Columbia submitted a SIP revision to create a synthetic minor permitting program. The revisions are also intended to address regulatory differences between the District's current regulations and those regulations approved previously, thus clarifying and resolving errors in the existing regulations.

Section 200 (General Permit Requirements) of 20 DCMR Chapter 2 (General and Non-attainment Area Permits) establishes synthetic minor program provisions. Section 200.6 allows the Department to establish a condition in a permit issued pursuant to this chapter that limits, in a manner that is enforceable as a practical matter, emissions from a source so as to avoid applicability of the permitting requirements of 20 DCMR Section 300.1 (*i.e.,* DC's title V regulations). Essentially, this provision creates a synthetic minor operating permit program, along with other provisions in 20 DCMR Chapter 2. Section 200.7 allows the Department to establish a condition in a permit issued pursuant to this chapter that limits, in a manner that is enforceable as a practical matter, emissions from a source so as to avoid applicability of a District or Federal air quality regulation, other than the requirements of 20 DCMR section 300.1, except when prohibited by another District or Federal regulation. Essentially, the provision creates a synthetic minor preconstruction permit program. Through provisions in sections 200.6, 200.7 and other sections in 20 DCMR Chapter 2, DOEE establishes a synthetic minor program to issue synthetic minor operating permits and synthetic minor preconstruction permits in DC.

Other substantive changes in Chapter 2 include revisions in the following sections: (1) in 20 DCMR section 200.8 establishes a source category permit covering a group of similar sources or emission units; (2) in 20 DCMR sections 200.9, 200.10, 200.11, 200.12, 200.13, 200.14, and 200.15 cover administrative aspects of permits issued in Chapter 2 including applications, data requirements, fees, signature process, exceptions and compliance; (3) in 20 DCMR section 202, Amendment, Suspensions, Revocation, and Denial of Permits, revisions in sections 202.1, 202.2, 202.6, 202.7, and 202.8 are related to requirements and procedures on amendment, suspension, revocation, and denial of permits; and, 4) in 20 DCMR section 210, Notice and Comment Prior to Permit Issuance, revisions in sections 210.3, 210.4, 210.5, and 210.6 are related to requirements and procedures on public notice and comment prior to permit issuance.

B. Evaluation of Synthetic Minor Program Under Section 110 of the Act

In the June 28, 1989 Final Rule, the EPA amended the definition of ''federally enforceable'' to clarify that terms and conditions contained in state-issued operating permits are federally enforceable for purposes of limiting a source's maximum potential emission rates or PTE. The June 28, 1989 Final Rule also established five criteria for the EPA to approve a state operating permit program. The following describes each of the criteria for approval of a state operating permit program for the issuance of federally enforceable operating permits for purposes of limiting a source's PTE and how DOEE's SIP submittal seeking to establish a synthetic minor program satisfies those criteria.

(1) The State operating permit program (*i.e.,* the regulations or other administrative framework describing how such permits are issued) is submitted to and approved by the EPA into the SIP.

On August 11, 2023 DOEE submitted a SIP revision request for approval of its synthetic minor permit program. The DC permit program codified in 20 DMCR Chapter 2 provides the framework for general and non-attainment area permits issuance. DC revised 20 DCMR Chapter section 200.6 to establish conditions for a source to avoid title V permit requirements, and section 200.7 to establish conditions to avoid major NSR requirements and applicability of other major source requirements. DC has requested these revisions to be approved into the DC SIP.

(2) The SIP imposes a legal obligation that operating permit holders adhere to the terms and limitations of such permits (or subsequent revisions of the permit made in accordance with the approved operating permit program) and provides that permits which do not conform to the operating permit program requirements and the requirements of the EPA's underlying regulations may be deemed not ''federally enforceable'' by the EPA.

The DOEE permit program in 20 DCMR Chapter 2 section 200.15 explicitly requires that a person shall comply with the conditions of any permit issued pursuant to this chapter. The general provisions of the permit program at sections 200.6 and 200.7 establish that permit conditions must be enforceable as a practical matter. Furthermore, the permit program's definitions of ''enforceable as a practical matter'' and ''federally enforceable'' in 20 DCMR Chapter 1 section 199 require that permit terms must meet the EPA's minimum criteria for Federal enforceability, including public participation and practical enforceability requirements.

(3) The State operating permit program requires that all emissions limitations, controls, and other requirements imposed by such permits be at least as stringent as any other applicable limitations and requirements contained in the SIP or enforceable under the SIP. The State operating permit program also requires that the program not issue permits that waive, or make less stringent, any limitations or requirements contained in or issued pursuant to the SIP, or that are otherwise ''federally enforceable'' (*e.g.* standards established under sections 111 and 112 of The Act).

The DC synthetic minor program established in section 200.6 and 200.7, requires that all limits in permits issued

[2] *www.epa.gov/sites/default/files/2015-08/documents/threshld.pdf.*

[3] *www.epa.gov/sites/default/files/2015-08/documents/pottoemi.pdf.*

pursuant to this Chapter shall be enforceable as a practical matter, and limits must not be designated as enforceable only by the District, *i.e.,* federally enforceable. Permits shall contain emission limitations and other requirements that are at least as stringent as any applicable limitation in the SIP. The program also establishes that no permit shall contravene the requirements of any other District or Federal regulations.

(4) The limitations, controls, and requirements in the operating permits are permanent, quantifiable, and otherwise enforceable as a practical matter.

Sections 200.6 and 200.7 state that a permit condition must be ''enforceable as a practical matter.'' DC regulations in 20 DMCR section 199 define ''federally enforceable'' and ''enforceable as a practical matter''. The definition of ''Federally enforceable'' in section 199 matches verbatim the definition in 40 Code of Federal Regulations (CFR) 51.165. The DOEE permit program defines ''enforceable as a practical matter'' to mean that a permit must specify emission limitation or standards the source subject to, the time period for the limitation, and the method to determine compliance (See 20 DCMR section 199). Sufficient recordkeeping, reporting, and monitoring provisions must also be provided to ensure compliance.

(5) The permits are issued subject to public participation. This means that the State agrees, as part of its program, to provide the EPA and the public with timely notice of the proposal and issuance of such permits, and to provide the EPA, on a timely basis, with a copy of each proposed (or draft) and final permit intended to be federally enforceable. This process must also provide an opportunity for public comment on the permit applications prior to issuance of the final permit (54 FR 27274, June 28, 1989).

The ''federally enforceable'' synthetic minor permits issued under the permit program are subject to public participation. The permit program's public participation provisions at 20 DMCR Chapter 2 section 210 require that for a permit to be federally enforceable the draft permit must be subject to an adequately publicized 30-day public comment period. The permit program also provides the opportunity for a public hearing. The general provisions of the permit program at section 210.6 require DOEE to provide the EPA with a copy of the draft permit and final permit on a timely basis.

Therefore, DC's synthetic minor program is consistent with the five criteria for approving a state operating permit program into a SIP. Permits issued under an approved program are federally enforceable and may be used to limit the PTE for sources of criteria air pollutants. In meeting those five requirements as discussed above, DC's synthetic minor program also meet the requirements of 40 CFR 51.160 through 165 on legally enforceable procedures, public availability of information, administrative procedure and permit requirements.

Section 110(a)(2)(C) of the CAA requires that SIPs include a program to regulate the construction and modification of stationary sources as necessary to ensure that the national ambient air quality standards (NAAQS) are maintained. 20 DMCR Chapter 2 section 200 and section 204 have been part of the DC SIP for many years and meet the requirements in section 110(a)(2)(C) of the Act which requires all SIPs to provide for the regulation of the modification and construction of any stationary source within the areas covered by the plan implementation as necessary to assure that NAAQS are achieved. CAA section 110(l) provides that revision to an implementation plan submitted by a state under this chapter shall be adopted by such state after reasonable notice and public hearing. The DC SIP submission provided documentation of public comment and public hearing notices of the DC rulemaking. The DC SIP submission met the public notice and public hearing requirements. Further, because the permits issued under DC's synthetic minor permit program will be federally enforceable, and the limitations, controls and requirements in the permits will be permanent, quantifiable and enforceable as a practical matter, the EPA finds that these revisions in DC SIP will not interfere with any applicable requirement concerning attainment and reasonable further progress, or any other applicable CAA requirement. Therefore, the proposed DC SIP revision meets the requirements of 110 of the CAA.

III. Proposed Action

The EPA has reviewed DC's proposed changes to the DOEE's permit program in 20 DCMR Chapter 2 and has determined that they meet all applicable Federal requirements for approval. The EPA proposes to approve the District of Columbia's August 11, 2023 SIP revision for creating a synthetic minor permit program, pursuant to section 110 of the CAA and the approval criteria specified in the June 28, 1989 **Federal Register** document (54 FR 27274–27286).

The EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

IV. Incorporation by Reference

In this document, the EPA proposes to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA proposes to incorporate by reference the DC air quality regulations in Chapter 2 of 20 DCMR, as describe in section II of this document. The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region III Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Clean Air Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993);
- Is not subject to Executive Order 14192 (90 FR 9065, February 6, 2025) because SIP actions are exempt from review under Executive Order 12866:
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

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

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

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

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

List of Subjects in 40 CFR Part 52

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

Amy Van Blarcom-Lackey,

Regional Administrator, Region III.

[FR Doc. 2025–20416 Filed 11–19–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2023–0348; FRL–11133–03–R10]

Air Plan Approval; AK; Regional Haze Plan for the Second Implementation Period; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; extension of comment period.

SUMMARY: The Environmental Protection Agency (EPA) is extending the comment period for the proposed rulemaking entitled ''Air Plan Approval; AK; Regional Haze Plan for the Second Implementation Period,'' that published on October 30, 2025. This will allow interested persons additional time to prepare and submit comments.

DATES: The comment period for the action that published on October 30, 2025 (90 FR 48855), is extended. Written comments must be received on or before December 16, 2025.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R10–OAR–2023–0348 at *https://www.regulations.gov.* For comments submitted at *regulations.gov,* follow the online instructions for submitting comments. Once submitted, comments may not be edited or removed from *regulations.gov.* For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be confidential business information or other information the disclosure of which is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about confidential business information or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Kristin Hall, EPA Region 10, 1200 Sixth Avenue, Suite 155, Seattle, WA 98101, at (206) 553–6357 or *hall.kristin@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, the use of ''we'' and ''our'' means ''the EPA.''

On October 30, 2025 (90 FR 48855), we published ''Air Plan Approval; AK; Regional Haze Plan for the Second Implementation Period'' in the **Federal Register**. In that proposed rulemaking we proposed to approve the Alaska regional haze plan for the second implementation period and opened a 30-day comment period, ending on December 1, 2025. We received a request from the public to extend the comment period an additional 15 days, to allow interested persons additional time to prepare and submit comments. We are granting the request. Written comments must now be received on or before December 16, 2025.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

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

Angeles Herrera,

Director, Air and Radiation Division, Region 10.

[FR Doc. 2025–20415 Filed 11–19–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R02–OAR–2025–0243; FRL 12785–01–R2]

Air Plan Approval; New York; Athens Generating Plant

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a revision to the State of New York's State Implementation Plan (SIP) for the ozone National Ambient Air Quality Standard (NAAQS) related to a Source-specific SIP (SSSIP) revision for the Athens Generating Plant, located at 9300 US Route 9 West, Athens, NY 12015 (''Athens'' or ''the Facility''). The EPA is proposing to find that the control options in this SSSIP revision implement Reasonably Available Control Technology (RACT) with respect to Oxides of Nitrogen (NO_X) emissions from the relevant Facility sources, which are identified as three combined-cycle Westinghouse model 501G combustion turbines with associated heat recovery steam generators and steam turbines (identified as Emission Units U–00001, U–00002, and U–00003 in the Facility's Title V permit and New York's submission). This SSSIP revision is intended to implement NOx RACT for the relevant Facility sources in accordance with the requirements for implementation of the 2008 and 2015 ozone NAAQS. The EPA proposes to determine that this action will not interfere with ozone NAAQS requirements and that it meets all applicable requirements of the Clean Air Act (CAA).

DATES: Comments must be received on or before December 22, 2025.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R02–OAR- 2025–0243 at *https://www.regulations.gov.* Although listed in the index, some information is not publicly available, *e.g.,* Controlled Unclassified Information (CUI)

(formerly referred to as Confidential Business Information (CBI)) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be CUI or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CUI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Nicholas Ferreira, Environmental Protection Agency, Region 2 Office, 290 Broadway, 25th Floor, New York, New York 10007–1866, at (212) 637–3127, or by email at *ferreira.nicholas@epa.gov.*

SUPPLEMENTARY INFORMATION: For additional information on regulatory background and the EPA's technical findings relating to the Facility RACT, the reader can refer to the Technical Support Document (TSD) that is contained in the EPA docket assigned to this **Federal Register** document.

Table of Contents

I. Background
II. The EPA's Evaluation of New York's Submission
III. Proposed Action
IV. Incorporation by Reference
V. Statutory and Executive Order Reviews

I. Background

Ground level ozone is a secondary air pollutant that is created by the chemical reactions that occur when ozone precursors, including nitrogen oxides (NO_X) and volatile organic compounds (VOC), chemically react in the presence of sunlight.[1] Emissions from industrial facilities are anthropogenic sources of ozone precursors. The EPA regulates criteria pollutants, such as ozone, by establishing NAAQS. With respect to this proposed action, there are two relevant ozone NAAQS. First, on March 12, 2008, the EPA promulgated a revision to the ozone NAAQS, setting both the primary and secondary standards at 0.075 parts per million (ppm), averaged over an 8-hour time frame (''The 2008 8-hour Ozone Standard''). *See* 73 FR 16436 (March 27, 2008). Second, on October 1, 2015, the EPA lowered these standards to 0.070 ppm, averaged over an 8-hour time frame (''The 2015 8-hour Ozone Standard''). *See* 80 FR 65292 (October 26, 2015).

The State of New York has two ozone nonattainment areas.[2] CAA section 182 requires states with ozone NAAs to include in their SIPs, among other things, provisions to require the implementation of RACT. In addition, under CAA section 184, the State of New York is located within the Ozone Transport Region (OTR), which means that all major sources of VOC and NOx within the State are subject to statewide RACT requirements. RACT is defined as the lowest emission limit that a source is capable of meeting through the application of control technology that is reasonably available considering technological and economic feasibility.[3]

CAA section 184(b)(2) and 182(f)(1) set forth the requirements to establish control measures to implement RACT for major sources of VOC and/or NO_X located in the OTR. RACT for a particular source is determined on a case-by-case basis, considering the technological and economic circumstances of the individual source. The New York State Department of Environmental Conservation (NYSDEC) RACT regulations require applicable facilities to meet certain requirements, referred to as ''presumptive RACT requirements.'' These presumptive requirements generally require sources to implement emission limits, control efficiency requirements, specific control technologies, averaging plans, and/or fuel/raw material switching practices.

Under existing NYSDEC RACT regulations, facilities are required to assess all technologically feasible control options that meet the State's cost threshold. The cost threshold for NYSDEC RACT requirements is found under NYSDEC 2013 policy, ''DAR–20 Economic and Technical Analysis for Reasonably Available Control Technology (RACT).'' Under this policy, facilities must consider in their RACT determinations control technologies that remove VOC or NO_X emissions up to a certain cost threshold, expressed in a dollar amount per ton of VOC or NO_X removed, which includes an inflation-adjusted economic threshold.[4]

In some instances, the presumptive RACT requirements may not be technologically or economically feasible for a certain source, and the State can make a source-specific RACT determination, which is submitted to the EPA as a SSSIP. A SSSIP should include a facility's RACT plan that demonstrates how a facility will implement RACT; as well as the applicable CAA Title V operating permit conditions that address RACT requirements. Upon the EPA's final approval of a SSSIP, the relevant RACT permit conditions for a Facility become part of the Federally enforceable SIP.

II. The EPA's Evaluation of New York's Submission

This action relates to a SSSIP revision that concerns Athens Generating Plant (''Athens'' or ''the Facility''), which is combined-cycle power plant that generates 1,080 megawatts (MW) of electricity for sale to New York State's electricity grid system. The sources at issue in this action are the Facility's three combined-cycle Westinghouse 501G combustion turbines, each with a base load of 245 MW, with associated heat recovery steam generators (HRSGs) and steam turbines, each with a base load of 115MW used to generate electricity (Emission Units U–00001, U–00002, and U–00003).

Emission Units U–00001, U–00002, and U–00003 are characterized as combined-cycle combustion turbines with a maximum heat input rate of 10 million Btu per hour or greater, as specified under 6 NYCRR subpart 227–2, ''Reasonably Available Control

[1] *Primary standards* provide public health protection, including protecting the health of ''sensitive'' populations such as asthmatics, children, and the elderly. *Secondary standards* provide public welfare protection, including protection against decreased visibility and damage to animals, crops, vegetation, and buildings.

[2] The two ozone nonattainment areas in New York are: (1) Jamestown, and (2) the New York Metro Area, consisting of the Bronx County, Kings County, Nassau County, New York County, Queens County, Richmond County, Rockland County, Suffolk County, Westchester County.

[3] See, EPA, ''Guidance for determining acceptability of SIP regulations in non-attainment areas,'' memo 1976, Roger Strelow, *https://www3.epa.gov/ttn/naaqs/aqmguide/collection/cp2/19761209_strelow_ract.pdf.*

[4] The DAR–20 cost threshold is based on 1994 dollars. State of New York relies on the U.S. Department of Labor, Bureau of Labor Statistics inflationary calculator to adjust the RACT economic feasibility threshold over time for inflation. *See https://www.bls.gov/data/inflation_calculator.htm.*

Technology (RACT) for Oxides of Nitrogen (NO_X).'' Although combined-cycle combustion turbines produce NO_X emissions while generating electricity, they are more efficient than simple-cycle turbines because they utilize both fuel and steam to power turbines. Specifically, they generate electricity by igniting a mixture of either natural gas or No. 2 distillate fuel oil (oil firing is limited to 1,080 hours annually per unit at Athens) with compressed air and using the resulting hot, expanding exhaust gases, to spin turbine blades that drive a generator to convert the spinning turbine energy into electricity. In addition, rather than allowing for exhaust gases that would have otherwise been released to the atmosphere, they are directed to a HSRG to produce steam, which then spins a steam turbine to generate additional electricity.

NYSDEC's RACT regulations establish RACT requirements for combustion turbines in 6 NYCRR subpart 227–2'' last approved by the EPA, into the New York SIP, on July 12, 2013. *See* 78 FR 41846. Specifically, 6 NYCRR 227–2.4(e)(3) requires that the owner or operator of all combustion turbines operating after July 1, 2014, to submit a proposal for RACT to be implemented that includes descriptions of: (1) The available NO_X control technologies, the projected effectiveness of the technologies considered, and the costs for installation and operation for each of the technologies; and (2) The technology and the appropriate emission limit selected as RACT considering the costs for installation and operation of the technology.

Because the NYSDEC's RACT regulations at 6 NYCRR 227–2.4(e)(3) require that a source-specific RACT proposal for combustion turbines operating after July 1, 2014, be submitted to the NYSDEC, such source-specific proposals must be submitted to the EPA as a SSSIP. This SSSIP was submitted by the NYSDEC on April 22, 2024, to satisfy such requirements. The EPA has reviewed the RACT determinations in the SSSIP submittal for Emission Units U–00001, U–00002, and U–00003 in a manner that is consistent with the CAA and the EPA's regulations, as interpreted through the EPA's actions and guidance.

As required by 6 NYCRR 227–2.4(e)(3), the Facility submitted a RACT plan, dated October 2020, detailing emission limit requirements for Emission Units U–00001, U–00002, and U–00003. The NYSDEC approved the specified emission limits as adequately implementing RACT for the applicable emission units and submitted them for the EPA's approval. Upon the EPA's final approval of this SSSIP, the RACT variance emission limits for the Facility will become part of the Federally enforceable SIP.

The Facility's RACT plan stated that the existing controls of using a Dry Low NO_X (DLN) combustion system when firing natural gas, and water or steam injection when firing distillate fuel oil, both in combination with a Selective Catalytic Reduction (SCR) are consistent with the best available control technologies (BACT) and Lowest Achievable Emission Rate (LAER) requirements for NO_X. Because BACT requirements are more stringent than the applicable NO_X RACT requirements,[5] the NYSDEC determined that these emission units comply with the State's applicable NO_X RACT requirements under 6 NYCRR part 227–2.4(e).

The NYSDEC reviewed the Facility's RACT plan and determined that the case-by-case emission limits implement RACT for Emission Units U–00001, U–00002, and U–00003. Specifically, the NYSDEC approved the following case-by-case emission limit: (1) The NO_X emission limits for the applicable units, as listed under conditions #82 and #83 of the Title V permit, are restricted to 9.0 parts per million by volume (ppmv) corrected to 15% oxygen when firing fuel oil and 2.0 ppmv corrected to 15% oxygen when firing natural gas; (2) Dry Low NO_X (DLN) combustion system, when firing natural gas, and water or steam injection, when firing distillate fuel oil, in combination with a Selective Catalytic Reduction (SCR) are considered BACT/LAER; (3) emissions are effectively monitored via Continuous Emissions Monitoring Systems (CEMS), reported on a semi-annual basis, and maintained for up to five years.

The intended effect of New York's SSSIP submission is to establish emission limits for Emission Units U–00001, U–00002, and U–00003. The EPA proposes to determine that the emission limits for Emission Units U–00001, U–00002, and U–00003 implement RACT because: (1) it was demonstrated that no additional control technologies beyond what are currently used at the Facility are technically and economically feasible; (2) the EPA's review of the RBLC indicated that the current existing controls are consistent with BACT/LAER requirements and more stringent than RACT requirements; (3) the provisions adequately restrict emissions of NO_X and implement sufficient monitoring, reporting, and recordkeeping requirements.

In order to determine what NO_X control technologies could be economically and technologically feasible for Emission Units U–00001, U–00002, and U–00003, the EPA reviewed the Reasonably Available Control Technology/Best Available Control Technology/Lowest Achievable Emission Rate Clearinghouse (RBLC).[6] The EPA's review of the RBLC consisted of searching for controls on existing large combined-cycle combustion turbines permitted in the ten years prior to the Facility's RACT plan. The RBLC confirmed that existing controls at the Facility are representative of BACT/LAER; therefore, these controls are also representative of RACT. In addition, the EPA's review of the RBLC revealed that no similar combined-cycle combustion turbine has NO_X controls technologies that are economically feasible, aside from the controls that the Facility has already implemented. Further detail on the RBLC results is provided in the TSD that is available in the docket for this rulemaking.

The NO_X RACT emission limits for Emission Units U–00001, U–00002, and U–00003 are specified in Conditions #38, 54, 62, 82, and 83 of the facility's Title V operating permit, which also include monitoring, reporting, and recordkeeping requirements. The state's submittal requests that these portions of the Title V permit be incorporated into the SIP. With this rulemaking, the EPA is proposing to determine that the emission limits for the units, as submitted by the NYSDEC with this SSSIP submittal, represent the lowest limits achievable with reasonably available control technologies, considering technological and economic feasibility. Further detail on the EPA's analysis is provided in the TSD available in the docket for this rulemaking.

III. Proposed Action

The EPA is proposing to approve this current Source-specific SIP revision because the emission limits included in the SSSIP are demonstrated to implement RACT for Emission Units U–00001, U–00002, and U–00003, that represent three combined-cycle combustion turbines with associated HRSGs and steam turbines. Based on

[5] See TSD, ''Background on the Facility,'' p,.3 for further explanation of how BACT and LAER differ from RACT and why the existing controls at the facility are considered sufficient to satisfy RACT.

[6] The RBLC contains case-specific information on the best available air pollution technologies that have been required to reduce the emission of air pollutants from stationary sources. *See https://cfpub.epa.gov/rblc/index.cfm?action=Search.BasicSearch&lang=en.*

information provided by the NYSDEC in its April 22, 2024 submission, the EPA's review of the RBLC for similar sources and facilities, and an analysis of this SSSIP revision, the EPA proposes to approve the NO_X emission limits for Emission Units U–00001, U–00002, and U–00003 located at Athens Generating Plant.

Specifically, the EPA proposes to approve the following limits and associated requirements as implementing RACT: The Facility must: (1) continue to implement the current combined-cycle combustion turbine NO_X emission controls of SCR and Dry Low NO_X burners for natural gas and SCR and water injection for distillate fuel oil (Condition #38); (2) control emission of NO_X to less than 23.4 lbs/hour when firing natural gas and 101.9 lbs/hour when firing fuel oil, as averaged over a 3-hour block via CEMS and reported on a semi-annual basis (Conditions #54 and 62); and (3) limit NO_X emissions to 9.0 ppmv corrected to 15% oxygen when firing fuel oil and 2.0 ppmv corrected to 15% oxygen when firing natural gas, as averaged over a 3-hour block via CEMS and reported on a semi-annual basis (Conditions #82 and 83).

IV. Incorporation by Reference

In this document, the EPA is proposing to include regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference revisions to Athens Generating Plant's Title V operating permit conditions #38, 54, 62, 82, and 83 as described in section II and III of this preamble. The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov.*

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Clean Air Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Is not subject to Executive Order 14192 (90 FR 9065, February 6, 2025) because SIP actions are exempt from review under Executive Order 12866:
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a state program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act.

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

List of Subjects 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Oxides of nitrogen, Ozone, Reporting and recordkeeping requirements.

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

Michael Martucci,

Regional Administrator, Region 2.

[FR Doc. 2025–20499 Filed 11–19–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2019–0215; FRL–13010–01–R5]

Air Plan Approval; Michigan; Infrastructure SIP Requirements for the 2015 Ozone NAAQS; Michigan State Board Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving an element of a State Implementation Plan (SIP) submission from Michigan regarding the infrastructure requirements of section 110 of the Clean Air Act (CAA) for the 2015 ozone National Ambient Air Quality Standards (NAAQS). The infrastructure requirements ensure that the structural components of each State's air quality management program are adequate to meet CAA requirements. This action pertains to CAA section 110(a)(2)(E)(ii).

DATES: Comments must be received on or before December 22, 2025.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2019–0215 at *https://www.regulations.gov* or via email to *langman.michael@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from the docket. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI), Proprietary Business Information (PBI), or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI, PBI, or multimedia submissions, and general guidance on making effective comments, please visit *https://wwww.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Kelsey Foss, Air and Radiation Division (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6008, *foss.kelsey@epa.gov.* The EPA Region 5 office is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays.

SUPPLEMENTARY INFORMATION: In the Final Rules section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no relevant adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives such comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. For additional information, see the direct final rule which is located in the Rules section of this **Federal Register**.

Dated: November 4, 2025.

Anne Vogel,

Regional Administrator, Region 5.

[FR Doc. 2025–20494 Filed 11–19–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA–R03–OAR–2025–1746; FRL–13006–01–R3]

Approval and Promulgation of State Air Quality Plans (Negative Declarations) for Designated Facilities and Pollutants; District of Columbia

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve the negative declarations submitted by the District of Columbia Department of Energy and Environment (DCDOEE) on July 19, 2024 and August 28, 2024. The negative declarations submitted by the DCDOEE certify that there are no existing large municipal waste combustors (LMWC), crude oil and natural gas facilities, or electric utility generating units subject to sections 111(d) and 129 of the Clean Air Act (CAA) within the jurisdiction of the District of Columbia.

DATES: Written comments must be received on or before December 22, 2025.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R03–OAR–2025–1746 at *Regulations.gov,* or via email to *talley.david@epa.gov.* For comments submitted at *Regulations.gov,* follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Krystal Stankunas, Permits Branch (3AD10), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1600 John F Kennedy Boulevard, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–5271. Ms. Stankunas can also be reached via electronic mail at *Stankunas.krystal@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The CAA requires state regulatory agencies to implement emission guidelines and associated compliance times using a state plan developed under sections 111(d) and 129 of the CAA. Section 111(d) of the CAA establishes standards of performance for certain existing sources. Air pollutants included under this section are those which have not already been established as air quality criteria pollutants via 42 U.S.C. 7408(a) or hazardous air pollutants via 42 U.S.C. 7412. Section 111(d)(1) requires states to submit to EPA for approval a plan that establishes standards of performance. The plan must provide that the state will implement and enforce the standards of performance.

Section 129 of the CAA requires emission guidelines to be promulgated for solid waste incineration units, including LMWCs. Section 129 mandates that all plan requirements be at least as protective as the promulgated emission guidelines, including fixed final compliance dates, fixed compliance schedules, and title V permitting requirements for all affected sources. Section 129 also requires the states to submit plans to the EPA within one year after promulgation of the emission guidelines and compliance times.

The EPA prescribes a Federal plan if a state does not submit a state-specific plan or the submitted plan is disapproved. If a state has no designated facilities for a standards of performance source category, it may submit a negative declaration in lieu of a state plan for that source category in accordance with 40 Code of Federal Regulations (CFR) 60.23(b), 60.23a(b) and 62.06.

II. Summary of Action and EPA Analysis

The Emissions Guidelines and Compliance Times for Large Municipal Waste Combustors That are Constructed on or Before September 20, 1994, as codified at 40 CFR part 60 subpart Cb (subpart Cb) apply to states with designated LMWCs. An LMWC is defined at 40 CFR 60.32b(a). The designated facilities to which the emission guidelines and compliance times apply are existing LMWC units for which construction was commenced on or before September 20, 1994.

The Emissions Guidelines for Greenhouse Gas Emissions From Existing Crude Oil and Natural Gas Facilities, as codified at 40 CFR part 60 subpart OOOOc (subpart OOOOc) apply to states with one or more of the onshore designated facilities listed under 40 CFR 60.5386c(a) through (h) for which construction, modification, or reconstruction was commenced on or before December 6, 2022. The crude oil and natural gas source category is defined at 40 CFR 60.5430c.

The Emission Guidelines for Greenhouse Gas Emissions for Electric Utility Generating Units, as codified at

40 CFR part 60 subpart UUUUb (subpart UUUUb) apply to states with an affected steam generating unit (EGU) as defined at 40 CFR 60.5845b(b). EGUs addressed by this subpart include those specified by the dates listed under 40 CFR 60.5845(a).

The DCDOEE submitted negative declarations to the EPA on July 19, 2024, and August 28, 2024, certifying that there are no existing large municipal waste combustors, crude oil and natural gas facilities, or electric utility generating units in its jurisdiction that are subject to the requirements of 40 CFR part 60 subpart Cb, subpart OOOOc, and subpart UUUUb, respectively. For additional background information on DCDOEE's negative declaration, see the documents that are available at *Regulations.gov,* Docket ID No. EPA–R03–OAR–2025–1746.

III. Proposed Action

The EPA is proposing to amend 40 CFR part 62 to reflect EPA's receipt of DCDOEE's negative declarations for large municipal waste combustors, crude oil and natural gas facilities, and electric utility generating units. The negative declarations satisfy the requirements of 40 CFR 60.23(b), 60.23a(b), and 62.06, serving in lieu of a CAA section 111(d)/129 plan for existing large municipal waste combustors, crude oil and natural gas facilities. The EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

IV. Statutory and Executive Order Reviews

Under the CAA, the EPA has the authority to delegate to a state or local agency the authority to implement a 111(d)/129 Federal Plan so long as the delegation complies with the provisions of the CAA and applicable Federal regulations. Thus, in reviewing 111(d)/129 Federal Plan delegation requests, the EPA's role is to approve state choices, provided that they meet the criteria of the CAA and the EPA's implementing regulations. Accordingly, this action merely notifies the public of the EPA's receipt of DCDOEE's negative declarations for large municipal waste combustors, crude oil and natural gas facilities, and electric utility generating units and does not impose additional requirements. For that reason, the EPA concludes the following.

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

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

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

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

C. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA (44 U.S.C. 3501 *et seq.*) because it does not contain any information collection activities.

D. Regulatory Flexibility Act (RFA)

This action is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This action merely delegates to the local agency the authority to implement the already applicable requirements of the Federal Plan.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate, as described in the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) and does not significantly or uniquely affect small governments.

F. Executive Order 13132: Federalism

This action does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999) because it will not have substantial direct effects on the states, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

Executive Order 13045 directs Federal agencies to include an evaluation of the health and safety effects of the planned regulation on children in Federal health and safety standards and explain why the regulation is preferable to potentially effective and reasonably feasible alternatives. This action is not subject to Executive Order 13045 because it is not a significant regulatory action under section 3(f)(1) of Executive Order 12866, and because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children.

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

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

I. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards. This action is not subject to the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act.

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

This action does not have tribal implications as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this action.

List of Subjects in 40 CFR Part 62

Environmental protection, Air pollution control, Administrative practice and procedure, Carbon monoxide, Intergovernmental relations, Lead, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Waste treatment and disposal.

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

Amy Van Blarcom-Lackey,

Regional Administrator, Region III.

[FR Doc. 2025–20419 Filed 11–19–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA–R03–OAR–2025–0487; FRL–12943–01–R3]

Approval and Promulgation of Delegation of Authority for Designated Facilities and Pollutants; Allegheny County; Delegation of Authority of the Federal Plan for Existing Sewage Sludge Incineration Units

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a request from the Allegheny County Health Department (ACHD) for delegation of authority to implement and enforce the Federal Plan Requirements for Sewage Sludge Incineration (SSI) units within Allegheny County in the Commonwealth of Pennsylvania. On April 29, 2016, the EPA promulgated the Federal Plan for SSI units to fulfill the requirements of sections 111(d)/129 of the Clean Air Act (CAA). The Federal Plan addresses the implementation and enforcement of the emission guidelines applicable to existing SSI units located in areas not covered by an approved and currently effective state plan. The Federal Plan imposes emission limits and other control requirements for existing affected SSI facilities which will reduce designated pollutants.

DATES: Written comments must be received on or before December 22, 2025.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R03–OAR–2025–0487 at *www.regulations.gov,* or via email to *talley.david@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Krystal Stankunas, Permits Branch (3AD10), Air and Radiation Division, U.S. Environmental Protection Agency, Region III, 1600 John F. Kennedy Blvd., Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–5271. Ms. Stankunas can also be reached via electronic mail at *stankunas.krystal@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On June 17, 2025, the Regional Administrator for EPA Region III signed a Memorandum of Agreement (MoA) which is the mechanism for the transfer of authority between the EPA and the ACHD and defines the policies, responsibilities and procedures by which the ACHD will implement and enforce the Federal Plan for existing SSI units. The EPA is proposing to approve the ACHD request for delegation of authority to implement and enforce the SSI Federal Plan found at 40 CFR part 62 subpart LLL and to adhere to the terms and conditions prescribed in the MoA signed by the EPA and representatives of Allegheny County and the ACHD, as explained further in this action. The purpose of this SSI Federal Plan delegation is to transfer primary implementation and enforcement responsibility from the EPA to the ACHD for all affected facilities within the jurisdiction of Allegheny County. However, nothing in this action, nor in the MoA, shall be construed to prohibit the EPA from enforcing the SSI Federal Plan.

Sections 111(d) and 129 of the CAA require states to submit plans to control certain pollutants (designated pollutants) at existing solid waste combustor facilities (designated facilities) whenever standards of performance have been established under section 111(b) for new sources of the same type and the EPA has established emission guidelines for such existing sources. A designated pollutant is any pollutant for which no air quality criteria has been issued or which is not included on a list published under section 108(a) (national ambient air quality standards) or section 112 (hazardous air pollutants) of the CAA, but emissions of which would be subject to a standard of performance for new stationary sources under section 111(b). In addition, section 129 of the CAA also requires the EPA to promulgate emission guidelines for solid waste incineration units that emit specific air pollutants or a mixture of air pollutants. These pollutants include organics (dioxins and dibenzofurans), carbon monoxide, metals (cadmium, lead and mercury), acid gases (hydrogen chloride, sulfur dioxide and oxides of nitrogen), particulate matter and opacity (as appropriate).

On March 21, 2011 (76 FR 15372), the EPA promulgated new source performance standards and emission guidelines for SSI units at 40 CFR part 60 subparts LLLL and MMMM, respectively. The designated facilities to which the emission guidelines apply are existing SSI units, as stipulated in subpart MMMM, that commenced construction on or before October 14, 2010.

Pursuant to section 129(b)(2) of the CAA, state plan requirements must be ''at least as protective'' as the emission guidelines and become federally enforceable upon approval by the EPA. The procedures for adoption and submittal of state plans are codified in 40 CFR part 60, subpart B. For states that fail to submit a state plan, the EPA is required to develop and implement a Federal Plan within two years following promulgation of the emission guidelines. 42 U.S.C. 7429(b)(3). The EPA implementation and enforcement of the Federal Plan is viewed as an interim measure until states assume their role as the preferred implementers of the emission guidelines requirements stipulated in the Federal Plan. Accordingly, the EPA promulgated the SSI Federal Plan on April 29, 2016 (81 FR 26040) which is codified at 40 CFR part 62, subpart LLL. In that rulemaking, the EPA strongly encouraged state and local agencies in jurisdictions that did not submit approvable state plans to request delegation of the SSI Federal Plan so that they can have the primary responsibility for implementing and enforcing regulations affecting existing source SSI units, consistent with the intent of section 129 of the CAA. 81 FR 26040, 26055 (April 29, 2016).

II. Summary of Action and EPA Analysis

On November 13, 2017, the ACHD submitted to the EPA a request for delegation of authority to implement and enforce the SSI Federal Plan. The scope of the request includes only the geographical area of Allegheny County. The EPA evaluated the ACHD request for delegation pursuant to the provisions of the SSI Federal Plan and the EPA's Delegation Manual.[1] 40 CFR 62.15865 of the SSI Federal Plan establishes that a state may meet its CAA section 111(d)/129 obligations by submitting an acceptable written request for delegation of the Federal Plan that includes the following requirements: (1)

[1] Item 7–139 of the EPA's Delegation Manual is entitled ''Implementation and Enforcement of 111(d)(2) and 111(d)(2)/129(b)(3) Federal Plans'' and the reader may refer to it in the docket for this rulemaking at *www.regulations.gov* (see Docket ID Number EPA–R03–OAR–2025–0487).

a demonstration of adequate resources and legal authority to administer and enforce the Federal Plan; (2) an inventory of affected SSI units, an inventory of emissions from affected SSI units, and provisions for state progress reports (see items under 40 CFR 60.5015(a)(1), (2) and (7) from the SSI emission guidelines); (3) certification that the hearing on the state delegation request, similar to the hearing for a state plan submittal, was held, a list of witnesses and their organizational affiliations, if any, appearing at the hearing, and a brief written summary of each presentation or written submission; and (4) a commitment to enter into an MoA with the Regional Administrator that sets forth the terms, conditions and effective date of the delegation and that serves as the mechanism for the transfer of authority.

Under the EPA's Delegation Manual, item 7–139, the Regional Administrator is authorized to delegate implementation and enforcement of sections 111(d)/129 Federal Plans to states. The Regional Administrator may consider delegating authority to implement and enforce Federal Plans to a state provided the following conditions are met: (1) the state does not already have an EPA approved state plan; (2) the state submits a demonstration of adequate resources and legal authority to administer and enforce the Federal Plan; and (3) the state enters into an MoA with the Regional Administrator that sets forth the terms, conditions and effective date of the delegation and that serves as the mechanism for the transfer of authority.

In parallel with our review of the delegation request, the EPA prepared the MoA which defines the policies, responsibilities, and procedures by which the SSI Federal Plan will be administered and enforced by both the ACHD and the EPA.

Both the EPA and Allegheny County signed the MoA in which the parties agreed to the terms and conditions regarding the policies, responsibilities, and procedures for the implementation and enforcement of the delegated SSI Federal Plan. The MoA is the mechanism for the transfer of authority from the EPA to the ACHD. The MoA became effective upon signature by the EPA on June 17, 2025.

The ACHD has met all the EPA's delegation requirements as described above. The reader may view the ACHD letter to the EPA requesting delegation and the MoA signed by both parties at *www.regulations.gov,* identified by Docket ID Number EPA–R03–OAR–2025–0487.

III. Proposed Action

The EPA has evaluated the ACHD delegation request submittal for consistency with the CAA, EPA regulations, and EPA policy. The ACHD has met all the requirements for obtaining delegation of authority to implement and enforce the SSI Federal Plan. Allegheny County entered into an MoA with the EPA, and it became effective on June 17, 2025. Accordingly, the EPA is proposing to approve the ACHD request dated November 13, 2017 for delegation of authority to implement and enforce the Federal Plan for existing SSI units. The EPA will continue to retain certain specific authorities reserved to the EPA in the SSI Federal Plan, as indicated in the MoA (*e.g.,* authority to approve major alternatives to test methods or monitoring, etc.), and as required under 40 CFR 62.16050.

IV. Statutory and Executive Order Reviews

Under the CAA, the EPA has the authority to delegate to a state or local agency the authority to implement a 111(d)/129 Federal Plan so long as the delegation complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7411(d) and 7429(b)(3); 40 CFR 60.5045; 40 CFR 62.15865. In reviewing 111(d)/129 Federal Plan delegation requests, the EPA's role is to approve state choices, provided that they meet the criteria of the CAA and the EPA's implementing regulations. Accordingly, this action merely proposes to codify in the Code of Federal Regulations the EPA's delegation of authority to the ACHD to administer the Federal Plan and does not impose additional requirements beyond those imposed by the already applicable SSI Federal Plan.

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

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

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

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

C. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA (44 U.S.C. 3501 *et seq.*) because it does not contain any information collection activities.

D. Regulatory Flexibility Act (RFA)

This action is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This action merely delegates to the local agency the authority to implement the already applicable requirements of the Federal Plan.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate, as described in the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) and does not significantly or uniquely affect small governments.

F. Executive Order 13132: Federalism

This action does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999) because it will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

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

Executive Order 13045 directs Federal agencies to include an evaluation of the health and safety effects of the planned regulation on children in Federal health and safety standards and explain why the regulation is preferable to potentially effective and reasonably feasible alternatives. This action is not subject to Executive Order 13045 because it is not a significant regulatory action under section 3(f)(1) of Executive Order 12866, and because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. This action merely delegates to a local agency the authority to administer the already applicable SSI Federal Plan.

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

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

I. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards. This action merely delegates to a local agency the authority

to administer the already applicable SSI Federal Plan.

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

This action does not have tribal implications as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this action.

List of Subjects in 40 CFR Part 62

Environmental protection, Air pollution control, Administrative practice and procedure, Carbon monoxide, Intergovernmental relations, Lead, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Waste treatment and disposal.

Amy Van Blarcom-Lackey,

Regional Administrator, Region III.

[FR Doc. 2025–20411 Filed 11–19–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 70

[EPA–R01–OAR–2025–0282; FRL–13016–01–R1]

Air Plan Approval; Maine; Chapter 140: Part 70 Air Emission License Regulation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a Clean Air Act (CAA) operating permit program revision submitted by the State of Maine. The revisions include minor changes to Maine's operating permit program that are considered clarifications, that correct grammar, that codify longstanding practices, or that are necessary to utilize an expected future electronic application system. The revisions also include provisions allowing the public comment period on a draft permit to run concurrently with EPA's review of a proposed permit. The intended effect of EPA's action is to propose approval of Maine's revisions. This action is being taken under the CAA.

DATES: Written comments must be received on or before December 22, 2025.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R01–OAR–2025–0282 at *https://www.regulations.gov,* or via email to *turner.andre@epa.gov.* For comments submitted at *Regulations.gov,* follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.* Publicly available docket materials are available at *https://www.regulations.gov* or at the U.S. Environmental Protection Agency, EPA Region 1 Regional Office, Air and Radiation Division, 5 Post Office Square—Suite 100, Boston, MA. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding legal holidays and facility closures due to COVID–19.

FOR FURTHER INFORMATION CONTACT: Andre Turner, U.S. Environmental Protection Agency, Region 1 Office of Air and Radiation Division, 5 Post Office Square, Suite 100, Boston, MA 02109, Phone number: (617) 918–1216, Email: *turner.andre@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA.

Table of Contents

I. Background and Purpose
II. Overview of Maine's Submittal
III. EPA's Evaluation of Maine's Submittal
IV. Proposed Action
V. Statutory and Executive Order Reviews

I. Background and Purpose

The EPA requires all major stationary sources of air pollution and certain other sources to obtain operating permits under title V of the CAA and 40 CFR part 70. The State of Maine, through the Department of Environmental Protection (DEP), submitted its operating permit program to the EPA for approval on October 23, 1995. EPA granted source-category limited interim approval on February 21, 1997. See 61 FR 49292–49293 (September 19, 1996) for a complete discussion of the conditions for full approval. On September 28, 2001, EPA received Maine's revisions to its program that address the conditions described in EPA's interim approval. EPA granted full approval on December 17, 2001. *See* 66 FR 52874. The Maine DEP implements the title V operating permit program through its Chapter 140: Part 70 Air Emission License Regulation. EPA approved additional revisions to Maine's title V operating permit program in 2011. Maine's program approvals are listed in 40 CFR part 70, Appendix A.

II. Overview of Maine's Submittal

On July 29, 2024, the Maine DEP submitted to EPA revisions to its operating permit program at 06–096 CMR Chapter 140, ''Part 70 Air Emission License Regulation,'' to remove the emergency affirmative defense provisions and make minor changes that are considered clarifications, that correct grammar, that codify longstanding practices, or that are necessary to utilize an expected future electronic application system. The revisions also include provisions allowing the public comment period on a draft permit to run concurrently with EPA's review of a proposed permit. The EPA is not taking action on the removal of the emergency affirmative defense provisions in Section 2(AA) of Chapter 140 at this time. The EPA intends to address Maine's request to approve the revisions removing the emergency affirmative defense provisions in a subsequent action.

The State's formal rulemaking process began on March 7, 2024, when the Maine DEP presented its proposal to the Maine Board of Environmental Protection. Maine DEP states that a public hearing was not required under state law at 38 MRS § 585, because the proposed rulemaking did not establish new emission standards or make changes to existing emission standards. However, this rule implements a federal program, and federal regulations require the opportunity for a public hearing. Therefore, Maine held a hearing on April 18, 2024. No persons attended the hearing to provide testimony, but DEP did receive written comments during the comment period, which closed on April 29, 2024. Maine's final rule

incorporates minor changes based on the comments DEP received. This rulemaking was completed and adopted by Maine DEP and became effective at the state level on July 8, 2024.

The State's July 29, 2024, submittal requests EPA approval of the following revisions to Maine's existing EPA-approved CAA title V operating permit program:

- Removal of inappropriate references to New Source Review permitting. New Source Review is addressed by the Maine DEP's Chapter 115;
- Allowing applications to be signed electronically provided the signature complies with the requirements of Cross-Media Electronic Reporting, 40 CFR part 3;
- Allowing public notices of intent to file and draft availability to be published on the Maine DEP website in lieu of publication in a print newspaper;
- Allowing the Maine DEP to keep records for public inspection electronically rather than requiring a paper copy at the Augusta, Maine office;
- Adding further information regarding the applicability of Section 502(b)(10); and
- Requiring transfer applications to be completed within 60 days as is required by the underlying federal regulation.

The Maine DEP also codified the following revisions to align the rule with longstanding practices and seeks approval of these changes into their EPA-approved CAA title V operating permit program:

- Clarifying that Maine DEP, and not the applicant, will provide draft licenses to affected states when appropriate;
- Removing the requirement for applicants to submit redlined versions of previous applications when applying for a license renewal;
- Specifying that EPA's review period on a draft license may run concurrently with the public comment period provided the State does not receive comments that cause it to make substantive changes to the draft license; and
- Clarifying that portable engines not used to power process equipment are considered insignificant activities.

III. EPA's Evaluation of Maine's Submittal

The EPA has reviewed the State's July 29, 2024, revisions made to Chapter 140: Part 70 Air Emission License Regulation. As stated above, the EPA is not taking action on the removal of the emergency affirmative defense provisions in Section 2(AA) of Chapter 140 Part 70 Air Emission License Regulation, at this time. The EPA will address Maine's request to remove the emergency affirmative defense provisions in a subsequent action.

EPA considers the majority of Maine's other revisions to be administrative in nature and consistent with the requirements in title V of the CAA and 40 CFR part 70. The revisions did not establish new emission standards or make changes to existing emission standards, and no change is inconsistent with the CAA title V provisions or EPA's 40 CFR part 70 operating permits program regulations. The revisions focus on clarifying procedures, modernizing administrative processes, and improving consistency with federal regulations.

Maine's revisions allowing DEP to conduct the 30-day public comment period concurrent with EPA 45-day review period, under certain circumstances, are consistent with the Act and authorized by EPA regulations. In 2020 amendments to part 70, EPA recognized that some permitting authorities conduct the public comment period and 45-day EPA review period concurrently for some permits, particularly in situations where the permitting authority does not anticipate receiving significant public comments on the draft permit. 85 FR 6431 at 6436 (February 5, 2020); 40 CFR 70.8(a)(1)(ii). Maine's revisions to Chapter 140 allow DEP to use concurrent review periods, except in cases where DEP ''receives comments from the public or affected states that lead [DEP] to make substantive changes to the draft/proposed license.'' 06–096 CMR Chapter 140 §§ 3(G), 6(G), 9(G), 10(G). Maine's revisions also recognize that, if DEP refuses to accept an affected state's comments, the EPA 45-day review period will not start until DEP provides EPA with a written explanation of such refusal. *See, e.g., id.* § 2(L)(2). Further, EPA's regulations provide that the EPA will not consider its review period to have run if a permitting authority receives significant comment on a draft permit during the public participation process. 40 CFR 70.8(a)(1)(ii); *see also* 85 FR at 6441 & n.11. In such instances, the permitting authority must make any revisions to the permit and permit record necessary to address such public comments, including preparing a written response to comments, and submit the proposed permit and response to comments to EPA after the public comment period has closed. 40 CFR 70.8(a)(1)(ii). In these cases, EPA's review period does not begin until EPA has received all required materials from the State. *Id.*

EPA proposes to approve Maine's revisions to Chapter 140 that allow concurrent review because the revisions do not allow concurrent review in cases where DEP makes substantive changes to a draft permit based on comments from the public or an affected state or where DEP refuses to accept an affected state's comments, as described above. Further, 40 CFR 70.8(a)(1)(ii) ensures that, if DEP receives significant public comment that does not result in a substantive change to the permit, the 45-day EPA review period does not begin until DEP provides EPA with a written response to all significant comments raised during the public participation process. For these reasons, EPA proposes that Maine's revisions regarding concurrent review meet the requirements of part 70 and of the Act.

IV. Proposed Action

EPA is proposing to approve the above-discussed revisions to Maine DEP's operating permit program at Chapter 140, ''Part 70 Air Emission License Regulation,'' except those in section 2(AA) related to affirmative defense, which EPA intends to address at a later date. EPA is soliciting public comments on the issues discussed in this notice or on other relevant matters. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to this proposed rule by following the instructions listed in the **ADDRESSES** section of this **Federal Register**.

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator approves title V operating permit program revisions that comply with the Act and applicable Federal Regulations. See 42 U.S.C. 7661a(d). Thus, in reviewing title V operating permit program submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the CAA. This action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities

under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a state program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA.

This rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the title V action is not approved to apply in Indian country located in the State, and the EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 70

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

Dated: September 26, 2025.

Mark Sanborn,

Regional Administrator, EPA Region 1.

[FR Doc. 2025–20498 Filed 11–19–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 70

[EPA–R01–OAR–2025–1608; FRL–13018–01–R1]

Operating Permit Program Approval; New Hampshire; Revised Definitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve revisions to the State of New Hampshire's Clean Air Act (CAA) title V operating permit program. These revisions amend the definitions of ''hazardous air pollutant'' and ''regulated air pollutant'' in New Hampshire regulations to remain consistent with Federal permitting and air toxics requirements in accordance with the CAA.

DATES: Written comments must be received on or before December 22, 2025.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R01–OAR–2025–1608 at *https://www.regulations.gov,* or via email to *kilpatrick.jessica@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.* Publicly available docket materials are available at *https://www.regulations.gov* or at the U.S. Environmental Protection Agency, EPA Region 1 Regional Office, Air and Radiation Division, 5 Post Office Square—Suite 100, Boston, MA. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection.

FOR FURTHER INFORMATION CONTACT: Jessica Kilpatrick, Air Permits, Toxics, and Indoor Programs Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 1, 5 Post Office Square, Mail Code: 5–MI, Boston, MA 02109–0287. Telephone: 617–918–1652. Email: *kilpatrick.jessica@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA.

Table of Contents

I. Background
II. Title V Operating Permit Program Revisions
III. EPA's Review
IV. Proposed Action
V. Incorporation by Reference
VI. Statutory and Executive Order Reviews

I. Background

Section 112 of the CAA regulates hazardous air pollutants (HAPs), also known as air toxics, which are air pollutants that present a threat of adverse human health effects, such as cancer. The CAA specifically defines a HAP as any air pollutant listed pursuant to 42 U.S.C. 7412(b). This list currently has 189 HAPs organized by chemical name and CAS number and may be revised by the Administrator pursuant to 42 U.S.C. 7412(b)(2). According to 42 U.S.C. 7412(b)(3), any person may petition the Administrator to modify the list of HAPs by adding or deleting a substance. The Administrator may add a substance to the HAP list when a determination is made that the substance is an air pollutant and that emissions, ambient concentrations, bioaccumulation or deposition of the substance are known to cause or may reasonably be anticipated to cause adverse effects to human health or adverse environmental effects. Effective February 4, 2022, EPA added 1-bromopropane (1–BP) to the HAP list (87 FR 393). This amendment was promulgated at 40 CFR 63.64.

Under the CAA Amendments of 1990, state and local permitting authorities are required to develop operating permit programs under title V of the CAA (42 U.S.C. 7661–7661f). HAPs are regulated air pollutants subject to title V operating permit programs consistent with the requirements of 40 CFR part 70—State Operating Permit Programs. See 40 CFR 70.2 Air pollution sources utilize the HAP list to calculate HAP emissions in determining applicable title V operating permit requirements.

II. Title V Operating Permit Program Revisions

As a result of the HAP list modification in 2022, state environmental agencies were required to incorporate 1–BP into their state regulations and title V operating permit programs. The New Hampshire Department of Environmental Services (NHDES) revised New Hampshire Code of Administrative Rules, Chapter Env-A—Air Related Programs (Env-A) to comply with the CAA. NHDES revised the definition of ''hazardous air pollutant'' at Env-A 103.41 and the definition of ''regulated air pollutant'' at

Env-A 104.47. The amended language at Env-A 103.41 states that, ''Hazardous air pollutant' means any air pollutant listed pursuant to section 112(b) of the Act.'' The amended language at Env-A 104.47 states, ''Regulated air pollutant means 'Regulated air pollutant' as defined in 40 CFR 70.2, reprinted in Appendix D.'' These revisions require the state to incorporate all current and future HAPs into its title V operating permit program, such as the newly added 1–BP.

On June 12, 2025, NHDES formally submitted the revised definitions to EPA, providing a copy of the official state rule and certification of adoption. On July 31, 2025, NHDES submitted a supplemental letter clarifying that the purpose of the previous submittal was to revise the definitions in its title V operating permit program pursuant to 40 CFR 70.4(i).

III. EPA's Review

Upon review, EPA finds that the permit program's revised definitions of ''hazardous air pollutant'' and ''regulated air pollutant'' are consistent with Federal definitions at CAA section 112(b) and 40 CFR 70.2. The revised definitions have the intended effect of incorporating changes to the EPA list of HAPs, including the recent addition of 1–BP, into the state's CAA title V permitting program.

According to 40 CFR 70.4(i)(2)(i), a state's obligation to revise it's CAA title V operating permit program shall be accomplished as follows: ''The State shall submit a modified program description, Attorney General's statement, or such other documents as EPA determines to be necessary.'' EPA deems NHDES's submitted materials for revision of its title V operating permit program to be adequate and satisfy the requirements of 40 CFR 70.4(i)(2)(i).

IV. Proposed Action

EPA is proposing to approve NHDES's title V operating permit program revisions. EPA is soliciting public comments on the issues discussed in this notice or on other relevant matters. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to this proposed rule by following the instructions listed in the **ADDRESSES** section of this **Federal Register**.

V. Incorporation by Reference

EPA is proposing to include incorporation by reference in a final rule regulatory text. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference the definitions at Env-A 103.41 and at Env-A 104.47 discussed in sections II and III of this preamble. EPA has made, and will continue to make, these documents generally available through *https://www.regulations.gov* and at EPA Region 1 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VI. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve title V operating permit program revisions that comply with the provisions of the CAA and applicable Federal regulations. Thus, in reviewing revisions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this proposed action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a state program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA.

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

List of Subjects in 40 CFR Part 70

Environmental protection, Air pollution control, Acid rain, Administrative practice and procedure, Hazardous substances, Incorporation by reference, Intergovernmental relations, Licensing and registration, Reporting and recordkeeping requirements.

Dated: September 26, 2025.

Mark Sanborn,

Regional Administrator, EPA Region 1.

[FR Doc. 2025–20496 Filed 11–19–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[EPA–R03–OAR–2025–1777; FRL–12985–01–R3]

Air Plan Approval; Pennsylvania; Redesignation Request for the Allegheny County Area for the 2012 Annual Fine Particulate Matter Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a request from the Commonwealth of Pennsylvania to redesignate the Allegheny County, Pennsylvania nonattainment area (Allegheny County Area) to attainment for the 2012 annual fine particulate matter ($PM_{2.5}$) national ambient air quality standard (NAAQS or standard). The EPA has already approved, as a revision to the Pennsylvania state implementation plan (SIP), a maintenance plan that demonstrates maintenance of the 2012 annual $PM_{2.5}$ NAAQS through 2035 in the Allegheny County Area. The redesignation request was submitted by the Commonwealth of Pennsylvania Department of Environmental Protection (PADEP or Pennsylvania) on behalf of the Allegheny County Health Department (ACHD). This action is being taken under the Clean Air Act (CAA).

DATES: Written comments must be received on or before December 22, 2025.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R03–

OAR–2025–1777 at *www.regulations.gov,* or via email to *gordon.mike@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Ian Neiswinter, Planning & Implementation Branch (3AD30), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1600 John F. Kennedy Boulevard, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–2011. Mr. Neiswinter can also be reached via electronic mail at *neiswinter.ian@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, wherever ''we,'' ''us,'' or ''our'' are used, it is intended to refer to the EPA.

I. What action is the EPA proposing?

In this action, the EPA is proposing to approve Pennsylvania's September 4, 2025 redesignation request as satisfying the requirements of CAA section 107(d)(3)(E) and redesignate the Allegheny County Area [1] from nonattainment to attainment of the 2012 annual $PM_{2.5}$ NAAQS. The EPA has already approved, as a revision to Pennsylvania's SIP, a maintenance plan that demonstrates maintenance of the 2012 annual $PM_{2.5}$ NAAQS through 2035 in the Allegheny County Area. *See* 90 FR 34770 (July 24, 2025).

II. Background

Fine particulate pollution can be emitted directly from a source (primary $PM_{2.5}$) or formed secondarily through chemical reactions in the atmosphere involving precursor pollutants emitted from a variety of sources. The main precursors of secondary $PM_{2.5}$ are sulfur dioxide (SO_2), nitrogen oxides (NO_X), ammonia (NH_3), and volatile organic compounds (VOCs).[2] Sulfates are a type of secondary particulate formed from SO_2 emissions from power plants and industrial facilities. Nitrates, another common type of secondary particulate, are formed from combustion emissions of NO_X from power plants, mobile sources, and other combustion sources.

On January 15, 2013 (78 FR 3086), the EPA promulgated a revised primary annual $PM_{2.5}$ NAAQS to provide increased protection of public health from fine particle pollution. In that action, the EPA strengthened the primary annual $PM_{2.5}$ standard from 15.0 micrograms per cubic meter (μg/m^3) to 12.0 μg/m^3, which is attained when the 3-year average of the annual arithmetic means does not exceed 12.0 μg/m^3. On January 15, 2015 (80 FR 2206), the EPA published air quality designations for the 2012 annual $PM_{2.5}$ NAAQS. In that action, the EPA designated all municipalities in Allegheny County, Pennsylvania (Allegheny County Area) as one moderate nonattainment area for the 2012 annual $PM_{2.5}$ NAAQS. *See* 40 CFR 81.339.

On March 16, 2022 (87 FR 14799), the EPA determined that the Allegheny County Area had clean data and attained the 2012 annual $PM_{2.5}$ NAAQS based on certified air quality data from 2018–2020. That action suspended the requirement for the Allegheny County Area to submit an attainment demonstration and associated reasonably available control measures (RACM), including reasonably available control technology (RACT), a reasonable further progress (RFP) plan, and contingency measures for failure to attain or meet RFP. These requirements are suspended for so long as the Allegheny County Area continues to attain the standard. When the Area is redesignated to attainment, these requirements are permanently discharged. Nonetheless, the EPA approved most elements of Pennsylvania's comprehensive plan to ensure timely attainment of the 2012 annual $PM_{2.5}$ NAAQS for the Allegheny County Area (Allegheny County $PM_{2.5}$ Attainment Plan), including an attainment demonstration, a RACM/RACT analysis, and an RFP analysis, along with a 2011 base year emissions inventory, a particulate matter precursor contribution demonstration, quantitative milestones to ensure timely attainment, and a motor vehicle emissions budget (MVEB) specific to the 2012 annual $PM_{2.5}$ NAAQS.[3] On May 19, 2023 (88 FR 32117), the EPA determined that the Allegheny County Area had attained the 2012 annual $PM_{2.5}$ NAAQS by the applicable attainment date based on certified air quality data from 2019–2021.

On July 24, 2025 (90 FR 34770), the EPA approved, as a revision to the Pennsylvania SIP, a maintenance plan that demonstrates maintenance of the 2012 annual $PM_{2.5}$ NAAQS through 2035 in the Allegheny County Area.

III. The EPA's Requirements for Redesignation to Attainment

The CAA provides the requirements for redesignating a nonattainment area to attainment. Specifically, section 107(d)(3)(E) of the CAA allows for redesignation provided that: (1) the EPA determines that the area has attained the applicable NAAQS; (2) the EPA has fully approved the applicable implementation plan for the area under section 110(k); (3) the EPA determines that the improvement in air quality is due to permanent and enforceable reductions in emissions resulting from implementation of the applicable SIP and applicable Federal air pollutant control regulations and other permanent and enforceable reductions; (4) the EPA has fully approved a maintenance plan for the area as meeting the requirements of section 175A of the CAA; and (5) the state containing such area has met all requirements applicable to the area under section 110 and part D of the CAA. Each of these requirements are discussed in section IV of this document.

The EPA has provided guidance on redesignations in the ''SIPs; General Preamble for the Implementation of title I of the CAA Amendments of 1990,'' (the General Preamble) [4] and has provided further guidance on processing redesignation requests in the following documents: (1) ''Procedures for Processing Requests to Redesignate Areas to Attainment,'' Memorandum from John Calcagni, Director, Air Quality Management Division, September 4, 1992 (hereafter referred to as the 1992 Calcagni Memorandum or

[1] The Allegheny County Area is comprised of all municipalities within Allegheny County, Pennsylvania. The table listed at 40 Code of Federal Regulations (CFR) 81.339 defines NAAQS area designations within Pennsylvania.

[2] *See* 81 FR 58010 (August 24, 2016).

[3] *See* 86 FR 26388 (May 14, 2021).

[4] See 57 FR 13498 (April 16, 1992).

Calcagni Memo); (2) ''SIP Actions Submitted in Response to CAA Deadlines,'' Memorandum from John Calcagni, Director, Air Quality Management Division, October 28, 1992; and (3) ''Part D New Source Review (Part D NSR) Requirements for Areas Requesting Redesignation to Attainment,'' Memorandum from Mary D. Nichols, Assistant Administrator for Air and Radiation, October 14, 1994. These documents are included in the docket for this proposed action.

IV. The EPA's Analysis of Pennsylvania's Submittal

The EPA is proposing to redesignate the Allegheny County Area to attainment for the 2012 annual $PM_{2.5}$ NAAQS. The EPA's proposed approval of the state's redesignation request is based upon the EPA's determination that the Allegheny County Area continues to attain the 2012 annual $PM_{2.5}$ NAAQS and that all other redesignation criteria have been met for the Allegheny County Area. The following is description of how Pennsylvania's September 4, 2025 submission satisfies the requirements of section 107(d)(3)(E) of the CAA for the 2012 annual $PM_{2.5}$ NAAQS.

A. Attainment

To redesignate an area from nonattainment to attainment, the CAA requires the EPA to determine that the area has attained the applicable NAAQS (CAA section 107(d)(3)(E)(i)). Under the EPA's regulations at 40 CFR 50.18 and 40 CFR part 50, appendix N, the 2012 annual $PM_{2.5}$ NAAQS is met when the annual $PM_{2.5}$ NAAQS design value (DV) is less than or equal to 12.0 $\mu g/m^3$ at all monitoring sites in the area.[5] The relevant data must be collected and quality-assured in accordance with 40 CFR part 58 and recorded in the EPA Air Quality System (AQS) database.

As referenced previously, on March 16, 2022 (87 FR 14799), the EPA determined that the Allegheny County Area had clean data and attained the 2012 annual $PM_{2.5}$ NAAQS based on certified air quality data from 2018–2020. Additionally, on May 19, 2023 (88 FR 32117), the EPA determined that the Allegheny County Area had attained the 2012 annual $PM_{2.5}$ NAAQS by the applicable attainment date based on certified air quality data from 2019–2021. The basis and effect of these determinations of attainment for the 2012 annual $PM_{2.5}$ NAAQS were discussed in the publications of the proposed and final rules which determined the Allegheny County Area attained the 2012 $PM_{2.5}$ NAAQS.[6]

In addition, the EPA has reviewed the most recent ambient air quality $PM_{2.5}$ monitoring data in the Allegheny County Area consistent with the requirements contained in 40 CFR part 58 and recorded in the EPA's AQS. The quality-assured, quality-controlled, and state-certified 2018 to 2024 $PM_{2.5}$ air quality data show that the Allegheny County Area attained and continues to attain the 2012 annual $PM_{2.5}$ NAAQS. Therefore, the EPA is proposing to determine that the Allegheny County Area is attaining the 2012 annual $PM_{2.5}$ NAAQS. This proposed determination is based on the most recent three years of complete, quality-assured, quality-controlled, and certified data, which is for the 2022–2024 monitoring period. The monitoring data is summarized in Tables 1 and 2, in this document, and is also included in the docket for this rulemaking available online at *www.regulations.gov,* Docket ID: EPA–R03–OAR–2025–1777.

TABLE 1—2018 TO 2024 ANNUAL WEIGHTED MEANS FOR THE ALLEGHENY COUNTY AREA FOR THE 2012 ANNUAL $PM_{2.5}$ NAAQS ($\mu g/m^3$)

Monitor name	Monitor ID	2018	2019	2020	2021	2022	2023	2024
Avalon	420030002	9.6	9.9	8.6	9.8	8.2	9.6	7.0
Lawrenceville	420030008	9.0	9.0	7.7	9.0	7.6	9.7	7.2
Liberty	420030064	11.5	12.2	9.8	11.8	11.0	12.0	9.0
South Fayette	420030067	8.1	7.7	6.6	7.8	6.5	8.3	6.0
Harrison	420031008	9.3	8.6	7.3	8.2	7.1	8.9	6.6
North Braddock	420031301	10.2	9.9	9.0	10.7	8.5	10.7	8.4
Parkway East	420031376	10.3	10.8	9.0	10.4	8.5	9.6	6.9
Clairton	420033007	8.8	7.9	7.3	9.2	7.1	9.0	7.0

TABLE 2—DESIGN VALUES FOR THE ALLEGHENY COUNTY AREA FOR THE 2012 ANNUAL $PM_{2.5}$ NAAQS ($\mu g/m^3$) FOR MONITORING PERIODS 2018–2020 THROUGH 2022–2024

Monitor name	Monitor ID	2018–2020	2019–2021	2020–2022	2021–2023	2022–2024
Avalon	420030002	9.4	9.4	8.9	9.2	8.3
Lawrenceville	420030008	8.5	8.5	8.1	8.7	8.1
Liberty	420030064	11.1	11.2	10.9	11.6	10.6
South Fayette	420030067	7.4	7.3	7.0	7.5	6.9
Harrison	420031008	8.4	8.1	7.5	8.1	7.5
North Braddock	420031301	9.7	9.9	9.4	10.0	9.2
Parkway East	420031376	10.0	10.0	9.3	9.5	8.3
Clairton	420033007	8.0	8.1	7.9	8.4	7.7

[5] The annual $PM_{2.5}$ NAAQS design value (DV) is the 3-year average of $PM_{2.5}$ annual mean mass concentrations. Three years of valid annual means are required to produce a valid annual $PM_{2.5}$ NAAQS design value. A year meets data completeness requirements when at least 75 percent of the scheduled sampling days for each quarter have valid data. *See* 40 CFR part 50, appendix N.

[6] *See* notice of the proposed rulemakings at 86 FR 49497 (September 3, 2021) and 88 FR 8249 (February 8, 2023).

B. The Area Has Met All Applicable Requirements Under Section 110 and Part D of the CAA and Has a Fully Approved SIP Under Section 110(k)

In accordance with section 107(d)(3)(E)(v) of the CAA, Pennsylvania must meet all the requirements applicable to the Allegheny County Area under section 110 of the CAA (general SIP requirements) and part D of Title I of the CAA (SIP requirements for nonattainment areas). Under section 107(d)(3)(E)(ii) of the CAA, Pennsylvania's SIP revisions for the 2012 annual $PM_{2.5}$ NAAQS for the Allegheny County Area must be fully approved under section 110(k) of the CAA. Section 110(k) of the CAA sets out the requirements for the EPA's actions on SIP revision submittals. The September 4, 1992 Calcagni memorandum describes EPA's interpretation of CAA section 107(d)(3)(E) with respect to the timing of applicable requirements. Under this interpretation, to qualify for redesignation, states requesting redesignation to attainment must meet only the relevant CAA requirements that come due prior to the submittal of a complete redesignation request. See also Shapiro memorandum, September 17, 1993, and 60 FR 12459, 12465 and 12466, (March 7, 1995) (redesignation of Detroit-Ann Arbor). Applicable requirements of the CAA that come due subsequent to the area's submittal of a complete redesignation request remain applicable until a redesignation is approved but are not required as a prerequisite to redesignation. See CAA section 175A(c). Sierra Club v. EPA, 375 F .3d 537 (7th Cir. 2004). See also 68 FR 25418, 25424 and 25427 (May 12, 2003) (redesignation of the St. Louis/East St. Louis area to attainment of the 1-hour ozone NAAQS). In the case of the Allegheny County Area, the base year emissions inventory was due prior to Pennsylvania's submittal of the complete redesignation request for the Allegheny County Area. Therefore, the base year inventory is an applicable requirement. The attainment plan, including RACM/RACT, and contingency measures for failure to attain or meet RFP, were also due prior to Pennsylvania's submittal of a complete redesignation request for the Allegheny County Area. However, as referenced previously and described in detail later in this rulemaking, a clean data determination for the Allegheny County Area suspended these requirements for as long as the Allegheny County Area continues to meet the 2012 annual $PM_{2.5}$ NAAQS. When the Allegheny County Area is redesignated to attainment, these requirements are permanently discharged.

a. Section 110 General SIP Requirements

Section 110(a)(2) of title I of the CAA delineates the general requirements for a SIP, which include enforceable emissions limitations and other control measures, means, or techniques, provisions for the establishment and operation of appropriate devices necessary to collect data on ambient air quality, and programs to enforce the limitations. The general SIP elements and requirements set forth in CAA section 110(a)(2), which are commonly referred to as ''infrastructure SIPs,'' include, but are not limited to, the following: (1) submittal of a SIP that has been adopted by the state after reasonable public notice and hearing; (2) provisions for establishment and operation of appropriate procedures needed to monitor ambient air quality; (3) implementation of a minor source permit program and provisions for the implementation of part C requirements (PSD); (4) provisions for the implementation of part D requirements for nonattainment new source review (referred to as ''part D NNSR,'' ''NNSR,'' ''nonattainment NSR,'' or ''NSR'') permit programs; (5) provisions for air pollution modeling; and (6) provisions for public and local agency participation in planning and emission control rule development.

CAA section 110(a)(2)(D) requires that SIPs contain certain measures to prevent sources in a state from significantly contributing to air quality problems in another state; the portion of a state's SIP that include these measures is known as an interstate transport SIP. However, these CAA section 110(a)(2)(D) requirements apply to a state and are not linked with a particular nonattainment area's designation and classification in that state. The interstate transport SIP submittal requirements, where applicable, continue to apply to a state regardless of the designation of any one area in the state. Thus, the EPA has determined that these requirements are not applicable requirements for purposes of redesignation. Instead, the EPA has determined that the requirements linked with a particular nonattainment area's designation and classifications are the relevant measures, *i.e.,* the requirements that must be met for the EPA to redesignate an area. In addition, the EPA has determined that the other CAA section 110(a)(2) elements not connected with nonattainment plan submissions and not linked with an area's attainment status are not applicable requirements for purposes of redesignation because the area will still be subject to these requirements after it is redesignated. The EPA concludes that the CAA section 110(a)(2) and part D requirements, which are linked with a particular area's designation and classification, are the relevant measures to evaluate in reviewing a redesignation request, and that CAA section 110(a)(2) elements not linked to the area's nonattainment status are not applicable for purposes of redesignation. The EPA has applied this interpretation consistently in many redesignations.[7]

The EPA has reviewed the Pennsylvania SIP and has concluded that it meets the general SIP requirements under section 110(a)(2) of the CAA to the extent they are applicable for purposes of redesignation. The EPA has previously approved provisions of Pennsylvania's SIP addressing CAA section 110(a)(2) requirements, including provisions addressing $PM_{2.5}$.[8] These requirements are, however, statewide requirements that are not linked to the $PM_{2.5}$ nonattainment status of the Allegheny County Area. Therefore, the EPA proposes to determine that Pennsylvania has met all general SIP requirements for the Allegheny County Area that are applicable for purposes of redesignation under section 110 of the CAA.

b. Part D Requirements

On August 24, 2016 (81 FR 58010), EPA promulgated the Fine Particulate Matter National Ambient Air Quality Standards; State Implementation Plan Requirements rule.[9] This rule implements the requirements of part D of title I of the CAA for areas designated nonattainment for any $PM_{2.5}$ NAAQS. Subparts 1 and 4 of part D, title 1 of the

[7] See, *e.g.,* 81 FR 4420 (July 17, 2006) (final redesignation for the Sullivan County, Tennessee area); 79 FR 43655 (July 28, 2014) (final redesignation for Bellefontaine, Ohio lead nonattainment area); 61 FR 53174 through 53176 (October 10, 1996) and 62 FR 24826 (May 7 1997) (proposed and final redesignation of Reading, Pennsylvania ozone nonattainment area); 61 FR 20458 (May 7 1996) (final redesignation for Cleveland-Akron Lorain, Ohio ozone nonattainment area); 60 FR 62748 (December 7, 1995) (final redesignation of Tampa, Florida ozone nonattainment area); See also 65 FR 37879, 37890, (June 19, 2000) (discussing this issue in final redesignation of Cincinnati, Ohio 1-hour ozone nonattainment area); and 66 FR 50399 (October 19, 2001) (final redesignation of Pittsburgh, Pennsylvania 1-hour ozone nonattainment area).

[8] *See* 80 FR 26461 (May 8, 2015) (approving infrastructure SIP submittal for the 2012 $PM_{2.5}$ NAAQS).

[9] *See* 81 FR 58010 (August 24, 2016). *See also* 40 CFR part 51, subpart Z.

CAA contain air quality planning requirements for $PM_{2.5}$ nonattainment areas. Subpart 1 contains general requirements for all nonattainment areas of any pollutant, including $PM_{2.5}$, governed by a NAAQS. Subpart 1 requirements include, among other things, provisions for RACM, RFP, emissions inventories, contingency measures, transportation conformity and general conformity. Subpart 4 contains specific planning and scheduling requirements for $PM_{2.5}$ nonattainment areas. The requirements in CAA section 189(a), (c), (e) apply specifically to Moderate $PM_{2.5}$ nonattainment areas and include an approved permit program for construction of new and modified major stationary sources, provisions for RACM, an attainment demonstration, quantitative milestones demonstrating RFP toward attainment by the applicable attainment date, and provisions to ensure that the control requirements applicable to major stationary sources of $PM_{2.5}$ also apply to $PM_{2.5}$ precursors, except where the Administrator has determined that such sources do not contribute significantly to $PM_{2.5}$ levels that exceed the NAAQS in the area. The applicability of these requirements to this action are addressed in the following sections.

c. Subpart 1 Requirements

Subpart 1 sets forth the basic nonattainment plan requirements applicable to $PM_{2.5}$ nonattainment areas. Under CAA section 172, states with nonattainment areas must submit plans providing for timely attainment and must meet a variety of other requirements. The EPA's longstanding interpretation of the nonattainment planning requirements of CAA section 172 is that once an area is attaining the NAAQS, those requirements are not ''applicable'' for purposes of CAA section 107(d)(3)(E)(ii) and therefore need not be approved into the SIP before the EPA can redesignate the area. In the 1992 General Preamble for Implementation of Title I, the EPA set forth its interpretation of applicable requirements for purposes of evaluating redesignation requests when an area is attaining a standard.[10] The EPA noted that the requirements for RFP and other measures designed to provide for attainment do not apply in evaluating redesignation requests because those nonattainment planning requirements ''have no meaning'' for an area that has already attained the standard.[11] This interpretation was also set forth in the 1992 Calcagni Memorandum. The EPA's understanding of CAA section 172 also forms the basis of its Clean Data Policy, which was articulated with regard to $PM_{2.5}$ in 40 CFR 51.1015(a), and suspends a state's obligation to submit most of the attainment planning requirements that would otherwise apply, including an attainment demonstration and planning SIPs to provide for RFP, RACM, and contingency measures under CAA section 172(c)(9).[12] Courts have upheld the EPA's interpretation of CAA section 172(c)(1)'s ''reasonably available'' control measures and control technology as meaning only those controls that advance attainment, which precludes the need to require additional measures where an area is already attaining.[13]

As stated previously, the EPA determined that the Allegheny County Area had clean data for the 2012 $PM_{2.5}$ NAAQS and attained the NAAQS by the applicable attainment date.[14] Furthermore, as shown in section IV.A of this document, the Allegheny County Area continues to attain the 2012 annual $PM_{2.5}$ NAAQS. Therefore, because attainment has been reached for the 2012 annual $PM_{2.5}$ NAAQS in the Allegheny County Area, no additional measures are needed to provide for attainment of these standards, and the CAA section 172(c)(1) requirements for an attainment demonstration and RACM are no longer considered to be applicable for purposes of redesignation as long as the Allegheny County Area continues to attain each standard until redesignation.[15] Nonetheless, as stated previously, the EPA has approved most elements of Pennsylvania's Allegheny County $PM_{2.5}$ Attainment Plan, including an attainment demonstration and RACM analysis.[16]

Section 172(c)(2)'s of the CAA requirement that nonattainment plans contain provisions promoting reasonable further progress toward attainment is also not relevant for purposes of redesignation because the EPA has determined that the Allegheny County Area has monitored attainment of the 2012 annual $PM_{2.5}$ NAAQS. As stated previously, the EPA has approved most elements of Pennsylvania's Allegheny County $PM_{2.5}$ Attainment Plan, including the RFP demonstration as meeting the requirements of CAA section 172(c)(2).[17] In addition, because the Allegheny County Area has attained the 2012 annual $PM_{2.5}$ NAAQS and is no longer subject to an RFP requirement, the requirement to submit the CAA section 172(c)(9) contingency measures is not applicable for purposes of redesignation. Section 172(c)(6) of the CAA requires the SIP to contain control measures necessary to provide for attainment of the NAAQS. Because attainment has been reached, no additional measures are needed to provide for attainment.

The requirement under section 172(c)(3) of the CAA was not suspended by the EPA's clean data determination for the 2012 annual $PM_{2.5}$ NAAQS. Section 172(c)(3) of the CAA requires submission and approval of a comprehensive, accurate, and current inventory of actual emissions. For purposes of the $PM_{2.5}$ NAAQS, this emissions inventory should address not only direct emissions of $PM_{2.5}$, but also emissions of all precursors with the potential to participate in $PM_{2.5}$ formation, *i.e.,* SO_2, NO_X, VOC and NH_3. To satisfy the CAA section 172(c)(3) requirement, on May 14, 2021 (86 FR 26388), the EPA approved the 2011 base year emissions inventory for the 2012 annual $PM_{2.5}$ NAAQS for the Allegheny County Area.

Section 172(c)(4) of the CAA requires the identification and quantification of allowable emissions for major new and modified stationary sources in an area, and CAA section 172(c)(5) requires source permits for the construction and operation of new and modified major stationary sources anywhere in the nonattainment area. The EPA has determined that, since PSD requirements will apply after redesignation, areas being redesignated need not comply with the requirement that a nonattainment NSR program be approved prior to redesignation, provided that the area demonstrates maintenance of the NAAQS without a nonattainment NSR program. A more detailed rationale for this view is described in a memorandum from Mary Nichols, Assistant Administrator for Air and Radiation, dated October 14, 1994, entitled, ''Part D New Source Review Requirements for Areas Requesting Redesignation to Attainment.'' Nevertheless, Pennsylvania currently

[10] *See* 57 FR 13498, 13564 (April 16, 1992).

[11] *Id.*

[12] This regulation was promulgated as part of the 1997 $PM_{2.5}$ NAAQS implementation rule that was subsequently challenged and remanded in *NRDC* v. *EPA,* 706 F.3d 428 (D.C. Cir. 2013). However, the Clean Data Policy portion of the implementation rule was not at issue in that case.

[13] *See NRDC* v. *EPA,* 571 F.3d 1245, 1252 (D.C. Cir. 2009); *Sierra Club* v. *EPA,* 294 F.3d 155, 162 (D.C. Cir. 2002); *Sierra Club* v. *EPA,* 314 F.3d 735, 744 (5th Cir. 2002).

[14] *See* 87 FR 14799 (March 16, 2022) (Allegheny County Area's clean data determination for the 2012 annual $PM_{2.5}$ NAAQS) and 88 FR 32117 (May 19, 2023) (Allegheny County Area's determination of attainment by the attainment date for the 2012 annual $PM_{2.5}$ NAAQS).

[15] *Id.*

[16] *See* 86 FR 26388 (May 14, 2021).

[17] *Id.*

has an approved NSR program codified in Pennsylvania's regulations at 25 Pa. Code Chapter 127.201, *et. seq.*[18] Pennsylvania's regulations were incorporated by reference into ACHD's nonattainment new source review regulations for Allegheny County on March 30, 2015 (80 FR 16568). A revision to the NNSR regulations for Allegheny County for the 2012 annual $PM_{2.5}$ NAAQS was approved into the Pennsylvania SIP on June 15, 2020 (85 FR 36161). However, ACHD's PSD program in section 2102.07 of Article XXI of Allegheny County Health Department's Rules and Regulations for Air Pollution Control for $PM_{2.5}$ will become effective in the Allegheny County Area upon redesignation to attainment. Section 2102.07 of Article XXI adopted in its entirety, and incorporated by reference, the PSD requirements of 40 CFR part 52.[19] The EPA also previously approved Pennsylvania's PSD program required under section 110 of the CAA.[20]

Section 172(c)(7) of the CAA requires the SIP to meet the applicable provisions of CAA section 110(a)(2). As noted previously, the EPA believes the Pennsylvania SIP meets the requirements of CAA section 110(a)(2) that are applicable for purposes of redesignation, which have been identified as CAA section 172(c)(3) through (5).

Section 175A of the CAA requires a state seeking redesignation to attainment to submit a SIP revision to provide for the maintenance of the NAAQS in the area ''for at least 10 years after the redesignation.'' On July 24, 2025 (90 FR 34770), the EPA approved, as a revision to the Pennsylvania SIP and meeting the requirements of CAA section 175A, a maintenance plan that demonstrates maintenance of the 2012 annual $PM_{2.5}$ NAAQS through 2035 in the Allegheny County Area.

Section 176(c) of the CAA requires states to establish criteria and procedures to ensure that federally supported or funded projects conform to the air quality planning goals in the applicable SIP. The requirement to determine conformity applies to transportation plans, programs, and projects that are developed, funded, or approved under title 23 of the United States Code (U.S.C.) and the Federal Transit Act (transportation conformity) as well as to all other federally supported or funded projects (general conformity). State transportation conformity SIP revisions must be consistent with Federal conformity regulations relating to consultation, enforcement, and enforceability which the EPA promulgated pursuant to its authority under the CAA. The EPA interprets the conformity SIP requirements as not applying for purposes of evaluating a redesignation request under CAA section 107(d) because state conformity rules are still required after redesignation, and Federal conformity rules apply where state rules have not been approved.[21] Nonetheless, the EPA approved Pennsylvania's transportation conformity SIP requirements on April 29, 2009 (74 FR 19451).

The EPA concludes that Pennsylvania has met the requirements of subpart 1 of part D relevant for redesignation. Specifically, pursuant to section 110(k) of the CAA, the EPA has approved Pennsylvania's 2011 base year inventory and maintenance plan through 2035 for the Allegheny County Area into the Pennsylvania SIP.

d. Subpart 4 Requirements

A January 4, 2013, U.S. Court of Appeals for the District of Columbia Circuit decision [22] stated that the EPA must implement $PM_{2.5}$ NAAQS pursuant to subpart 4 of part D of the CAA, which contains provisions specifically concerning PM_{10} nonattainment areas. Section 189 in subpart 4 of the CAA sets out the requirements for PM_{10} and $PM_{2.5}$ nonattainment areas. Section 189(a) of the CAA contains the SIP revision requirements for moderate PM_{10} and $PM_{2.5}$ nonattainment areas, including the requirements for the state to submit an attainment demonstration, RACM (including (RACT) for stationary sources). Section 189(c) of the CAA contains requirements for RFP, quantitative milestones and quantitative milestone reports.

As with the requirements of CAA section 172(c), explained previously in this document, the requirements of CAA section 189(a) and (c) are no longer considered to be applicable for purposes of redesignation as long as the Area continues to attain the standard. Because attainment has been reached, no additional measures are needed to provide for attainment. The EPA's clean data determination for the Allegheny County Area suspended the requirements for the state to submit an attainment demonstration, RACM and RACT, RFP, quantitative milestones, and quantitative milestone reports until such time as the Area is redesignated to attainment, after which such requirements are permanently discharged.[23] Nonetheless, as stated previously, the EPA has approved most elements of Pennsylvania's Allegheny County $PM_{2.5}$ Attainment Plan, including an attainment demonstration (CAA section 189(a)(1)(B)), RACM analysis (CAA section 189(a)(1)(C)), quantitative milestones to ensure timely attainment (CAA section 189(c)), and a particulate matter precursor demonstration (CAA section 189(e)).[24] Therefore, the EPA concludes that ACHD has met the requirements of subpart 4 of part D relevant for redesignation.

For these reasons, the EPA proposes to find that ACHD has satisfied all applicable requirements for purposes of redesignation of the Allegheny County Area under section 110 and part D of the CAA. Specifically, pursuant to section 110(k) of the CAA, the EPA has approved Pennsylvania's 2011 base year inventory and maintenance plan through 2035 for the Allegheny County Area into the Pennsylvania SIP.

e. The Allegheny County Area Has a Fully Approved Applicable SIP Under Section 110(k) of the CAA

At various times, ACHD and PADEP have submitted, and the EPA has approved, provisions addressing the various SIP elements applicable for the 2012 annual $PM_{2.5}$ NAAQS. Indicated above, the EPA believes that the section 110 of the CAA elements not connected with nonattainment plan submissions and not linked to an area's nonattainment status are not applicable requirements for purposes of redesignation. The EPA may rely on prior SIP approvals in approving a redesignation request (*see* the Calcagni Memo at page 3; *Southwestern Pennsylvania Growth Alliance* v. *Browner,* 144 F.3d 984, 989–990 (6th Cir. 1998); *Wall* v. *EPA,* 265 F.3d 426), plus any additional measures it may approve in conjunction with a redesignation action (see 68 FR 25426 (May 12, 2003) and citations therein).

As discussed previously, the EPA has fully approved Pennsylvania's SIP for the Allegheny County Area under section 110(k) for all requirements applicable under CAA section 110 general SIP requirements and subparts 1

[18] *See* 77 FR 41276 (July 13, 2012) (approving NSR program into the SIP).

[19] *See* 78 FR 13493 (February 28, 2013) (most recent PSD revision for ACHD's portion of the Pennsylvania SIP).

[20] *See* 49 FR 33127 (August 21, 1984).

[21] *See Wall* v. *EPA,* 265 F. 3d 426 (6th Cir. 2001) (upholding this interpretation) and 60 FR 62748 (December 7, 1995) (discussing Tampa, Florida).

[22] *Natural Resources Defense Council* v. *EPA,* 706 F. 3d 428 (D.C. Cir. 2013).

[23] *See* 87 FR 14799 (March 16, 2022) (Allegheny County Area's clean data determination for the 2012 annual $PM_{2.5}$ NAAQS).

[24] *See* 86 FR 26388 (May 14, 2021).

and 4 of part D for purposes of redesignation to attainment for the 2012 annual $PM_{2.5}$ NAAQS. The EPA has previously approved Pennsylvania's 2011 base year emissions inventory for the Allegheny County Area as meeting the requirement of section 172(c)(3) of the CAA.[25] The EPA has also previously approved Pennsylvania's maintenance plan for the Allegheny County Area for the 2012 $PM_{2.5}$ NAAQS through 2035 as meeting the requirement of section 175A of the CAA.[26] Lastly, the EPA has previously approved Pennsylvania's and ACHD's PSD programs required under section 110 of the CAA.[27] The EPA has determined that there are no outstanding SIP elements required for the Allegheny County Area for purposes of redesignation to attainment for the 2012 annual $PM_{2.5}$ NAAQS. No Allegheny County Area SIP provisions are currently disapproved, conditionally approved, or partially approved. Therefore, the Administrator has fully approved the applicable requirements for the Allegheny County Area under CAA section 110(k) in accordance with CAA section 107(d)(3)(E)(ii).

C. Permanent and Enforceable Reductions in Emissions

For redesignating a nonattainment area to attainment, CAA section 107(d)(3)(E)(iii) requires the EPA to determine that the air quality improvement in the area is due to permanent and enforceable reductions in emissions resulting from implementation of the SIP and applicable Federal air pollution control regulations and other permanent and enforceable reductions. For the 2012 annual $PM_{2.5}$ NAAQS, ACHD has calculated the change in emissions between the 2011 base year and a 2017 control year for the Allegheny County Area. ACHD selected 2017 as the control year as it is the year selected for the attainment emission inventory in the maintenance plan.[28] The attainment inventory identifies the level of emissions in an area that is sufficient to attain the NAAQS. A summary of the emissions reductions in tons per year (tpy) of $PM_{2.5}$, NO_X, SO_2, VOC, and NH_3 from the base year to the control year in the Allegheny County Area, provided by ACHD, is shown in tables 3 and 4, in this document.[29]

TABLE 3—ALLEGHENY COUNTY AREA EMISSIONS REDUCTIONS, 2012 ANNUAL $PM_{2.5}$ NAAQS

[tons/year]

Allegheny County Area Totals (2012 Annual $PM_{2.5}$ NAAQS)	$PM_{2.5}$	$PM_{2.5}$ (filterable)	$PM_{2.5}$ (condensable)	PM_{10}	SO_2	NO_X	VOC	NH_3
2011 Base Year	5,829	4,185	1,644	9,061	15,080	35,460	29,972	1,141
2017 Control Year	4,437	3,207	1,230	6,728	5,033	23,273	25,383	1,238
Reduction, Base to Control Year	*− 1,392*	*− 978*	*− 414*	*− 2,333*	*− 10,047*	*− 12,187*	*− 4,589*	*97*
Percent Change	*− 24%*	*− 23%*	*− 25%*	*− 26%*	*− 67%*	*− 34%*	*− 15%*	*9%*

From the 2011 base year to the 2017 control year for the 2012 annual $PM_{2.5}$ NAAQS, overall $PM_{2.5}$ emissions were reduced by 24%. NH_3 was the only pollutant that did not show a reduction in the Area. However, NH_3 was found to be an insignificant precursor for attainment in the Allegheny County Area.[30] The reduction in emissions and the corresponding improvement in air quality in the Allegheny County Area from 2011 to 2017 for the 2012 annual $PM_{2.5}$ NAAQS can be attributed to a number of control measures that have been implemented in the Allegheny County Area and contributing areas in recent years.

ACHD identified implemented source controls at the United States Steel Corporation (USS) Mon Valley Works (MVW) Clairton Plant that have contributed to reductions of $PM_{2.5}$ levels in the Allegheny County Area between 2011 and 2017. Some of these controls were required by consent order and agreements entered into between ACHD and USS in 2007 and in 2008 (later amended in 2010 and 2011). The USS Clairton Plant requires permits to operate (operating permit) and to install new equipment or expand operations (installation permits). These consent order and agreements were incorporated by reference into installation permits for the C Coke Battery (IP #0052–I011) and Quench Towers 5A and 7A (IP #0052–I014a). The USS Clairton Plant's title V operating permit (OP #0052) incorporates conditions from the installation permits and other applicable regulations. These permits are federally enforceable under 40 CFR 52.2020. Controls specific to the USS Clairton Plant that contributed to reduction in $PM_{2.5}$ levels for the 2012 annual $PM_{2.5}$ NAAQS are as follows:

- 25 heating walls for Coke Battery 19 were replaced in 2012.
- The title V permit (OP #0052) issued in 2012 included baffle washing and maintenance requirements at all quench towers.[31]
- New low-emission Quench Towers 5A and 7A were installed for Coke Batteries 13–15 and 19–20, respectively, in 2013.
- A new Screening Station #4 was installed as a replacement to Screening Station #3 in 2013.

In addition to the controls implemented at the USS Clairton Plant, ACHD identified several implemented controls at other major point source facilities in Allegheny County during the timeframe of 2011 to 2017 that contributed to reduction of $PM_{2.5}$ and precursor emissions throughout Allegheny County.

- The GenOn Cheswick power plant installed a flue gas desulfurization (FGD) system in 2010 (IP #0054–I004), with full system operation started in mid-2011.[32]
- In 2013, The ATI Flat Rolled Products (Allegheny Ludlum) specialty steel-making facility in Harrison Township installed a new Hot Rolling Processing Facility (HRPF) at the plant (IP #0062–I008), along with a

[25] *See* 86 FR 26388 (May 14, 2021).

[26] *See* 90 FR 34770 (July 24, 2025).

[27] *See* 49 FR 33127 (August 21, 1984) (Pennsylvania PSD program) and 78 FR 13493 (February 28, 2013) (most recent PSD revision for ACHD's portion of the Pennsylvania SIP).

[28] *See* 90 FR 34770 (July 24, 2025).

[29] *See Id.* for further information regarding the emission inventory methodology and emission data by category totals for the Allegheny County Area.

[30] *See* EPA's proposed approval of certain elements of Allegheny County's 2012 $PM_{2.5}$ attainment plan, including the precursor demonstration discussion, at 85 FR 35852 (May 14, 2021).

[31] These source control requirements were also approved into the SIP as part of source specific RACT controls for the 2008 8-hour ozone NAAQS (86 FR 58223, October 21, 2021), which requires quench towers at the USS Clairton Plant to comply with the quench tower work practice standards, and operation and maintenance requirements of NESHAP 40 CFR part 63, subpart CCCCC, including daily baffle washing.

[32] ACHD notes this source has now permanently ceased operations.

consolidation of melt shops in 2011 (IP #0062–I007).

- The McConway & Torley steel foundry completed several modifications since 2011, including a new electric arc furnace, new baghouses, and new ladle preheater burners (IP #0275–I007, I008, I011, I013).
- The Bay Valley food manufacturing facility permanently switched from coal to natural gas fuel for all boilers in 2015 (IP #0079–I005).[33]

ACHD states that when a source permanently ceases all operations, the corresponding operating permit becomes inactive, either by termination or expiration. After a permit is inactive, any future operation at the source property requires a new permit application along with new source review (NSR). ACHD notes that enforcement staff conduct follow-up inspections at these sources to ensure continued inactivity and/or demolition at these properties. ACHD identified the following major point source facilities in Allegheny County that have permanently retired during the timeframe of 2011 to 2017, with their permits terminated or expired:

- ACN container facility (ceased operations in 2013);
- Guardian glass plant (ceased operations in 2015); and
- Shenango coke plant (ceased operations in 2016).

ACHD identified Federal and State rules and regulations that have contributed to $PM_{2.5}$ and precursor emission reductions throughout Allegheny County during the 2011 to 2017 timeframe, including:

- Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles (Phase 1); [34]
- Final Rule for Model Year 2012–2016 Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards; [35]
- Standards of Performance for New Residential Wood Heaters, New Residential Hydronic Heaters and Forced-Air Furnaces; [36]
- National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers; [37]
- National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines; New Source Performance Standards for Stationary Internal Combustion Engines; [38]
- Commercial and Industrial Solid Waste Incineration Units: Reconsideration and Final Amendments; [39]
- Control of Air Pollution from Motor Vehicles: Tier 3 Motor Vehicle Emission and Fuel Standards; [40]
- Cross-State Air Pollution Rule (CSAPR) Allowance Allocations, Groups 1 and 2; [41]
- PA Adhesives and Sealants Rule; [42] and
- PA Fuel Oil Sulfur Limits Rule.[43]

In addition, ACHD provided an analysis to demonstrate that the improvement in air quality for the Allegheny County Area was not due to unusually favorable meteorology. The analysis was based on 14 years of meteorological data collected at the Liberty monitor (ID #420030064) and included frequency of temperature inversions, average temperature, and total precipitation. The Liberty site has historically been the highest-concentration $PM_{2.5}$ site within the Allegheny County Area. ACHD identified that temperature inversions correlate with monitored $PM_{2.5}$ concentrations at the Liberty monitor, and that a higher frequency of temperature inversions coincide with relatively higher measured $PM_{2.5}$ concentrations. While variations in $PM_{2.5}$ concentrations from year-to-year correlate with the frequency of temperature inversions, ACHD identified that both annual weighted mean and 24-hour 98th percentile concentrations at the Liberty monitor have declined throughout the timeframe while the average frequency of inversions remained similar throughout the period, indicating that the reductions are due to emissions control and not unusually favorable meteorology due to temperature inversions.

ACHD identified that temperature and precipitation can also affect formation of $PM_{2.5}$. Higher temperatures are typically associated with higher concentrations of $PM_{2.5}$ since higher temperature can be more favorable for $PM_{2.5}$ precursors. ACHD notes that 2024 was the warmest year recorded in Allegheny County dating back to 1895, and 2012 and 2023 were also in the top five warmest. However, both the short-term and long-term $PM_{2.5}$ concentrations decreased over the 2011 to 2024 timeframe, indicating reductions in $PM_{2.5}$ concentrations are not due to favorable temperatures. ACHD additionally determined that, while years 2018 and 2019 may have seen a reduction in $PM_{2.5}$ due to wet deposition, the measured overall decrease in $PM_{2.5}$ over the 2011 to 2024 timeframe was not likely due to favorable precipitation.

Based upon the previously listed actions by ACHD, the EPA finds that the improvement in air quality in the Allegheny County Area is the result of permanent and enforceable emissions reductions, satisfying CAA section 107(d)(3)(E)(iii).

D. Fully Approved Maintenance Plan

As one of the criteria for redesignation to attainment, section 107(d)(3)(E)(iv) of the CAA requires the EPA to determine that the area has a fully approved maintenance plan pursuant to section 175A of the CAA. Section 175A of the CAA sets forth the elements of a maintenance plan for areas seeking redesignation from nonattainment to attainment. Under CAA section 175A, the maintenance plan must demonstrate continued attainment of the NAAQS for at least 10 years after the Administrator approves a redesignation to attainment. Eight years after the redesignation, the state must submit a revised maintenance plan which demonstrates that attainment of the NAAQS will continue for an additional 10 years beyond the initial 10-year maintenance period. To address the possibility of future NAAQS violations, the maintenance plan must contain contingency measures, as the EPA deems necessary, to assure prompt correction of the future NAAQS violation. The Calcagni memorandum provides further guidance on the content of a maintenance plan, explaining that a maintenance plan should address five elements: (1) an attainment emission inventory; (2) a maintenance demonstration; (3) a commitment for continued air quality monitoring; (4) a process for verification of continued attainment; and (5) a contingency plan.

In conjunction with the request to redesignate the Liberty-Clairton, Pennsylvania nonattainment area (Liberty-Clairton Area) to attainment for the 1997 annual and 2006 24-hour $PM_{2.5}$ NAAQS, Pennsylvania submitted, as a revision to the Pennsylvania SIP, a plan to provide maintenance of the 2012 annual $PM_{2.5}$ NAAQS for the Allegheny County Area through 2035. On July 24, 2025 (90 FR 34770), the EPA approved Pennsylvania's maintenance plan for the

[33] ACHD notes this source has now permanently ceased operations.

[34] *See* 76 FR 57106 (September 15, 2011).

[35] *See* 75 FR 25324 (May 7, 2010).

[36] *See* 80 FR 13672 (March 16, 2015).

[37] *See* 78 FR 7488 (February 1, 2013).

[38] *See* 78 FR 6674 (January 30, 2013).

[39] *See* 78 FR 9112 (February 7, 2013).

[40] *See* 79 FR 23414 (April 28, 2014).

[41] EPA CSAPR: *www.epa.gov/Cross-State-Air-Pollution/csapr-allowance-allocations.*

[42] *See* 77 FR 59090 (September 26, 2012).

[43] *See* 79 FR 39330 (July 10, 2014).

Allegheny County Area as a revision to Pennsylvania's SIP. Therefore, the EPA finds that Pennsylvania has satisfied the maintenance plan requirement of CAA section 107(d)(3)(E)(iv) for redesignation to attainment of the Allegheny County Area for the 2012 annual $PM_{2.5}$ NAAQS.

V. Proposed Actions

The EPA is proposing to approve Pennsylvania's September 4, 2025 request to redesignate the Allegheny County Area from nonattainment to attainment for the 2012 annual $PM_{2.5}$ NAAQS. The EPA has evaluated Pennsylvania's redesignation request and determined that the Allegheny County Area has met the redesignation criteria set forth in section 107(d)(3)(E) of the CAA. The monitoring data demonstrates that the Allegheny County Area attained, as determined by the EPA in a prior rulemaking, and for reasons discussed herein, continues to attain the NAAQS. Final approval of this redesignation request would change the designation of the Allegheny County Area from nonattainment to attainment for the 2012 annual $PM_{2.5}$ NAAQS. The EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

VI. Statutory and Executive Order Reviews

Under the CAA, the redesignation of an area to attainment is an action that affects the status of a geographical area and does not impose any additional regulatory requirements on sources beyond those required by state law. A redesignation to attainment does not in and of itself impose any new requirements, but rather results in the application of requirements contained in the CAA for areas that have been redesignated to attainment. For that reason, this proposed action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993);
- Executive Order 14192 (90 FR 9065, February 6, 2025) does not apply because this action is exempt from review under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act;

In addition, this proposed redesignation of the Allegheny County Area to attainment of the 2012 annual $PM_{2.5}$ NAAQS does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because this action is not approved to apply in Indian country located in the State, and the EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 81

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

Amy Van Blarcom-Lackey,

Regional Administrator, Region III.

[FR Doc. 2025–20409 Filed 11–19–25; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 73 and 74

[MB Docket No. 16–142; FCC 25–72; FR ID 317663]

Authorizing Permissive Use of the "Next Generation" Broadcast Television Standard

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) seeks comment on proposed rule changes that would support and accelerate the nation's ongoing market-based broadcast television transition to ATSC 3.0 (or Next Gen TV). The document tentatively concludes that the Commission should eliminate the simulcasting requirement for stations that transition to 3.0, while continuing to permit simulcasting on a voluntary, simplified basis. It also seeks comment on a range of closely related issues and other matters touching on the Next Gen TV transition.

DATES: Comments are due on or before January 20, 2026; reply comments are due on or before February 18, 2026. Written comments on the Paperwork Reduction Act (PRA) proposed information collection requirements must be submitted by the public, Office of Management and Budget (OMB), and other interested parties on or before January 20, 2026.

ADDRESSES: Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). You may submit comments, identified by MB Docket No. 16–142, by any of the following methods:

- *Electronic Filers:* Comments may be filed electronically using the internet by accessing the ECFS: *https://www.fcc.gov/ecfs.*
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing.
- Filings can be sent by hand or messenger delivery, by commercial courier, or by the U.S. Postal Service. *All filings must be addressed to the Secretary, Federal Communications Commission.*
- Hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC's mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial courier deliveries (any deliveries not by the U.S. Postal Service) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701. Filings sent by U.S. Postal Service First-Class Mail, Priority Mail, and Priority Mail Express must be sent to 45 L Street NE, Washington, DC 20554.
- *People with Disabilities.* To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530.

Comments regarding the PRA proposed information collection requirements. ''Currently under 60-day Review—Open for Public Comments'' or by using the search function. Your comment must be submitted into *www.reginfo.gov* per the above instructions for it to be considered. In addition to submitting in *www.reginfo.gov,* also send a copy of your comment on the proposed information collection to Cathy Williams, FCC, via email to *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information on this proceeding, contact Evan Baranoff, *Evan.Baranoff@fcc.gov,* of the Media Bureau, Policy Division, (202) 418–2120. Direct press inquiries to *MediaRelations@fcc.gov.* For additional information concerning the Paperwork Reduction Act information collection requirements contained in this document, send an email to *PRA@fcc.gov* or contact Cathy Williams, Office of Managing Director, at (202) 418–2918 or *Cathy.Williams@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Fifth Further Notice of Proposed Rulemaking (*FNPRM*), FCC 25–72, adopted on October 28, 2025 and released on October 29, 2025. The full text of this document is available electronically via the FCC's Electronic Document Management System (EDOCS) website at *https://docs.fcc.gov/public/attachments/FCC-25-72A1.pdf* or via the FCC's Electronic Comment Filing System (ECFS) website at *https://www.fcc.gov/ecfs* (search using docket number). (Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat.)

Paperwork Reduction Act. This document contains possible new or modified information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collection requirements contained in this document, as required by the Paperwork Reduction Act (PRA) of 1995, Public Law 104–13. Public and agency comments are due January 20, 2026.

Providing Accountability Through Transparency Act: Consistent with the Providing Accountability Through Transparency Act, Public Law 118–9, a summary of this document will be available on *https://www.fcc.gov/proposed-rulemakings.*

Comments should address: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and (e) way to further reduce the information collection burden on small business concerns with fewer than 25 employees. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), the Commission seeks specific comment on how the Commission might further reduce the information collection burden for small business concerns with fewer than 25 employees.

OMB Control Number: 3060–1254.

Title: Next Gen TV/ATSC 3.0 Local Simulcasting Rules; 47 CFR 73.3801 (full-power TV), 73.6029 (Class A TV), and 74.782 (low-power TV) and FCC Form 2100 (Next Gen TV License Application).

Form No.: FCC Form 2100 (Next Gen TV License Application).

Type of Review: Revision of currently approved collection.

Respondents: Business or other for-profit entities, state, local, or tribal government and not for profit institutions.

Number of Respondents and Responses: 1,422 respondents; 11,460 responses.

Estimated Time per Response: 0.017–8 hours.

Frequency of Response: On occasion reporting requirement; Recordkeeping requirement; Third party disclosure.

Obligation to Respond: Required to obtain or retain benefits.

Statutory authority for this collection of information is contained in sections 1, 4, 7, 301, 303, 307, 308, 309, 316, 319, 325(b), 336, 338, 399b, 403, 614, and 615 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154, 157, 301, 303, 307, 308, 309, 316, 319, 325(b), 336, 338, 399b, 403, 534, and 535.

Total Annual Burden: 3,852 hours.

Total Annual Cost: $147,000.

Needs and Uses: The *FNPRM* proposes to permit simulcasting stations, upon notice to the Commission, to encode multicast 1.0 streams using MPEG–4.

Synopsis:

I. Introduction

1. America's television broadcasters are in the midst of a transition. They are shifting to a new standard in broadcasting that can deliver significant and new benefits to consumers across the country. Indeed, Next Gen TV, also called ATSC 3.0, represents the future of broadcast television. Next Gen TV promises to revitalize the nation's free, local, over-the-air (OTA) television service, which serves as a vital source of local news and information for many Americans, by enabling significant improvements in picture quality, audio clarity, interactive features, and public safety and accessibility capabilities. We expect this will enable broadcasters to remain competitive in the video marketplace for years to come. To achieve this future, broadcasters have undertaken a complex and challenging technological transition without the allocation of additional spectrum. Broadcasters have made progress toward this transition, having launched ATSC 3.0 (or ''3.0'') service in more than 90 markets that include more than 70 percent of the country's population.[1] Actions proposed today support continued progress in the ongoing transition to ATSC 3.0.

2. Herein we take steps to support and accelerate the nation's ongoing market-based broadcast television transition to ATSC 3.0. We propose to remove unnecessary regulatory obstacles and give substantial flexibility to broadcasters because at this point in the transition they are best positioned to determine how to continue to serve their viewers while rolling out 3.0 services. Most notably, we propose to end the simulcasting requirement. In addition, we seek comment on how to minimize the costs and impact of this transition on all stakeholders, including consumers, manufacturers, MVPDs, and smaller broadcasters.

II. Background

3. In 2017, the Commission authorized television broadcasters to use the ATSC 3.0 transmission standard on a voluntary, market-driven basis.[2]

[1] Based on a review of internal Commission data. This data reflects 3.0 services offered by over-the-air television stations, but does not reflect the adoption of 3.0 by other stakeholders (*i.e.,* consumers, manufacturers, and multichannel video programming distributors (MVPDs)).

[2] *First Next Gen TV Report and Order,* 83 FR 4998 (Feb. 2, 2018). Next Gen TV is the new digital TV transmission standard being broadcast by many stations across the country alongside their standard digital TV signals. This internet Protocol-based

The Commission required that any broadcaster voluntarily deploying ATSC 3.0 service must, with very limited exceptions,[3] continue to air at least their primary stream using the current-generation TV transmission standard, also called ''ATSC 1.0'' or ''1.0.'' [4] This is because the Next Gen TV standard is not backward-compatible with most existing TV sets or receivers, which have only ATSC 1.0 and analog tuners. Because a TV station cannot, as a technical matter, simultaneously broadcast in both 1.0 and 3.0 format from the same facility on the same physical channel, ''local simulcasting'' must be effectuated through partnerships that broadcasters seeking to provide Next Gen TV service enter into with other broadcasters in their local markets.[5] The Commission, however, intended that the local simulcasting requirement be temporary.

4. Prior to deploying 3.0 service, stations must file an application with the Commission to modify their existing license and receive Commission approval. Review of applications to deploy ATSC 3.0 service includes consideration of the coverage that would be provided by a Next Gen TV station's ATSC 1.0 simulcast signal.[6] The Commission sought to minimize disruption to viewers resulting from the deployment of ATSC 3.0 while recognizing that if a station moves its ATSC 1.0 signal to a partner simulcast host station with a different transmitter location, some OTA viewers may no longer be able to receive the station's 1.0 signal unless they acquire a 3.0 capable television receiver. Among other obligations, the Commission requires the Next Gen TV station to select a partner 1.0 simulcast host station that is assigned to its same designated market area (DMA) and from which it will continue to provide ATSC 1.0 simulcast service to its entire community of license. The Commission also stated that an application demonstrating that the station would provide ATSC 1.0 simulcast service to at least 95 percent of the predicted population within the station's original noise limited service contour (NLSC) would be presumptively in the public interest and afforded ''expedited processing.'' All other applications require a more detailed public interest analysis by the Commission prior to action.

A. Sunsets

5. *Substantially Similar Rule.* In the *First Next Gen TV Report and Order,* the Commission adopted a requirement that the programming aired on a Next Gen TV station's ATSC 1.0 simulcast channel be ''substantially similar'' to that of the primary video programming stream on the ATSC 3.0 channel. This rule, which is distinct from the simulcasting requirement itself,[7] means that the programming on the two versions of the primary stream must generally be the same. The rule was initially scheduled to sunset on July 17, 2023, and was extended to July 17, 2027.

6. *Requirement to Comply with the ATSC A/322 Standard.* In authorizing use of the Next Gen TV broadcast transmission standard, the Commission in the *First Next Gen TV Report and Order* required compliance with only two parts of the ATSC 3.0 suite of standards: (1) A/321, the standard used to communicate the RF signal type that the ATSC 3.0 signal will use; and (2) A/322, the standard that defines the waveforms that ATSC 3.0 signals may take.[8] In requiring compliance with A/322, the Commission observed that ''device manufacturers and MVPDs may not be able to reliably predict what signal modulation a broadcaster is using unless broadcasters are required to follow A/322,'' at least with respect to their required primary programming stream. The Commission explained that ''[t]his uncertainty could cause manufacturers to inadvertently build equipment that cannot receive Next Gen TV broadcasts or could render MVPDs unable to receive and retransmit the signals of Next Gen TV stations. These outcomes would harm consumers.'' The Commission, however, decided that it was not appropriate at the time ''to require broadcasters to adhere to A/322 indefinitely,'' explaining that ''the ATSC 3.0 standard could evolve, and stagnant Commission rules could prevent broadcasters from taking advantage of that evolution.'' The Commission thus determined that the requirement to comply with the A/322 standard would expire on March 6, 2023, which was later extended until July 17, 2027.

B. NAB Petition To Accelerate Transition and FOTVI Report

7. In January 2025, the National Association of Broadcasters (NAB) filed a report summarizing the discussions and progress made through the Future of Television Initiative (FOTVI), and in February 2025, NAB filed the Petition asking the Commission to ''establish a clear timeline to complete the transition'' to ATSC 3.0. In April 2025, the Media Bureau issued a Public Notice seeking comment on NAB's Petition, the FOTVI Report, and other related issues.[9] The Bureau received more than 900 comments and replies in response. The comment cycle closed on June 6, 2025.

8. *Petition.* NAB proposes that the Commission mandate a two-part

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standard was developed by the Advanced Television Systems Committee (ATSC) with the intent to eventually replace the current digital television standard, ATSC 1.0. It ''merges the capabilities of over-the-air broadcasting with the broadband viewing and information delivery methods of the internet, using the same 6 MHz channels presently allocated for DTV service.'' *Id.* As 3.0 proponents have previously explained to the Commission, the greater spectral capacity of the new standard and its internet-Protocol delivery component will allow broadcasters to provide consumers with a higher quality television viewing experience, such as ultra-high-definition (UHD) picture resolutions and immersive audio. It also has the potential to enable broadcasters to reach viewers on both home and mobile screens. In addition, ATSC 3.0 will allow broadcasters to offer enhanced public safety capabilities, such as geo-targeting of emergency alerts to tailor information to particular communities and emergency alerting capable of waking up sleeping devices to warn consumers of imminent emergencies, as well as greater accessibility options, localized content, and interactive educational children's content. The Commission refers to the innovative non-traditional services that Next Gen TV broadcasters may provide over broadcast spectrum as ''Broadcast internet'' services to distinguish them from traditional over-the-air video services. Such services are also referred to as ''ancillary or supplementary services.''

[3] LPTV and TV translator stations may deploy ATSC 3.0 service without providing an ATSC 1.0 simulcast signal. In addition, full power and Class A stations may request a waiver of the simulcast requirements. To date, no such waivers have been requested.

[4] Next Gen TV broadcasters are not required to simulcast their 3.0 multicast streams in a 1.0 format.

[5] A Next Gen TV station must partner with another television station (*i.e.,* a temporary ''host'' station) in its local market to either: (1) air an ATSC 3.0 channel at the temporary host's facility, while using its original facility to continue to provide an ATSC 1.0 simulcast channel, or (2) air an ATSC 1.0 simulcast channel at the temporary host's facility, while converting its original facility to the ATSC 3.0 standard in order to provide a 3.0 channel. In either case, a Next Gen TV broadcaster must simulcast the primary video programming stream of its ATSC 3.0 channel in an ATSC 1.0 format, so that viewers will continue to receive ATSC 1.0 service. The Commission stated that, by the time the transition is complete, any temporary authority granted for local simulcasting will expire, and a station will once again be required to air all of its licensed programming on its own single channel. Low power television stations (LPTV) operating in 3.0 are not required to have a 1.0 simulcast.

[6] A Next Gen TV broadcaster must file an application and obtain Commission approval before a 1.0 simulcast channel or a 3.0 channel aired on a partner host station can go on the air, as well as before an existing 1.0 station can convert to 3.0 operation or back to 1.0 operation.

[7] The requirement for Next Gen TV broadcasters to simulcast their primary stream in 1.0 format does not have a sunset date.

[8] These two standards were incorporated by reference into the Commission's rules.

[9] Among other things, the Bureau sought comment on the use of MPEG–4 compression for 1.0 simulcast signals and the use of Digital Rights Management (DRM) encryption on 3.0 signals.

deadline to complete the full-power 3.0 transition. Per the NAB proposal, full-power stations in the top 55 markets (available to about 70 percent of viewers in the country) would be required to transition fully to ATSC 3.0 (*i.e.,* end all ATSC 1.0 broadcasting, including simulcasting) in February 2028, with limited waivers for ''smaller,'' independent, and noncommercial stations if necessary. Full-power stations in the remaining markets would be required to transition fully to ATSC 3.0 in February 2030.[10] NAB contends that ''[w]ithout decisive and immediate action, the transition risks stalling'' and that ''[r]eaching the finish line requires industry-wide coordination and engagement—something individual broadcasters cannot do alone.''

9. NAB also proposes that the Commission impose a mandate on television manufacturers to ''ensur[e that] consumers who buy new TVs can continue receiving broadcast programming.'' Specifically, NAB asks the Commission to amend section 15.117 of its rules to require that all TV broadcast receivers include 3.0 tuners, pursuant to the Commission's authority under the 1962 All Channel Receiver Act (ACRA).[11] According to NAB, ''[b]roadcasters would support removing the requirement to include an ATSC 1.0 tuner after the date at which all full-power and class A broadcasters cease transmitting in ATSC 1.0.'' NAB also requests that the Commission re-examine what it means to ''adequately receive'' television channels, as well as ''consider adopting a requirement that television receivers make broadcast services available to a consumer in the same or fewer steps needed to access any other video content on the same device.''

10. In addition, NAB asks the Commission to consider whether updates to the MVPD carriage rules are necessary. NAB indicates that some rules, particularly those related to must-carry signals, may need to be revised, such as the ''good quality signal'' rule. Further, NAB asks the Commission to clarify and/or update certain rules to accelerate deployment. NAB argues that the Commission should relax the 95 percent coverage requirement for expedited application processing and clarify that this coverage requirement should not apply to multicast streams. NAB also urges the Commission to act now to eliminate the ''substantially similar'' requirement, rather than wait for the scheduled sunset in 2027. Finally, NAB suggests that the Commission should update the incorporations by reference in the rules to the current versions of the ATSC 3.0 standards, ATSC A/321 and ATSC A/322, and may want to consider a variety of other possible changes.[12]

11. *Future of Television Initiative Report.* Launched in April 2023 by NAB, the FOTVI gathered industry, public interest stakeholders, and government [13] to work on a roadmap for the transition of television broadcast from the currently required ATSC 1.0 protocol to ATSC 3.0. The FOTVI Report summarizes the discussions of three working groups, which addressed (1) backwards compatibility, tuner availability and consumer issues; (2) completing the transition; and (3) post-transition regulation.[14] NAB states that it intends the FOTVI Report ''will provide the Commission with a better understanding of the remaining issues and concerns of stakeholders and put the Commission in a better position to continue with the rulemaking proceedings necessary to complete a successful transition to ATSC 3.0.''

C. Current 3.0 Deployment Status

12. The Commission has been monitoring the pace of the deployment of ATSC 3.0 both nationally and market-by-market, including the rollout of 3.0 service by television broadcasters, the penetration of ATSC 3.0-ready TV sets and other converter equipment, and the extent to which MVPDs have deployed 3.0 equipment. Broadcasters have launched full-power Next Gen TV service in more than 80 markets that contain more than 70 percent of the population.[15] In addition, the FOTVI Report states that more than 14 million ATSC 3.0-capable sets and 300,000 external 3.0 converters were sold through 2024. Further, CTA estimates that by 2028 more than half of TV sets sold each year will have 3.0 tuners even absent Commission action. We are not aware of any MVPDs that are carrying 3.0 signals.[16]

III. Discussion

13. With this *Fifth Further Notice of Proposed Rulemaking* (*FNPRM*), we seek to eliminate unnecessary regulatory barriers that hinder continued progress toward a transition to ATSC 3.0, as well as to facilitate the expansion of Next Gen TV service by giving more flexibility to broadcasters and so that viewers can reap the full benefits of this service. First, we make specific proposals and tentative conclusions to further this goal. Second, we seek comment on certain, closely related issues, including an ATSC 3.0 tuner requirement, encryption of broadcast signals, and MVPD carriage of 3.0 signals, in light of our proposals and tentative conclusions, as well as on other outstanding ATSC 3.0 issues.

A. Accelerating the ATSC 3.0 Transition and Promoting Broadcaster Flexibility

14. We propose to permit stations to continue to voluntarily transition from a 1.0 signal to a 3.0 signal (or continue to operate in 3.0) while giving them greater freedom to serve the specific needs of their local markets and expeditiously provide next generation television services to viewers. First, we tentatively conclude that we should eliminate the 1.0 simulcasting requirement for stations that transition to 3.0. Second, we tentatively conclude that for stations

[10] NAB ''does not recommend subjecting low power television (LPTV) stations or TV translator stations to any requirement to transition to ATSC 3.0.''

[11] Section 15.117(b), the rule implementing the Commission's authority under the 1962 All Channel Receiver Act (ACRA), states that ''TV broadcast receivers shall be capable of adequately receiving all channels allocated by the Commission to the television broadcast service.'' The term ''TV broadcast receivers'' includes ''devices, such as TV interface devices and set-top devices that are intended to provide audio-video signals to a video monitor, that incorporate the tuner portion of a TV broadcast receiver and that are equipped with an antenna or antenna terminals that can be used for off-the-air reception of TV broadcast signals, as authorized under part 73 of this chapter.''

[12] Among the other issues listed are encoding, privacy, and accessibility.

[13] FCC staff participated in the Working Groups but did not contribute to the preparation of the FOTVI Report.

[14] More specifically, each working group addressed the following issues. Working Group 1—solutions to address backwards compatibility (*e.g.,* tuner availability, converter devices) and the challenges to these solutions; methods to ensure widespread access to backwards compatibility solutions while protecting consumers; minimizing negative consumer impact; loss of traditional television service, inconvenience, costs; availability and pricing of consumer equipment (televisions, handsets, etc.); and consumer education responsibilities and plans. Working Group 2—minimizing negative consumer impact; availability and pricing of consumer equipment; consumer education responsibilities and plans; simulcasting (under what conditions it may end and whether it would continue to be permissible); managing ATSC 1.0 and ATSC 3.0 capacity as more stations transition; and tuner and labeling standards. Working Group 3—MVPD carriage of 3.0 signals; existing public interest obligations of broadcasters and potential regulatory changes to reflect ATSC 3.0 transmission; privacy and security for viewers and viewing information; accessibility of ATSC 3.0 programming; and whether all ATSC 1.0 transmission must eventually end.

[15] Based on a review of internal Commission data there are more than 90 markets where ATSC 3.0 has been authorized when considering all classes of TV stations (*i.e.,* full power, Class A, and LPTV).

[16] NCTA notes that ATSC has yet to complete its work on recommended practices for redistribution of ATSC 3.0 signals. Additionally, NCTA states that ''none of [its] cable operator members will be able to carry 3.0 signals without first making costly changes to their networks.''

that wish to continue simulcasting in 1.0 we will continue to permit such operations on a voluntary, simplified basis, by eliminating the ''substantially similar'' rule and the 95 percent coverage threshold for expedited processing. Third, we propose to permit the use of MPEG–4 on 1.0 streams in certain situations to help enhance broadcasters spectral capacity and thereby facilitate simulcasting until broadcasters and their viewers are ready for a full transition to 3.0. We seek comment on these tentative conclusions and proposals.

1. Transitioning to ATSC 3.0 and Simulcast Termination

15. We tentatively conclude that we should eliminate the 1.0 simulcasting requirement for stations that wish to transition or have transitioned their facilities to 3.0 service. As the Commission made clear at the outset of the 3.0 transition, this requirement was always intended to be temporary, and we believe the time has come for it to be eliminated. Broadcasters have explained that transmitting in both 3.0 and 1.0 ''takes enormous capacity and creates significant constraints on what services all participating broadcasters can offer.'' Specifically, transitioning broadcasters are generally relying on one or two ATSC 3.0 ''lighthouses'' [17] in each market, limiting each participant to ''only a small fraction of the features'' that would be possible if they could devote their entire channel capacity to 3.0. As a result, they have struggled to demonstrate the full array of improvements made possible by this new innovative technology. Based on the Commission's observation of the market since 2017, we have come to believe that while simulcasting remains important for protecting viewers during the transition period, at this stage broadcasters have strong market incentives to continue to effectively serve their viewers.

16. As discussed by the Commission in the *First Next Gen TV Report and Order,* ''[s]tations that do not preserve service coverage or quality will suffer financially due to lost viewership and thus advertising revenue.'' In fact, according to the Commission's *2024 Communications Marketplace Report,* over half of broadcaster revenue is derived from advertising. Viewers have clear expectations when it comes to the quality of programming they expect from broadcasters and in the current marketplace failure to meet those exceptions will likely drive viewers to other sources for their video programming, such as MVPDs or streaming services. As noted by NAB, ''market dynamics are likely to ensure that popular programming remains widely accessible'' and as such ''[b]roadcasters have no financial incentive to restrict their highest-value content to the still-limited ATSC 3.0 audience.'' Broadcasters have also demonstrated the continued importance they place on 1.0 streams through their actions during the transition. Despite Next Gen TV broadcasters not being required to maintain their multicast streams in a 1.0 format, to the Commission's understanding all full power Next Gen TV stations have chosen to preserve their multicast streams under our voluntary 3.0 multicast licensing rules. We believe we can rely on these incentives and marketplace realities to allow broadcasters to decide how and when to move forward with full 3.0 service. We seek comment on these and any additional incentives or factors we should consider when determining whether to eliminate the simulcast requirement as proposed. How does the benefit of removing the simulcast requirement in order to help broadcasters expedite deployment of new enhanced ATSC 3.0 services to consumers balance against the potential costs to consumers who may not yet have 3.0 capable devices and may lose access to OTA 1.0 service? How many households have a TV with an ATSC 3.0 enabled television set or use an ATSC 3.0 converter device? Are there any alternatives to entirely eliminating the simulcast requirement that would still allow broadcasters to more easily deploy 3.0 service and demonstrate to consumers the enhanced features and innovative offerings enabled by 3.0 while continuing to preserve 1.0 service for viewers that do not have the capability to receive 3.0 signals and providing certainty to broadcasters that their signals will be received?

17. We also tentatively conclude that if the simulcast requirement is eliminated as proposed, stations should continue to be free to switch between 1.0 and 3.0 as market conditions dictate, subject to our application and viewer/MVPD notification processes. We seek comment on this conclusion. Some commenters, such as ATVA, express concern that revenue derived from new Broadcast internet services may skew broadcasters' market incentives. However, we tentatively agree with broadcasters, such as Gray, who explain that ''datacasting will supplement and support video broadcasting'' and ''not replace it.'' [18] Broadcasters will also remain required to provide a minimum level of broadcast service under our rules.

18. We seek comment on whether to make these new rules effective 30 days after **Federal Register** publication of an Order adopting this proposal, or on a specific date. If on a specific date, we seek comment on why the proposed date is appropriate. Alternatively, we seek comment on whether we should instead adopt a penetration level and/or market availability threshold for 3.0 receivers that would trigger the elimination of the simulcast requirement; for example, requiring that a certain percentage of viewers in a market have 3.0 devices, or a certain number of 3.0 devices be available for sale in that market, before local broadcasters could cease 1.0 broadcasting. What would be the benefits or burdens of such an approach for consumers, broadcasters, and other stakeholders? We also tentatively conclude that stations seeking to transition without a simulcast host (*i.e.* ''flash-cut'' from 1.0 to 3.0 service), or Next Gen TV stations that wish to end an existing 1.0 simulcast, must file a Next Gen TV license application. We seek comment on this tentative conclusion and comment on any questions we need to update in our forms if we eliminate the simulcast requirement.

19. Finally, we propose to state explicitly in our rules that the existing viewer and MVPD notice requirements for stations also apply to a station that chooses to operate in 3.0 without a simulcast host partner. Although our rules already do not require LPTV and TV translator stations to simulcast, we propose to clarify our part 74 rules to make clear a station's viewer and MVPD notice requirements when it has chosen to simulcast and subsequently decides to terminate 1.0 service. We seek comment on these proposals.[19]

[17] A 3.0 ''lighthouse'' refers to a single host station in a market that operates in 3.0 and hosts the signals of several other 3.0 (guest) stations in the market.

[18] Gray cites a BIA Kelsey estimate predicting that datacasting may generate $8.7 billion annually. This figure taken together with projections of advertising and retransmission consent revenue suggests that datacasting could make up roughly 20% of broadcast station revenue by 2029.

[19] We remind stations that when a station flash-cuts to ATSC 3.0 or terminates its 1.0 simulcast, it is required to comply with all applicable part 73 and 74 rules that would otherwise be applicable to the station if it were operating in 1.0. Our proposals are not intended to impact a broadcaster's ability to operate as a 3.0 guest. ATSC 3.0 guest stations will continue to be required to be located in the same DMA as their host station and enter into a ''simulcasting agreement.'' Commonly-owned

Continued

2. Voluntary Simulcasting

20. While we tentatively conclude that we will end the requirement for simulcasting by Next Gen TV broadcasters, we also tentatively conclude that we will continue to permit simulcasting on a voluntary basis. Local simulcasting of 1.0 streams remains an important tool for broadcasters during the transition to reach broadcast viewers within their communities that do not yet have 3.0 capable receivers, and we expect some broadcasters will want to continue to voluntarily simulcast for some time.[20] We tentatively conclude, however, that we should also make certain changes to our local simulcasting rules to incentivize and ensure broadcasters have flexibility to transition to 3.0 while also being able to serve their 1.0 viewers to the greatest extent possible. First, we propose to immediately eliminate the ''substantially similar'' rule, allowing broadcasters to choose how to divide their programing between 1.0 and 3.0 signals. Second, we propose to eliminate the coverage threshold for expedited processing, affording expedited processing to all applicants satisfying the DMA and community of license (COL) coverage requirements. Finally, we propose to permit a simulcasting station to encode at least a portion of its 1.0 signal using MPEG–4, allowing more efficient use of what we anticipate will be increasingly limited 1.0 capacity. We discuss these proposals in turn below.

21. *Substantially Similar Rule.* We propose to eliminate the ''substantially similar'' requirement immediately upon **Federal Register** publication of an Order adopting this proposal. In 2023, the FCC scheduled this requirement to sunset in July of 2027. We now believe that the persistence of the rule beyond the end of simulcasting requirement could discourage broadcasters from choosing to simulcast in 1.0 on a voluntary basis. However, even in the event that we do not adopt our proposal to eliminate the simulcasting requirement, we still independently tentatively conclude that we should eliminate the substantially similar rule as proposed. While the existing rule aims to provide flexibility to innovate, some broadcasters have reported that the substantially similar requirement is preventing plans to develop innovative programming. We tentatively find such arguments are compelling, including NAB's argument that the rule may undermine the transition it purportedly supports if it discourages broadcasters ''from using ATSC 3.0's capabilities to offer differentiated programming that could drive Next Gen TV consumer interest and adoption.'' We recognize that the Commission has previously expressed concern about whether market incentives alone would protect viewers who rely on 1.0 service, but upon further consideration we believe at this stage of the transition more weight must be given to how the rule now appears to be inhibiting the transition and preventing broadcasters from providing new innovative offerings and services enabled by 3.0 to consumers.[21] As previously discussed in the context of the simulcast requirement, we also believe significant market incentives exist that will preserve access to existing 1.0 service. We seek comment on these proposals and tentative conclusions.

22. *Expedited Processing.* We propose to eliminate the 95 percent coverage threshold for expedited processing,[22] affording such processing to all applicants satisfying the DMA and COL coverage requirement (*i.e.,* serving their entire COL).[23] We tentatively agree with NAB that a rigid coverage threshold for expedited processing ''creat[es] unnecessary roadblocks for broadcasters seeking to bring ATSC 3.0 services to their communities,'' and that the persistence of such a coverage requirement for expedited processing after the end of the simulcasting requirement would only discourage broadcasters from choosing to simulcast in 1.0 on a voluntary basis. However, even in the event that we do not adopt our proposal to eliminate the simulcasting requirement, we still tentatively conclude that we should eliminate the coverage threshold for expedited processing and afford such processing to all applicants satisfying the DMA and COL coverage requirement. We seek to provide broadcasters with flexibility to deploy and/or expand 3.0 service. As discussed above, we tentatively conclude that broadcasters have strong market incentives to preserve viewership during the transition, and they are best positioned to determine how to most effectively serve their viewers.

23. Consistent with this proposal, we propose to revise our children's television multicast coverage rule to require only COL coverage for full power stations, rather than 95 percent population coverage.[24] We also propose to allow Class A stations to air children's programming on a multicast stream so long as its multicast stream host complies with the coverage requirements of section 73.6029(c).[25] In addition, we propose to modify sections 73.3801(i), 73.6029(i), and 74.782(j) to eliminate from our 3.0 multicast licensing rules the expedited processing exception related to multicast streams. In the *Third Report and Order,* the Commission excluded multicast stream coverage from consideration under expedited processing. By eliminating the 95% threshold for expedited processing, both multicast and primary streams will have the same simulcast coverage requirements and the exception in the 3.0 multicast rules is no longer necessary. Under this proposal *all* simulcast applications (primary streams and multicast streams) will be eligible for expedited processing so long as a station's 1.0 host is located

stations do not have to enter into a written simulcasting agreement.

[20] We note that broadcasters have indicated that they were ''unlikely'' to stop 1.0 simulcasting ''until most consumers can receive ATSC 3.0 signals.''

[21] Although as of today 3.0 service has been launched by full power stations in more than 80 markets, based on a review of Commission databases by Media Bureau staff, only seven new markets have launched 3.0 service since January 2024.

[22] The Commission stated that it expected the Media Bureau ''generally will be able to process applications qualifying for expedited processing within 15 business days after public notice of the filing of such applications.'' Stations that do not qualify for expedited processing will continue to be considered on a case-by-case basis, generally within 60 business days after public notice of the filing of such applications.

[23] All full power Next Gen TV license applicants ''must continue to cover the station's entire community of license (*i.e.,* the station must choose a host from whose transmitter site the Next Gen TV station will continue to meet the community of license signal requirement over its current community of license, as required by § 73.625) and the host station must be assigned to the same Designated Market Area (DMA) as the originating station. . . .).'' For purposes of Class A, LPTV, and TV translator stations when the term ''COL'' is used we mean the coverage requirements for those classes of stations set forth in our 3.0 rules (applying the existing 30-mile and contour overlap restrictions that apply to low power because Class A, LPTV, and TV translator stations do not have a COL signal requirement). We also propose to modify 47 CFR 73.3801(c) to update the reference to the community of license rule, which was moved from former 47 CFR 73.625(a) (2024) to 47 CFR 73.618. We seek comment on this proposal.

[24] Under our 3.0 multicast rules, a station that covers less than 95% of its 1.0 coverage area is not permitted to use any programming aired on its simulcast multicast stream for purposes of compliance with 47 CFR 73.671. We propose to adopt this rule change independent of whether we eliminate the simulcasting or substantially similar requirement.

[25] In a separate proceeding the Commission has proposed to modify the so-called ''30 mile rule,'' which limits Class A and LPTV station facility relocations to 30-miles from the station's antenna reference coordinates. In order to ensure consistency with whatever rule is adopted, we propose to amend 47 CFR 73.6029(c) and 74.782(d) to align with the distance requirement of 47 CFR 74.787(b). We also propose to delete 47 CFR 74.782(j)(3) because LPTV stations are not required to comply with the Commission's children's television programming requirement in 47 CFR 73.671. We seek comment on these proposals.

in the same DMA and covers its COL.[26] We seek comment on these proposals and tentative conclusions.

24. *MPEG–4.* We propose to permit simulcasting stations, upon notice to the Commission, to encode multicast 1.0 streams using MPEG–4, and we seek comment on this proposal. We therefore also propose to incorporate by reference into the rules ATSC Standard A/72, Part 1:2023–04. MPEG–4 is a more efficient compression method than that contained in our rules, allowing a larger number of streams using the same capacity.[27] Under our current rules, broadcasters transmitting in 1.0 must comply with the ATSC A/53 standard (which includes only MPEG–2), and there is evidence that some older digital televisions cannot display programming encoded using MPEG–4. Commenters have argued in the record that the ''great majority of televisions in American households today can decode MPEG[-]4 transmissions.'' [28] The Media Bureau has also permitted simulcasting stations to use MPEG–4 for multicast streams to increase the preservation of 1.0 service.[29] As Sinclair explains, ''by allowing broadcasters to compress more content into less spectral capacity, MPEG[-]4 may allow broadcasters in many markets to deploy an additional ATSC 3.0 facility, beyond the single stick typically operating in most markets.'' Further, according to Sinclair, ''the use of MPEG[-]4 may allow broadcasters to preserve all current content during the transition, rather than forcing broadcasters to drop channels or lower resolution.''

25. We tentatively conclude that while some viewers with older TV equipment could lose access to 1.0 service if broadcasters choose to use MPEG–4, we expect broadcasters that are simulcasting multicast streams will weigh this potential loss of 1.0 service against the benefits of expanded 3.0 service. While our understanding is that virtually all 1.0 TV sets and equipment manufactured today include decoding capability for MPEG–4, we seek comment on this. What is the current penetration level and market availability of MPEG–4-capable receivers? Is MPEG–4 appropriate in some situations to provide broadcasters with flexibility as they begin to expand 3.0 services? We seek comment. We also seek comment on whether we should permit the use of MPEG–4 on the primary streams of simulcasting stations in the process of transitioning to 3.0, and if so in what circumstances.[30] We separately seek comment on whether MPEG–4 use should also be permitted for 1.0 multicast streams on 1.0-only stations, regardless of whether they are part of a 3.0 arrangement. In each circumstance proposed above, are there penetration and/or market availability levels that we should consider before providing broadcasters with the option to use MPEG–4 at their discretion? If so what should be those levels and why?

26. We recognize that adding MPEG–4 to the digital transmission standard in § 73.682(d) would require all new TV receivers to include decoding capability for MPEG–4 pursuant to § 15.117(b). Given our understanding that virtually all 1.0 TV sets and equipment manufactured today include decoding capability for MPEG–4, we believe equipment manufacturers would be able to comply with such a requirement, but seek comment on this issue. Specifically, if MPEG–4 is permitted for any broadcasters, we seek comment on our proposal to incorporate by reference ATSC Standard A/72, Part 1:2023–04 to § 73.3800(a) and to the broadcasting standard in § 73.682(d) of our rules (thus requiring manufacturer compliance). Alternatively, we seek comment on whether we should provide an exception in § 15.117(b) in the same manner as the 3.0 standard in § 73.682(f) of our rules (which did not impose a requirement on manufacturers). Should such an exception be limited to smaller manufacturers or include a labeling requirement (*i.e.,* identifying equipment that lacks decoding capability for MPEG–4)? What if any impediments exist that could restrict the implementation of MPEG–4 for manufacturers if it were required by our rules? If use of MPEG–4 is permitted more broadly (rather than limited to simulcast stations), would an exception in § 15.117(b) still appropriate? Why or why not? We also seek comment on whether any approach adopted requires corresponding changes elsewhere in our rules; for example, if MPEG–4 is permitted but limited to 3.0 multicast streams, should there also be changes to §§ 73.3801(i), 73.6029(i), and 74.782(j) to reflect this flexibility?

27. *Other Changes.* Should we make any other changes to the voluntary simulcasting rule or our licensing processes in order to facilitate and promote continued simulcasting during the remainder of the transition? [31] For example, should we eliminate or provide for streamlined waivers of the DMA and/or COL coverage requirements for simulcasting stations during the final phase of a market's transition? Should we streamline the information required to be submitted in support of 3.0 license applications? We seek comment on these and any other potential changes.

B. Issues Related to Next Gen TV

28. In this section, we seek comment on a variety of issues related to the ATSC 3.0 transition. We have previously received comments on many of these issues in the context of NAB's proposal for a mandatory transition. Here, we consider these issues in light of our proposal to eliminate the simulcasting requirement and our goal to eliminate regulatory barriers that are hindering adoption of ATSC 3.0 technology. Specifically, we seek comment on an ATSC 3.0 tuner requirement, encryption of broadcast signals, and MVPD carriage of 3.0 signals.

1. Next Gen TV Tuner Mandate

29. We seek comment on whether we should require at some point in time that all new TV broadcast receivers be capable of adequately receiving and displaying ATSC 3.0 signals. Although the record reflects that the number of ATSC 3.0-capable devices sold continues to grow each year, the vast majority of sets in use continue to be

[26] In furtherance of this proposal we also propose to eliminate the word ''primary'' from the expedited processing rule to make it applicable to all streams.

[27] MPEG–4 not only permits a larger number of streams, but also enables stations to potentially provide more higher quality streams.

[28] Our understanding is that, generally, a TV set with streaming functionality (or ''smart'' TV) will support MPEG–4 video. We seek comment on this assumption.

[29] While we do not disturb the applications granted by the Bureau, we note that free, OTA broadcast streams transmitted to viewers may not be considered ancillary and supplementary. Our proposal is also consistent with the Bureau's current practice. We are also aware of stations not engaged in simulcasting that have adopted the use of MPEG–4 on multicast streams.

[30] Potentially limited to specific situations such as a 1.0 ''nightlight,'' when one or a few stations in a market remain in 1.0 to simulcast their own and other stations' primary streams during the final phase of a market's transition.

[31] Among other things, the simulcasting rule requires broadcasters to: (1) maintain a written copy of any simulcasting agreement and provide it to the Commission upon request; (2) use a host in the same DMA and provide coverage to the entire community of license (COL); (3) provide on-air notices to viewers via daily Public Service Announcements (PSAs) or crawls every day for 30 days prior to the date that the station will terminate ATSC 1.0 operations (*e.g.,* moving to a host station's facility, subsequently moving to a different host, or returning to its original facility); and (4) provide notices to MVPDs at least 90 days in advance of relocating ATSC 1.0 streams. In addition, under current 3.0 application procedures a station that is newly constructed and that has never operated before, but wishes to commence its operations in 3.0, must first file an application for license to cover and then file a license modification application. Further program test authority does not apply to 3.0 license applications as they require Commission approval prior to a station providing 3.0 service.

limited to ATSC 1.0 signals. The Communications Act of 1934, as amended (the ''Communications Act'' or the ''Act''), provides that the Commission ''from time to time, as public convenience, interest, or necessity requires, shall'' have the ''authority to require that apparatus designed to receive television pictures broadcast simultaneously with sound be capable of adequately receiving all frequencies allocated by the Commission to television broadcasting. . . .'' Pursuant to this authority, the Commission requires that TV broadcast receivers [32] be capable of adequately receiving digital television (DTV or ATSC 1.0) signals. In the *First Next Gen TV Report and Order,* however, the Commission found that the statute leaves it to the Commission's discretion when to require that television receivers must be capable of receiving all television broadcast frequencies and opted against requiring that TV broadcast receivers include ATSC 3.0 tuners, observing at that time that ''the deployment of ATSC 3.0 will be voluntary and market-driven and that broadcasters will continue to transmit ATSC 1.0 signals indefinitely.''

30. We seek comment on the benefits and costs of adopting an ATSC 3.0 tuner requirement at this time. CTA contends that the marketplace is working and that a 3.0 tuner mandate is unnecessary.[33] CTA argues that imposing a mandate ''before broadcasters have adopted and promoted NEXTGEN TV on a nationwide basis, and thus before there is adequate indication of consumer interest or demand,'' would be ''misguided.'' NAB contends, however, that a 3.0 tuner mandate is needed to break ''the cycle of hesitation.'' That is, NAB contends that manufacturers do not want to include 3.0 tuners in more devices until there is consumer demand, and most consumers will not demand 3.0 devices until broadcasters ''offer something they cannot get without it.'' Meanwhile, NAB asserts, broadcasters cannot provide such offerings until they stop simulcasting and viewers have 3.0 devices. NAB notes that the DTV tuner mandate in 2002 was similarly intended to break this problem cycle. NAB also argues that a 3.0 tuner mandate is needed to protect consumers, stating that ''[c]onsumers buying new televisions after stations have stopped broadcasting in ATSC 1.0 should not have to worry about whether their brand-new device can receive all channels.'' We seek comment on these points. We also seek comment on whether manufacturers should be allowed to choose whether to include only a 1.0 or 3.0 tuner, and our authority to provide such flexibility. What would be potential benefits and costs of such an approach?

31. *Costs.* We also seek comment about the costs of a 3.0 tuner requirement for manufacturers and, in turn, the costs for consumers. In a survey of six 55-inch 4K resolution, mini-LED QLED TV sets from a national retailer, CTA found that the ATSC 3.0 TV sets were, on average, $80 more expensive than the ATSC 1.0 sets. We seek comment on this estimate and request further cost comparisons of ATSC 3.0 and ATSC 1.0 sets. What are the reasons for this cost difference? Would a tuner mandate lower the cost of ATSC 3.0 sets, for instance through economies of scale or for other reasons? Are there other costs that should be considered related to a tuner mandate and what are those costs and who would bear them?

32. *Implementation.* If we decide to adopt a 3.0 tuner requirement, how should we implement the requirement? For instance, we recognize that, if adopted, manufacturers would need lead time to comply with a 3.0 tuner requirement. How much lead time would be needed? What challenges do manufacturers face? What lessons should be learned from the DTV transition with respect to lead time and implementation generally? Should we phase-in the requirement starting with TV sets with larger screens, as was done in the *2002 DTV Tuner Order*? Should we afford smaller equipment manufacturers additional time to come into compliance and, if so, how much more time and how should we define small for these purposes? [34]

33. *Labeling Requirement.* We also seek comment on whether, if we were to adopt an ATSC 3.0 tuner mandate, we also should require informational labeling by wholesalers and retailers of any TV broadcast receivers which do not include an ATSC 3.0 tuner. Would this ensure that consumers have the necessary information at the point of purchase to decide if they wish to buy a television that has only an ATSC 1.0 tuner? During the DTV transition, the Commission adopted point of sale disclosure (or ''labeling'') requirements for analog-only television equipment after adopting the DTV tuner requirement. We seek comment on whether we should adopt such a requirement for ATSC 1.0-only TV broadcast receivers, and we seek comment on the costs and benefits of such a requirement as well as the Commission's statutory authority for imposing such requirements.

34. *NAB's User Interface Proposal.* We also seek comment on NAB's proposal that the Commission require television receivers to ''make broadcast services available to a consumer in the same or fewer steps needed to access any other video content on the same device.'' CTA contends that the Commission lacks authority to adopt such a requirement. CTA also argues that micromanaging user interface designs would be ''bad policy.'' NAB itself acknowledges that the ''Next Gen TV devices currently on the market, for the most part, do provide an easy method for viewers to access television'' and that ''the Commission need not resolve this concern prior to moving forward.'' We seek comment on these points and the need for such a requirement at this time. We seek comment on the costs and benefits of such a requirement and on our statutory authority for imposing such a requirement.

35. In addition to the specific issues noted above, we seek comment generally on any other matters related to a 3.0 tuner mandate, including but not limited to matters raised in the existing record.

2. Encryption of OTA Broadcast Signals

36. We seek comment about whether we should adopt standards and/or rules concerning the encryption and/or signing of free, OTA television broadcast signals and what authority the Commission has to impose such standards and/or rules. Encryption scrambles data in such a way that it can be accessed only with a digital ''key.'' Digital Rights Management (DRM) is a type of encryption that can be used for protecting digital content and is contemplated by the ATSC 3.0 Standard. Signal signing is an encrypted method of authenticating a broadcast signal. It confirms that the signal originated with a specific signer (station), and that it has not been altered since it was signed. The ATSC 3.0 Security Authority (A3SA), a private entity founded by the major broadcast networks and large broadcast

[32] The term ''TV broadcast receivers'' includes ''devices, such as TV interface devices and set-top devices that are intended to provide audio-video signals to a video monitor, that incorporate the tuner portion of a TV broadcast receiver and that are equipped with an antenna or antenna terminals that can be used for off-the-air reception of TV broadcast signals, as authorized under part 73 of this chapter.''

[33] CTA also adds that a 3.0 tuner mandate is ''unnecessary'' and ''would run directly counter to the FCC's (and the Administration's) strong policy preference to focus on deregulation.''

[34] For example, we note that the SBA small business size standard for Television Sets Manufacturing classifies businesses having 1,250 employees or less as small.

companies, is currently administering the broadcaster DRM encryption and signal signing programs.[35] A3SA argues that encryption is ''essential for the security of broadcast transmissions, applications and content'' and ''insures [*sic*] NextGen broadcasts meet the standards specifications, can work correctly with receivers, provide viewers with internet level security, allows broadcasters to protect content from piracy and provides for future monetization opportunities.'' [36] As this DRM encryption program has been deployed and stations have begun to encrypt 3.0 signals that previously aired without encryption, however, many viewers have been unable to watch certain 3.0 signals on equipment they purchased specifically for that purpose.[37] This has led to thousands of consumer comments in this docket opposing the use of encryption on free OTA broadcast signals, many filed by early adopters of ATSC 3.0 technology even before the Commission's most recent public notice. We acknowledge the widespread consumer frustration expressed in these filings. We seek to ensure the public's ability to easily watch stations' free OTA signals in ATSC 3.0 just as they do today. We also seek to provide regulatory certainty to equipment manufacturers (including those who incorporate decryption keys/capabilities in their devices) and ensure that broadcasters' chosen encryption regime, if any, does not impose unreasonable costs and burdens on them, particularly if we decide to adopt a 3.0 tuner requirement.

37. *A3SA Requirements.* As an initial matter, we seek more information about the A3SA and the requirements it imposes on broadcasters and 3.0 equipment manufacturers seeking to encrypt or decrypt broadcast programming. We note that A3SA does not appear to have a formal relationship with the ATSC, nor does it appear to be a standards-setting organization. We seek comment on these points. To what extent does A3SA operate independently of its broadcaster and broadcast network founders in relationships with manufacturers and smaller broadcasters? A3SA states that it ''makes available a platform and infrastructure for content security, establishes implementation compliance rules, facilitates interoperability between broadcasters and devices, and provides a means for third party certification or self-certification.'' According to A3SA's website, ''[a]ll stations are required to have A3SA and Widevine licenses.'' We seek comment on these licenses and what is needed to obtain and retain them over time. We seek information about A3SA's implementation requirements, as well as any other requirements imposed by third parties.[38] Are these requirements in line with those applied to, for example, video streaming services and, if not, how do they differ? Are there entities beyond A3SA that control access to Widevine licenses and if so who are those entities and what costs or other requirements do they impose? We also seek comment on the costs and benefits of this encryption program to all stakeholders.[39] Are there limitations on any of the potential capabilities of ATSC 3.0, such as mobile viewing or time shifted viewing, that are impacted by the need to use Widevine? Are steps being taken to permit interoperability with other platforms? [40] Are broadcast signals capable of including multiple encryption methods without the use of significant additional capacity? Are there alternate products that could provide the same security or other services provided by Widevine and if so why should such products not be available as solutions in the context of ATSC 3.0? Does the protocol make it more complicated for consumers to access broadcast signals, or does it make it more challenging for viewers without an internet connection to access broadcast signals? To what extent are stakeholders prevented from raising issues about A3SA requirements due to non-disclosure agreements?

38. *Competition Concerns.* We seek comment on the concerns raised in the record about the A3SA's ''gatekeeping'' role and its impact on competition in the marketplace, particularly with respect to 3.0 converter devices. Consumer Groups argue that ''DRM permits licensees of public spectrum to act as gatekeepers not only over the content they broadcast, but over the devices and technologies the public may lawfully use to access that content.'' What is the impact of this encryption regime on the marketplace? Are the costs and requirements of the encryption program deterring market entry? As the Commission has previously observed, ATSC 3.0 patent holders have committed to making their patents available on reasonable and non-discriminatory (RAND) terms, making it possible for any manufacturer to participate in the NextGen TV marketplace. Are decryption keys/capabilities and related licenses also being made available on RAND terms? Are there private commitments to provide decryption keys/capabilities and related licenses on RAND terms that have been made by A3SA or ATSC? [41] According to A3SA, different types of devices are treated differently. What is the differing treatment and the reason for this difference? We seek comment on the extent of this problem, including which 3.0 sets and devices are not capable of decryption and the relative cost of such sets and devices in comparison to the sets and devices that are capable of decryption.

39. *Definition of Broadcasting.* Consumer groups and others allege that in practice ''[t]he use of DRM, private device certification, and internet return-path dependencies renders ATSC 3.0 transmissions legally and functionally

[35] Specifically, A3SA's ''founding members'' are ''ABC, CBS, Fox, NBCUniversal, Univision, and the Pearl TV business group of eight broadcast companies.'' Pearl TV's website states that it currently consists of ''nine of the largest broadcast companies in America including: Cox Media Group, the E.W. Scripps Company, Graham Media Group, Hearst Television Inc., Gray Television, Sinclair Broadcast Group and TEGNA, Inc.'' According to its website, ''A3SA provides device manufacturers and broadcasters with access to standardized protection and security credentials that enable secure delivery of high-value television content while adding new features to free over-the-air television that protect viewers of that content wherever they live.'' A3SA states that its content security ''utilizes the same encryption technology used by internet streaming services.''

[36] According to the A3SA website, ''[t]he ATSC 3.0 standard specifies service and content protection systems that are essential for the security of broadcast transmissions, applications and content. Implementing these systems insures NextGen broadcasts meet the standards specifications, can work correctly with receivers, provide viewers with internet level security, allows broadcasters to protect content from piracy and provides for future monetization opportunities. The A3SA (ATSC 3.0 Security Authority) was created by the major networks and large broadcast groups, in consultation with the Consumer Technology Association (CTA), to implement these ATSC standards.''

[37] Many of these commenters are users of SiliconDust's HDHomeRun gateway device. Despite it being the first commercially-available ATSC 3.0 receiver box in the market (in October 2020), as well as the best-selling 3.0 receiver box on Amazon today, SiliconDust's HDHomeRun has not been able to obtain the necessary decryption approvals. A3SA and SiliconDust have blamed each other for this impasse.

[38] We note that, to the extent some of this information is considered proprietary, it may be submitted to the Commission with a request for confidentiality.

[39] According to the A3SA Executive Summary document, A3SA's annual costs for content protection are $1,000.00 for small market stations, $1,500.00 for middle market stations, and $2,000.00 for large market stations. The document does not contain similar pricing information for manufacturers.

[40] Commenters indicate that use of Widevine DRM means that encrypted programming can only be viewed on devices that implement Google Widevine, which excludes the use of Apple or Microsoft devices that implement different encryption schemes, and may exclude other makers of such devices that do not implement Widevine.

[41] A3SA states that its ''uniform set of policies'' apply ''equally and objectively to all manufacturers of a particular device type.''

distinct from traditional broadcasting.'' We seek comment about whether broadcasters' current encryption regime, as administered by A3SA, implicates the fundamental question of whether video programming streams distributed via 3.0 meet the definition of ''broadcasting.'' The Communications Act defines ''broadcasting'' as ''the dissemination of radio communications intended to be received by the public, directly or by the intermediary of relay stations,'' and a ''broadcast station'' as ''a radio station equipped to engage in broadcasting.'' The Commission has determined that this definition applies to services intended to be received by an indiscriminate public and has identified three non-exclusive indicia of a lack of such intent: (1) the service is not receivable on conventional television sets and requires a licensee or programmer-provided special antennae and/or signal converter so the signal can be received in the home; (2) the programming is encrypted in a way that ''makes it unusable by the public'' and that is not ''enjoyable without the aid of decoders''; or (3) the provider and the viewer are engaged in a private contractual relationship. In the *First Next Gen TV Report and Order,* the Commission said it expected that ''stations transmitting ATSC 3.0 signals will be engaged in 'broadcasting' within the meaning of the Communications Act.'' The Commission anticipated that the free, over-the-air ATSC 3.0 programming stream would be ''intended to be received by all members of the public'' and would ''not require a private contractual agreement between the broadcaster and the viewers,'' and that ''ATSC 3.0 transmissions will be receivable eventually on conventional television sets.'' The Commission in 2017 acknowledged NAB's prediction that ''free Next Gen signals may be encrypted,'' but emphasized that ''[p]rogramming that is encrypted must not require special equipment supplied and programmed by the broadcaster to decode.'' We seek comment on whether the current 3.0 encryption regime, as administered by A3SA and implemented by broadcasters, constitutes ''broadcasting'' within the meaning of the Communications Act.

40. *Consumers' Ability to View Encrypted Signals.* We seek comment on whether we should adopt rules requiring device manufacturers to ensure that encrypted 3.0 signals are able to be displayed on all TV sets and devices that conform to the 3.0 standard, particularly if we decide to adopt a 3.0 tuner requirement. Would the stated requirements of section 303(s)—that TV broadcast receivers be capable of ''*adequately* receiving all television signals''—be met if we did not also require that receivers be capable of displaying encrypted signals? Alternatively, should we, at a minimum, require that devices that cannot display 3.0 encrypted signals disclose such limitation at the point of sale to consumers? We seek comment on how such a notice could be provided and whether there are other means to provide consumers the same information (*e.g.,* by requiring broadcasters that encrypt their signal(s) to provide notice via their website or some other means). We note, for example, that NEXTGEN TV logo certified devices [42] are not necessarily able to display encrypted 3.0 signals, as the logo program is separate from the A3SA decryption program.[43] The FOTVI Report indicated that ''[d]iscussions are underway to unify the testing programs.'' We seek comment on the status of those discussions and the likelihood that they will result in a program that ensures consumers are able to view encrypted signals on NEXTGEN TV-certified equipment. What is the extent of this problem, including which 3.0 sets and devices carry the logo but are not currently capable of displaying encrypted signals and the reasons for this disconnect. We also seek comment on Consumer Groups' concern that ''[i]f the Commission mandates a nationwide transition to ATSC 3.0 while permitting broadcasters to encrypt signals such that only A3SA-approved devices may receive them, it will effectively outsource the operability of broadcast reception to a private entity.''

41. Finally, we seek comment on whether broadcasters should be required to use a specific encryption method to provide regulatory certainty to equipment manufacturers and prevent viewer confusion as to what devices will work in order for them to receive broadcast signals. What is the potential impact on equipment manufacturers, and the consumers of televisions and reception equipment, if broadcaster encryption methods change over time or if different encryption methods are used by different stations? For example, if an encryption-capable receiver is built in 2025, what will happen to that receiver if broadcasters change their type of encryption in the future? Could this be addressed by a software update, and if so, how will non-internet-connected devices receive this update? Are there time or other limits on the ability of devices to obtain updates, or costs that must be borne by either manufacturers or consumers?

42. *Fair Use and Encoding Rules.* We seek comment on whether to adopt encoding rules to ensure consumers can continue to watch OTA TV 3.0 broadcasts with the features and functionalities that are available to viewers of OTA 1.0 programming. As discussed above, thousands of individual consumers have expressed concern that DRM encryption would place technological restrictions on consumer devices, such as blocking time-shifting and other features, and interfere with viewers' fair use [44] of free OTA programming. The NAB Petition states it would not object to the Commission's adoption of encoding rules.[45] According to the FOTVI Report, A3SA has approved a set of ''encoding rules'' for encrypted 3.0 broadcasts ''[t]o provide extra reassurance for viewers of ATSC 3.0 content,'' though they apply only if the signal is simulcast in 1.0. These rules are:

(1) Viewers must be allowed to decrypt and record these broadcasts even if they are using a less secure device that requires an internet connection;

(2) Viewers must be allowed to make an unlimited number of copies of these broadcasts;

(3) Such copies cannot have retention limits;

(4) Viewers must be allowed to use 'trick play' features such as pause, rewind, fast-forward, and ad-skipping;

(5) Viewers must be allowed to use any authorized digital output (*i.e.,* no selectable output control); and

(6) Viewers must be allowed to use analog outputs to connect to legacy TVs

[42] According to the FOTVI Report, ''NEXTGEN TV-certified television sets offer a streamlined way for consumers to continue to receive television service as broadcasters transition to ATSC 3.0. The Consumer Technology Association (CTA) established the NEXTGEN TV certification program to help consumers easily identify televisions and devices that are compatible with the ATSC 3.0 broadcast standard. Televisions that are certified under this program bear the NEXTGEN TV logo, indicating that they have been verified to receive, decode, and display ATSC 3.0 signals accurately.''

[43] The FOTVI Report states that ''A3SA's verification test suite is currently separate from the NEXTGEN TV test suite, but most devices go through the processes simultaneously.''

[44] According to one commenter, ''[f]air use is a constitutionally grounded doctrine that permits individuals to record, excerpt, transform, or repurpose content for criticism, education, commentary, research, and personal use. The contours of fair [use] have been affirmed repeatedly by the federal courts, most notably in *Sony Corp. of America* v. *Universal City Studios,* 464 U.S. 417 (1984), which held that individuals have the right to time-shift broadcast content for later viewing in the privacy of their homes.''

[45] NAB makes reference to outdated rules which have since been removed.

(*i.e.,* no prohibition or required down-resolution).

We seek comment on A3SA's encoding rules for 3.0 broadcasts and applying them without regard to whether the signal is simulcast in 1.0. Would they ensure viewers retain the same features and functionalities that they enjoy today? We also seek specific comment on our authority to adopt encoding rules such as the ones established by A3SA.[46]

43. *Signal Signing.* We seek comment on signal signing. ATSC has adopted a standard for signal signing in ATSC Standard A/331. According to A3SA, which is administering the signal signing program, ''[s]ignal signing ensures the signal being received is from an FCC licensed broadcaster and that the information received has not been tampered with.'' Although not required by our rules, the ATSC standard requires all broadcasters to use signal signing, even if they are not encrypting their signals. In light of A3SA's assertions, should a requirement for signal signing be included in the Commission's rules? Should signal signing be required for all broadcasters? We seek information on how broadcasters could implement signal and application signing. What are the consequent costs and requirements imposed on broadcasters and equipment manufacturers? [47] LPTVBA has expressed concern that signal signing costs ''could prove unaffordable for many small stations, potentially forcing many smaller TV broadcasters to go out of business.'' We seek comment on the number and characterization of stations that may not be able to afford signing costs. In addition, LPTVBA further explains that ''[a] certified ATSC 3.0 receiver cannot reliably display content from a non-certified ATSC 3.0 transmitter.'' That is, devices that comply with A3SA's rules may not display unsigned 3.0 broadcast signals. We seek comment on these issues and the impact of signal signing on viewers ability to access to broadcast signals. To what extent are broadcasters using signal signing today?

44. We also understand that at some future date set by A3SA (referred to as ''high noon''), unsigned 3.0 broadcast signals will either no longer be displayed on receivers or will display an error message about the unsigned status of the signal. How will the timing of ''high noon'' be determined? Will devices allow for users to decide whether to view signals with expired or missing certificates? We seek comment on these points. Weigel claims that A3SA has made itself the only practical source for signing certificates. Weigel further expresses concern that A3SA asserts the authority to revoke a certificate for any failure to comply with the terms of the ''agreements'' it requires of broadcasters. What are the costs and impacts to the industry and consumers if A3SA enters into, or has entered into, contracts with major equipment manufacturers that require such manufacturers to use only A3SA approved signal signing? Should Commission rules address these costs, and if so, how? What type of oversight, if any, should the Commission have over such arrangements in order to ensure continued access to free OTA broadcast signals, and what would be the Commission's authority for such oversight? We seek comment on these points. How does this process compare with that used for the internet and streaming services? What is the reason for any differences?

45. In addition to the specific issues noted above, we seek comment generally on any other matters related to encryption of 3.0 signals, including but not limited to matters raised in the existing record.

3. MVPD Carriage

46. We seek comment on whether we should make any changes to our MVPD carriage rules in light of our proposal to eliminate the simulcasting requirement. We also seek comment on the changes to our carriage rules that will be needed after the 3.0 transition is complete. Under our current rules, a Next Gen TV station may assert mandatory carriage rights only with respect to its ATSC 1.0 signal but not its ATSC 3.0 signal.[48] Absent changes to our rules, a Next Gen TV station that is operating only in 3.0 (*i.e.,* a station that is not simulcasting in 1.0) may not assert mandatory carriage rights,[49] but its signal may be carried pursuant to retransmission consent.[50]

47. Under the Communications Act, full power television broadcast stations, and certain low power stations, are entitled to mandatory carriage of their signal (also known as ''must-carry'') on any cable system located within their local market.[51] Full power stations also have carriage rights on any DBS operator providing local service into the market. If a broadcast station asserts its must-carry rights, the MVPD may not accept or request any compensation from the broadcaster in exchange for carriage of its signal. Alternatively, commercial broadcast stations with carriage rights may elect ''retransmission consent.'' [52] The terms of retransmission consent frequently include, among other negotiated terms, compensation from the MVPD to the broadcaster in exchange for the right to carry the station's signal. If the broadcaster and MVPD cannot reach a retransmission consent agreement, however, the MVPD is prohibited from carrying the broadcaster's signal. Thus, commercial broadcasters are presented with a carriage choice—elect mandatory carriage and forego compensation while assuring carriage, or elect retransmission consent and forego assured carriage while retaining the possibility of compensation for carriage. Noncommercial educational stations (NCEs) are entitled to must-carry, but not to elect retransmission consent.[53]

a. Mandatory Carriage of Next Gen TV Stations

48. *Mandatory Carriage.* We seek comment on whether we should allow stations to assert mandatory carriage rights for their 3.0 signals (instead of

[46] We note that, in 2013, the District of Columbia Circuit Court of Appeals (D.C. Circuit) vacated encoding rules the Commission had applied to the satellite television context.

[47] For example, according to the A3SA Executive Summary document, all broadcasters are required to obtain ''digital certificates'' from Eonti, a third-party company. A3SA states that ''there are fees associated with the acquisition and use of Eonti's services/certificates.'' These include annual costs of $998.00 for signal signing, $499 for application signing, and other optional services.

[48] A Next Gen TV station that airs its 1.0 simulcast signal on a host station may assert mandatory carriage rights only if it (1) qualified for, and has been exercising, mandatory carriage rights at its original location, and (2) continues to qualify for mandatory carriage at the host station's facilities, including (but not limited to) delivering a good quality 1.0 signal to the MVPD, or agreeing to be responsible for the costs of delivering such a signal to the MVPD. Under our existing must-carry rules, broadcasters are required to bear the costs of delivering a good quality signal to MVPDs. The rules, however, do not apply to the costs on MVPDs of receiving and redistributing the signal to their subscribers, and so MVPDs generally assume these costs. Such costs are generally viewed as the costs of doing business as MVPDs.

[49] The Commission further stated that a 3.0-only station could not assert carriage rights even if it arranged for an alternative method of delivery to MVPDs.

[50] The Commission has declined to adopt any restrictions on the voluntary carriage of 3.0 signals pursuant to retransmission consent. In 2017, the Commission found that it was ''premature to address any issues that may arise with respect to the voluntary carriage of ATSC 3.0 signals before broadcasters begin transmitting in this new voluntary standard'' and concluded that retransmission consent issues should be addressed at the outset through marketplace negotiations.

[51] A station's local market for this purpose is its ''designated market area,'' or DMA, as defined by The Nielsen Company.

[52] The Act requires broadcasters and MVPDs to negotiate for retransmission consent in good faith.

[53] While an NCE station does not have retransmission consent rights (and thus cannot withhold its signal from being carried by an MVPD), an NCE station is free to negotiate with MVPDs for voluntary carriage.

their 1.0 signals), in light of our proposals to eliminate the simulcasting requirement and the substantially similar rule for voluntary simulcasting. When adopting the Next Gen TV carriage rules in 2017, the Commission found that ''mandating any MVPD carriage of the 3.0 signal at [that] time would be antithetical to a voluntary and market-driven 3.0 deployment for all stakeholders and would not advance the interests under the must carry regime.'' The Commission noted that ''until there is widespread adoption of 3.0 technology by OTA viewers, mandatory carriage of 3.0 signals would not serve the goals of promoting OTA broadcasting.'' [54] The Commission also observed that allowing a station to demand mandatory carriage of its 3.0 signal would impose significant costs on MVPDs and found that ''it would not be reasonable to interpret the Act in a manner that would compel MVPDs to incur these added costs.'' Does this reasoning still apply? How, if at all, has the market changed with respect to 3.0 viewership and MVPD carriage of 3.0 signals? What would be the likely consequences of allowing mandatory carriage rights for 3.0 signals at this time? If the Commission took no action at this time, meaning 3.0 signals continue to have no carriage rights, would this deter a significant number of stations from completing their transition at this stage? We note that NCTA and ATVA contend that affording mandatory carriage to 3.0 signals would be unconstitutional. We seek comment on these points.

49. *3.0-Only Stations Providing a 1.0 Direct Feed.* We also seek specific comment on whether we should, as an interim approach, afford mandatory carriage rights to a 3.0-only station only if it agrees to provide a 1.0 version of its signal feed to MVPDs through a direct connection. We recognize that the tentative conclusions in Section III.A, if adopted, would likely result in some stations choosing to flash-cut to 3.0-only service or cease 1.0 simulcasting, while others in a market continue to broadcast in 1.0. Thus, if we do not generally afford mandatory carriage rights for 3.0 signals, should we nevertheless allow a 3.0-only station to assert must-carry by arranging for the direct delivery of its 1.0 feed to an MVPD? [55] The MVPD would thus not be required to engage in its own down-conversion or update its equipment to receive and redistribute the 3.0 signal itself, but would instead carry the 1.0 version provided by the broadcaster. What are the costs associated with such delivery? Are all MVPDs capable of accepting delivery of a broadcast signal through a direct connection? [56] Would the costs of such alternate delivery of the signal still deter must-carry stations from flash-cutting or terminating 1.0 simulcasting? We seek comment on these questions.

b. Technical Challenges and Costs

50. We seek comment on the technical challenges that MVPDs face in carrying 3.0 signals, either by down-converting them or passing them through directly to subscribers. The FOTVI Report observed that ''individual MVPDs may differ significantly in how digital television is [currently] carried on their systems,'' and therefore ''technical challenges and limitations may vary across the MVPD ecosystem.'' Accordingly, we seek comment from different types of MVPDs, including smaller and rural MVPD systems, about the different challenges they may face. NCTA states that ''mandatory carriage of ATSC 3.0 signals will present formidable technical challenges for MVPDs. . . .'' and that rule changes are needed ''before any stations are required to transition to ATSC 3.0 or any MVPD is required to carry such signals. Below, we consider many of the issues raised by MVPDs in this regard and seek comment on these and all related matters.

51. *Technical Standards Regarding Carriage of 3.0 Signals.* We seek comment on the relevant technical standards and recommended practices regarding MVPD carriage of 3.0 signals. Should the Commission require compliance with any of these standards or practices? What technical issues remain unresolved in the existing standards? What is the status of ongoing standards work related to these open technical issues and what is the timetable for completing this work? ATSC has issued a recommended practice (RP), ATSC A/370: ''Conversion of ATSC 3.0 Services for Redistribution,'' which ''provides recommended practices for the conversion of ATSC 3.0 services for Redistribution into ATSC 1.0 and other legacy services.'' [57] This RP indicates that the conversion will be performed at the broadcaster's facility in some situations, and at the MVPD's facility in others. Is there an adequate supply of commercially available equipment that can perform these conversions? [58] The ATSC A/370 RP indicates that ''[a] TV station may provide an ATSC 1.0 signal via direct feed even when its ATSC 1.0 over-the-air service has been discontinued.'' Is this something that all stations will be able to do? If not, why not?

52. We also understand that ATSC is still working on recommended practices for MVPDs to receive 3.0 signals for direct redistribution. What is the status of this work specifically and of the coordination efforts between Next Gen TV broadcasters and MVPDs more generally? [59] Should the Commission wait to adopt rules in this area until ATSC's work on recommended practices for MVPDs to receive 3.0 signals for direct redistribution is concluded and publicly available? How do broadcasters and MVPDs anticipate handling voluntary carriage of 3.0 signals, if at all, in the absence of such recommended practices? Is there an adequate supply of commercially available head-end and set-top equipment that would allow MVPDs to receive 3.0 signals OTA and pass them directly through to subscribers rather than down-converting them? NCTA states that other standards work is also needed. We seek comment on these points.

53. *Good Quality Signal.* We seek comment on how to define a ''good quality signal'' for purposes of ATSC 3.0 carriage. The Commission's 1.0 rules provide that a station asserting must-carry rights must deliver a good quality signal—defined for ATSC 1.0 carriage as a signal strength level of −61 dBm—to the principal headend of a cable system or the local receive facility (LRF) of a satellite carrier. Broadcasters are required to bear the costs of delivering a good quality signal to MVPDs. The 1.0

[54] In *Turner II,* a majority of the Supreme Court recognized that the must-carry provisions serve the important and interrelated governmental interests of: (1) ''preserving the benefits of free, over-the-air broadcast television,'' and (2) promoting '' 'the widespread dissemination of information from a multiplicity of sources.''

[55] For example, we could permit such delivery, provided the station delivers its stream to MVPDs through a direct fiber-based IP connection in accordance with SCTE 277 2024.

[56] To the extent it is not technically feasible for certain smaller MVPDs to accept alternate delivery, the Commission could consider a request for exemption.

[57] We note, however, that DIRECTV refers to this document as a ''candidate'' standard, and we seek clarification on this point.

[58] For example, DIRECTV indicates that there are ATSC 3.0 receivers compatible with DIRECTV's system, but that such receivers are in ''very limited supply'' and ''cost roughly $8,000 per feed (*i.e.,* primary and multicast feeds).''

[59] We understand that ATSC has tasked a Working Group, called the ''TG3/S37 Specialist Group,'' with developing standards for MVPD distribution of ATSC 3.0 signals, including over fiber. We note that DIRECTV has indicated that ''there is no longer any MVPD representation in TG3'' and attributes this to ''what MVPDs view as the domineering and uncollaborative behavior of the broadcast representatives in the Working Group.''

rules, however, do not apply to the costs on MVPDs of receiving and redistributing the signal to their subscribers, and so MVPDs generally assume these costs.

54. NAB's Petition explains that the fixed signal level for determining whether a signal is adequate to be eligible for must-carry was derived using certain planning factors for DTV reception, which included, among other things, a carrier-to-noise (C/N) ratio of 15.2 decibels (dB). In contrast, ATSC 3.0 signals can be provided using a variety of modulation and coding (modcod) combinations, which can require a C/N ratio that is either higher or lower than required in ATSC 1.0. NAB states that ''while most broadcasters are currently providing their primary video streams using a modcod that meets or exceeds the robustness of an ATSC 1.0 signal, the Commission may want to modify the definition of good quality signal to require a higher signal level when necessitated by the choice of modcod.'' We seek comment on whether it is necessary to take the choice of modcod into account for purposes of defining a good quality signal and, if so, how to do so. We note that while the Next Gen TV rules do not expressly address good quality signal, they do require stations broadcasting an ATSC 3.0 signal (using the Next Gen TV transmission standard in § 73.682(f)) to ''transmit at least one free over the air video programming stream on that signal that requires at most the signal threshold of a comparable received DTV signal.'' Thus, by rule, the 3.0 primary stream must be at least as robust as the 1.0 primary stream. To what extent does this address the concern described by NAB? We seek comment on these points.

55. NCTA and ATVA contend that the current good quality signal definition (−61dBm) ''is insufficient to enable redistribution of the primary ATSC 3.0 video channel by MVPDs.'' They argue that determining whether a 3.0 signal is of good quality must entail consideration of a wide range of additional factors.[60] We seek comment on these concerns and whether they relate to the purpose of the rule, which is to ensure that the station provides a strong/robust enough signal to reach the location of the MVPD's headend or LRF. We note that the existing rule does not relate to reception and redistribution of the signal, both of which are currently the MVPD's responsibility. NCTA also argues that the good quality signal rules ''should require that broadcasters deliver their ATSC 3.0 feed to MVPDs through a direct fiber-based IP connection in accordance with SCTE 277 2024.'' Direct delivery, however, such as via fiber, is only required under our current rules if a station cannot deliver a good quality signal to the MVPD over the air. We seek comment on these proposals and issues.

56. *Material Degradation.* We seek comment on what constitutes ''material degradation'' for purposes of 3.0 carriage. The Communications Act requires that cable operators carry broadcast signals ''without material degradation.'' The Act also directs the Commission to ''adopt carriage standards to ensure that, to the extent technically feasible, the quality of signal processing and carriage provided by a cable system for the carriage of local commercial television stations will be no less than that provided by the system for carriage of any other type of signal.'' In the context of the carriage of digital signals, the Commission has interpreted these requirements: (i) to prohibit cable operators from discriminating in their carriage between broadcast and non-broadcast signals; and (ii) to require cable operators to carry HD broadcast signals to their subscribers in HD.[61] NCTA states that ATSC 3.0 features ''may exceed the capabilities and capacity of MVPDs' digital video systems,'' and ATVA contends that, at this time, many carriers would likely be unable to pass through the improved broadcast features (such as higher-quality video and audio) to their subscribers.[62] For example, NCTA states that in some ''instances, the transcoding process will necessarily down-convert [3.0] audio and video to encoding protocols and formats supported by the set-top [boxes].'' NCTA argues that such down-conversion should not be considered ''material degradation'' under the statute. We seek comment on this issue.

57. *Program-Related Material.* We seek comment on what constitutes ''program-related material'' for purposes of 3.0 carriage. The Act requires a cable operator to carry in its entirety, on the cable system of that operator, the primary video, accompanying audio, and line 21 closed caption transmission of each of the local commercial television stations carried on the cable system and, to the extent technically feasible, program-related material carried in the vertical blanking interval or on subcarriers.[63] The Commission's rules for satellite carriage include the same program-related requirements as apply to cable. The Commission has found that the factors enumerated in *WGN*[64] provide useful guidance for what constitutes program-related material.[65] Some examples of program-related material include (but are not limited to) closed captioning, video description, parental control information (''V-chip''), and Nielsen

[60] NCTA further states that ''the good quality signal rules should also require broadcasters to provide their primary over-the-air signal in HD.'' We note that the good quality signal rule relates to signal strength, not picture quality, and therefore we do not consider this proposal in this context.

[61] Small cable systems that are not offering any programming in HD are exempt from this HD carriage requirement.

[62] ATVA explains that ''MVPD systems do not simply pass through directly the signal received from broadcasters—nor would they do so with ATSC 3.0. With respect to video quality, for example, many MVPD set-top boxes do not support 4K resolution and other ATSC 3.0 formats, such as High Efficiency Video Coding ('HEVC'), Scalable High Efficiency Video Coding ('SHVC'), High-Dynamic Range ('HDR'), and Wide Color Gamut ('WCG'). MVPDs do not support SHVC, and only some MVPD set-top boxes support 4K, HDR, or WCG. To the extent that a broadcaster used an ATSC 3.0 signal to deliver video in those formats, MVPDs would need to down convert the signal to an encoding and resolution format supported by the MVPDs' various set-top boxes. Once the signal was down-converted, however, consumers viewing broadcast television channels over their MVPD subscriptions would not receive broadcast quality improvements that broadcasters may offer using ATSC 3.0 signals.''

[63] Retransmission of other material in the vertical blanking interval or other nonprogram-related material (including teletext and other subscription and advertiser-supported information services) is at the discretion of the cable operator. Where appropriate and feasible, operators may delete signal enhancements, such as ghost-canceling, from the broadcast signal and employ such enhancements at the system headend or headends. Section 615(g)(1) provides the same requirements for NCE stations, except that such operators also must carry program-related material contained in the VBI or on subcarriers ''that may be necessary for receipt of programming by handicapped persons or for educational or language purposes.''

[64] *WGN Continental Broadcasting, Co.* v. *United Video Inc.,* 693 F.2d 622 (7th Cir. 1982). The *WGN* case addressed the extent to which the copyright on a television program also included program material in the VBI of the signal and set out three factors for making a copyright determination. First, the broadcaster must intend for the information in the VBI to be seen by the same viewers who are watching the video signal. Second, the VBI information must be available during the same interval of time as the video signal. Third, the VBI information must be an integral part of the program. The court in *WGN* held that if the information in the VBI is intended to be seen by the viewers who are watching the video signal, during the same interval of time as the video signal, and as an integral part of the program on the video signal, then the VBI and the video signal are one copyrighted expression and must both be carried if one is to be carried.

[65] Closed captioning information and television ratings data are some examples of the material carried in the vertical blanking interval. The Commission subsequently clarified that the factors set forth in *WGN* do not necessarily form the exclusive basis for determining program-relatedness. For example, on reconsideration, the Commission found that Source Identification Codes (''SID codes'') are program-related material under the statute, even though they may not precisely meet each factor in WGN, ''because they constitute information intrinsically related to the particular program received by the viewer.''

ratings information (''SID codes''). With regard to the ''technical feasibility'' of the carriage of program-related material in the VBI or on subcarriers, the Commission has stated that such carriage would be considered ''technically feasible'' if ''only nominal costs, additions or changes of equipment are necessary.'' NCTA contends that any must-carry obligations for 3.0 broadcasts should be ''limited to the primary video and audio stream and material that is intimately connected to the primary video service.'' NCTA asserts that ''[n]ew data transport mechanisms enabled by ATSC 3.0 standards—including mechanisms within the audio and video streams and watermarking—should not be considered program-related material, consistent with the Commission's findings for multicast streams.'' [66] NCTA further asserts that ''interactive elements embedded within the 3.0 signal, including interactive ads and other features that require a return path, are not program-related.'' Alternatively, NCTA states that ''it should not be considered 'technically feasible' to carry such material.'' Broadcasters, in the FOTVI Report, have argued that watermarks and other advanced features should be considered program related and should generally be passed through to subscribers. We seek comment on this issue, and on whether there are specific 3.0 features that should or should not be considered program-related.

58. *MVPD Costs.* We seek comment about the financial costs associated with MVPD carriage of 3.0 signals.[67] ATSC 3.0 is not backwards compatible with existing MVPD digital video systems. ATVA and NCTA have indicated that MVPDs would need to purchase and install new transcoders, receivers, demultiplexers, and demodulators in order to receive and redistribute 3.0 signals. MVPDs also would have to incur other expenses based on whether they receive ATSC 3.0 signals over the air or via fiber. For example, MVPDs may need to conduct new engineering studies and/or upgrade tower equipment to receive OTA ATSC 3.0 signals. We observe that MVPDs could incur costs to enable 3.0 carriage and later lose access to the 3.0 signal if the broadcaster chooses to switch back to 1.0. We seek comment on the costs of such changes and possible protections for MVPDs that invest in 3.0 technology. We seek comment on these and related questions of cost. We seek comment on the amount of such costs and who would/should bear such costs. We seek comment on the impact of any costs on consumers. We also seek comment on the benefits of ATSC 3.0 service to MVPDs, particularly small MVPDs and MVPD consumers, and on balancing the costs to such entities with any benefits, including those to 3.0 OTA broadcasters and viewers.

59. In addition to the specific issues noted above, we seek comment generally on any other matters related to MVPD carriage of 3.0 signals, including but not limited to matters raised in the existing record such as MVPD capacity constraints.

C. Other Issues

60. Finally, we seek comment on a number of other outstanding ATSC 3.0 issues. As with the matters discussed above, we have previously received comments on many of these issues in the context of NAB's proposal for a mandatory transition. Now, however, we seek to consider these issues in light of our proposal to eliminate the simulcasting requirement and our goal to eliminate regulatory barriers to the adoption of ATSC 3.0 technology and services. We therefore invite comment on the issues below.

61. *Sunset of 1.0 Service.* We seek comment on whether there should be an eventual sunset of 1.0 broadcasting and if so whether the sunset of 1.0 should be tied to a date certain or specific market conditions. If the former, we seek comment on whether that date should be phased for different markets and stations, similar to the approach proposed in the Petition, or a single nationwide date, and what those date(s) should be. If the latter, what conditions should apply? For example, should the sunset be tied to broadcaster deployment, the availability of low-cost converter devices, consumer uptake, or some other factor or combination of factors, including factors not related to market conditions?

62. *A/322 Compliance Sunset.* We seek comment on whether and how to address the scheduled July 17, 2027, sunset of the requirement that Next Gen TV broadcasters' primary video programming stream comply with the ATSC A/322 standard. In 2023, the Commission found that ''the A/322 requirement remains essential at this time for protecting both innovators and investors in the 3.0 space, allowing stakeholders to develop and purchase equipment with confidence.'' We note that, at that time, both equipment manufacturers and broadcasters agreed that the rule should be retained. What would be the impact on consumers, television receiver manufacturers, and MVPDs if this requirement were to sunset? If we do not require compliance with the ATSC A/322 standard, how can we ensure that 3.0 TV sets and other 3.0 TV equipment will be able to receive all 3.0 broadcast signals? Have marketplace developments since 2023 reduced or eliminated the need for mandatory compliance with the ATSC A/322 standard? What marketplace conditions are relevant to this question? Should the sunset date be extended or eliminated? If the date should be extended what sunset date should apply? Should it be a date certain or tied to specific market condition? If the latter, what conditions should apply?

63. *Updating Standards Incorporated in Rules.* We seek comment on whether to update our rules to reflect the most recent versions of the A/321 and A/322 standards, as proposed by NAB. Based on the ATSC website, it appears the most recent versions of A/321 and A/322 were issued by ATSC in July 2025. What, if any, substantive changes have been made to these standards since we mandated their use in 2017? Are any subsequent versions and substantive updates planned, and if so, what is the timeframe? We seek comment on these points.

64. *Options to Offset Consumer Costs.* As the Commission has previously stated, broadcasters are ''obligated to operate their stations to serve the public interest—specifically to air programming responsive to the needs and issues of the people in their communities of license.'' Because the 3.0 standard is not backwards compatible, when a station converts from 1.0 to 3.0 viewers without 3.0-capable equipment will not be able to receive the station's 3.0 signal. During the analog to digital television transition, there was a whole of government effort to ensure that consumers could continue to receive OTA broadcast service on their existing televisions. We seek comment on the availability of low-cost converter devices and on options for potential funding sources to offset costs for consumers. Is congressional action needed to establish public funding, such as when Congress established the DTV coupon program? What options are there or should there be to ensure that consumers receive the necessary information about the need for 3.0 enabled devices in order to receive 3.0 signals. Beyond consumer information efforts, what, if any consumer support

[66] NCTA argues that MVPDs should be allowed to remove watermarks from 3.0 streams. Broadcasters ''disagree that the potential for consumer confusion should result in rules that permit MVPDs to strip watermarks out of broadcast signals.''

[67] We request that commenters be as specific and detailed as possible, and indicate the basis for any cost estimates. Cost estimates for each signal required to be carried would be instructive.

for a 3.0 transition is available from broadcast industry stakeholders? What are other potential sources of funding for consumer costs to ensure consumers can afford new 3.0 enabled devices? Do other stakeholders, such as small MVPDs or broadcasters, need access to the funds as has been made in other transitions, and if so for what purposes?

65. *Test Market(s).* We seek comment on whether the Commission should actively encourage or require coordinated ''test markets'' for technical testing and to confirm viewer and MVPD readiness. We seek comment on which market(s) are the best options for such tests and why. How should these tests be implemented, what information should be gathered, and what should be the timeline for any test(s)?

66. *Accessibility.* We seek comment on how, specifically, the industry will ensure that current video accessibility requirements continue to be met in the context of ATSC 3.0 service. In the *First Next Gen TV Report and Order,* the Commission emphasized that ''broadcasters that choose to deploy ATSC 3.0 are expected to comply fully with all relevant Part 79 requirements.'' Accessibility Groups, however, have urged the Commission not to ''just assume that current accessibility rules 'need not be modified' in the transition to NextGen TV.'' They contend, ''[s]imply assuming that existing ATSC 1.0 rules will carry over without issue ignores the real-world challenges faced by consumers who rely on closed captioning and other access features.'' We seek comment on what, if any, specific changes to existing rules would be needed to clarify that current video accessibility requirements apply with respect to 3.0. Additionally, we seek comment on whether we should require the provision of advanced accessibility features (*e.g.,* multiple audio streams, customizable closed captioning placement, speed, font colors, styles, and weights, and sign language integration) by 3.0 broadcasters and device manufacturers, whether MVPDs should be required to pass through such features, and on the legal authority that would support such requirements. What are the costs and benefits associated with such requirements?

67. *Emergency Alerting.* In the *First Next Gen TV Report and Order,* the Commission required Next Gen TV broadcasters to comply with all of its broadcast rules and specifically required compliance with the Emergency Alert System (EAS) rules. Nothing in this *FNPRM* should be interpreted as reopening that issue. We seek comment on any actions or information that emergency alerting stakeholders should be aware of to ensure EAS messages continue to be made available to all broadcast audiences, both during and after the transition. Could our proposal to allow broadcasters to choose how to divide their programing between 1.0 and 3.0 signals threaten to deprive viewers of access to EAS? Could implementation of the 3.0 broadcast security features, such as encryption and signal signing, diminish the availability of emergency alerts by introducing a risk of blocking valid alerts, including EAS alerts? If so, should there be differences in how EAS and advanced emergency alert signaling are treated, including by MVPDs? What obstacles exist to the widespread adoption of advancing emergency alerting functionality, and what steps can the Commission take to address those obstacles?

68. *Fundamental Use of Broadcast Spectrum.* We seek comment on whether to require Next Gen TV broadcasters to dedicate a specific portion of their licensed spectrum to broadcasting free over-the-air video programming after they transition to 3.0. The Commission has said that it expects the ''fundamental use'' of television broadcast spectrum to continue to be the provision of free, over-the-air television service, but has not yet addressed the question of how much of its capacity a Next Gen TV station must ultimately devote to free, OTA television service after the ATSC 3.0 transition. Under the current rules, 1.0 broadcasters are required only to ''transmit at least one free over the air video program signal at no direct charge to viewers.'' [68] Several commenters, however, observed that ATSC 3.0 has much greater spectral capacity and expressed concerns that broadcasters might derogate their free OTA TV service in favor of datacasting and other non-broadcast services. Weigel urged the Commission to ensure that broadcasters use their increased capacity to improve the free OTA TV service and recommended a ''[g]uardrail to preserve minimum capacity devoted to broadcasting that does not require the internet.'' ATVA stated that allowing ''broadcast spectrum being used overwhelmingly for non-broadcast purposes also raises significant issues related to statutory authority.'' In response, broadcasters have offered assurances that any datacasting services provided would be to support and improve its free OTA service and not to supplant it. We seek comment on these points.

69. *Privacy.* We seek comment on whether privacy rules are needed to address broadcaster collection of viewer data. The FOTVI Report ''examined whether ATSC 3.0's new features and capabilities warrant new or different privacy regulations to protect viewers' information.'' According to the FOTVI Report, ''[p]articipants agreed that there are no new privacy concerns for viewers who receive ATSC 3.0 exclusively over-the-air without an internet connection, as user data cannot be collected without a return path.'' However, it stated that ''viewers with an internet connection can take advantage of ATSC 3.0's interactive and personalized services, which may require the collection of user data to customize content and enhance the viewing experience.'' We seek specific comment on whether broadcasters' collection of viewer data will include the collection of personally identifiable information (PII). We note that the Communications Act places certain requirements on cable and satellite operators with respect to the collection and disclosure of subscribers' PII. Should broadcasters be subject to MVPD-like privacy rules, or other privacy requirements? Would compliance with privacy requirements be part of a broadcasters' statutory obligation to serve the public interest, convenience and necessity? Does the Commission have other statutory authority to impose privacy requirements on broadcasters under these circumstances? Would privacy requirements be necessary if broadcasters develop MVPD-like relationships with viewers? Consumer Groups have urged the Commission ''to adopt a binding privacy framework tailored specifically to ATSC 3.0's hybrid capabilities.'' We seek comment on this proposal and how any framework should be tailored.

70. *Notice Requirements.* As discussed above, individual stations are currently required to provide 30 days of notices to viewers and 90 days' notice to MVPDs before ''relocating'' their 1.0 service, and we have sought comment on explicitly revising those rules to apply to a station that chooses to flash-cut to 3.0 or terminate its current 1.0

[68] The rule also states that the TV service provided pursuant to the rule ''must have a resolution of at least 480i (vertical resolution of 480 lines, interlaced).'' This rule is also known as the derogation of service standard, as the rule was adopted to implement the Communications Act's directive for the Commission to ''limit the broadcasting of ancillary or supplementary services on designated frequencies so as to avoid derogation of any advanced television services, including high definition television broadcasts, that the Commission may require using such frequencies.'' In addition to full power, these standards and rules are also applicable to Class A and LPTV stations.

simulcast.[69] We also seek comment on whether the Commission should adopt additional pre-transition notice requirements on broadcasters or other industry participants, similar to those adopted leading up to the DTV transition, and the Commission's authority to adopt such requirements.[70]

71. *RAND Licensing.* We continue to monitor the marketplace for ATSC 3.0 Standard Essential Patents (SEPs) and the ability of third parties to develop products that rely upon them. We invite comment on the state of the market.[71]

72. *Next Gen TV Public Interest Considerations.* As the Commission recognized in the *First Next Gen Report and Order,* ''Next Gen TV stations will be public trustees with a responsibility to serve the 'public interest, convenience, and necessity.' '' In addition to the comments requested above about how the public interest bears on the resolution of specific issues, we also seek comment more generally on how the public interest informs the overall regulatory approach the Commission takes to the continued advancement of ATSC 3.0 in this proceeding. For example, as discussed above, Next Gen TV promises to revitalize the nation's free, local, OTA television service, which serves as a vital source of local news and information for many Americans, by enabling significant improvements in picture quality, audio clarity, interactive features, hyper-local content, and public safety and accessibility capabilities. How can we ensure that our overall approach to ATSC 3.0 best advances those public interests? Are there specific public interest considerations reflected in the record and FCC's Next Gen TV analyses to date that should be accounted for in our overall approach? Are there additional public interest considerations that should inform our overall approach?

73. *Additional Matters.* We seek comment on clarifying edits to sections 73.3801(i)(1), 73.6029(i)(1), and 74.782(j)(i) to add the terms ''simulcast'' and ''non-simulcast'' in order to make clear, in light of proposed changes to our rules and as the Commission determined in the *Third Report and Order,* that licensed multicast streams aired in a 1.0 format may be either simulcast (*i.e.,* aired in both a 1.0 and 3.0 format) or non-simulcast (*i.e.,* aired in only a 1.0 format). We also seek comment on non-substantive edits to sections 73.6029(c)(3) and 74.782(d) to add missing terminology and sections 74.782(g), (i), and (j) to update inaccurate cross references. Finally, in addition to the specific issues discussed in this *FNPRM,* we seek comment generally on any other matters related to the ATSC 3.0 transition, including but not limited to matters raised in the existing record.

IV. Procedural Matters

74. *Ex Parte Rules—Permit-But-Disclose.* This proceeding shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules.[72] Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda, or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b), 47 CFR 1.1206(b). In proceedings governed by rule 1.49(f), 47 CFR 1.49(f), or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

V. Initial Regulatory Flexibility Analysis

75. As required by the Regulatory Flexibility Act (RFA) of 1980, as amended, Public Law 104–121, the Commission has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on a substantial number of small entities by the policies proposed in this *Fifth Further Notice of Proposed Rulemaking (FNPRM*). Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the *FNPRM* provided on the first page of the *FNPRM.* The Commission will send a copy of this entire *FNPRM,* including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA). In addition, the *FNPRM* and the IRFA (or summaries thereof) will be published in the **Federal Register**.

A. Need for, and Objectives of, the Proposed Rules

76. In 2017, the Commission authorized television broadcasters to use the Next Gen TV transmission standard, also called ''ATSC 3.0'' or ''3.0,'' on a voluntary, market-driven basis. The Commission required that any broadcaster voluntarily deploying ATSC 3.0 service must also, with very limited exceptions, continue to air at least their primary stream using the current-generation TV transmission standard, also called ''ATSC 1.0'' or ''1.0.'' This is called the local simulcasting requirement. The

[69] We also propose to make clean up edits to the MVPD notice requirements to reflect that the post-incentive auction transition period has passed and as such the requirement to provide 120 day notice to MVPDs no longer applies. We seek comment on this update to the rules.

[70] In its *DTV Consumer Education Initiative* proceeding, the Commission sought to ensure widespread consumer understanding of the benefits and mechanics of the transition by promoting a coordinated, national DTV consumer education campaign. The following requirements were among those adopted: (1) All full-power broadcasters must regularly conduct on-air education, including Public Service Announcements, to explain the various important issues of the transition and explain how viewers can find more information; (2) Broadcast stations must electronically report their consumer education efforts to the Commission on a quarterly basis via Form 388, and these reports must be placed in the broadcaster's public file and, if a broadcaster has a public website, on that website; (3) All MVPDs must provide notice of the DTV transition to their subscribers in monthly bills or billing notices; (4) Manufacturers of television receivers and certain related devices must include information with those devices explaining what effect, if any, the DTV transition will have on their use; (5) DTV.gov Transition Partners must report their consumer education efforts, as a condition of continuing Partner status; (6) Eligible telecommunications carriers (ETCs) must provide DTV transition information to Lifeline and Link-Up customers; (7) Winning bidders in the 700 MHz spectrum auctions (Auctions 73 and 76) must detail, on a quarterly basis, what, if any, DTV transition consumer education efforts they are conducting.

[71] The Commission last sought comment on patent licensing in the *Fourth FNPRM* in this docket.

[72] 47 CFR 1.1200 *et seq.*

Commission, however, intended that the local simulcasting requirement be temporary.

77. In the *FNPRM,* the Commission tentatively concludes that it should eliminate the local simulcasting requirement for stations that transition to 3.0. The Commission also tentatively concludes that it should continue to permit simulcasting on a voluntary basis. That is, Next Gen TV broadcast stations can choose if they want to fully transition to 3.0 or if they want to begin, or continue, to simulcast in 1.0. The Commission also proposes to immediately eliminate the ''substantially similar'' rule and the 95 percent population coverage threshold for expedited processing. The Commission also proposes to permit simulcasting stations to use MPEG–4 in certain situations. Lastly, the Commission seeks comment on a variety of issues related to the ATSC 3.0 transition, including an ATSC 3.0 tuner requirement, encryption of broadcast signals, multichannel video programming distributor (MVPD) carriage of 3.0 signals, and other issues.

B. Legal Basis

78. The proposed action is authorized pursuant to the authority found in sections 1, 4, 7, 301, 303, 307, 308, 309, 316, 319, 325(b), 336, 338, 399b, 403, 534, and 535 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154, 157, 301, 303, 307, 308, 309, 316, 319, 325(b), 336, 338, 399b, 403, 534, and 535.

C. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

79. The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act (SBA). A ''small business concern'' is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA. The SBA establishes small business size standards that agencies are required to use when promulgating regulations relating to small businesses; agencies may establish alternative size standards for use in such programs, but must consult and obtain approval from SBA before doing so.

80. Our actions, over time, may affect small entities that are not easily categorized at present. We therefore describe three broad groups of small entities that could be directly affected by our actions. In general, a small business is an independent business having fewer than 500 employees. These types of small businesses represent 99.9% of all businesses in the United States, which translates to 34.75 million businesses. Next, ''small organizations'' are not-for-profit enterprises that are independently owned and operated and not dominant their field. While we do not have data regarding the number of non-profits that meet that criteria, over 99 percent of nonprofits have fewer than 500 employees. Finally, ''small governmental jurisdictions'' are defined as cities, counties, towns, townships, villages, school districts, or special districts with populations of less than fifty thousand. Based on the 2022 U.S. Census of Governments data, we estimate that at least 48,724 out of 90,835 local government jurisdictions have a population of less than 50,000.

81. The rules proposed in the *FNPRM* will apply to small entities in the industries identified in the chart below by their six-digit North American Industry Classification System (NAICS)[73] codes and corresponding SBA size standard.[74] Based on currently available U.S. Census data regarding the estimated number of small firms in each identified industry, we conclude that the proposed rules will impact a substantial number of small entities. Where available, we also provide additional information regarding the number of potentially affected entities in the industries identified below.

TABLE 1—2022 U.S. CENSUS BUREAU DATA BY NAICS CODE

Regulated Industry (Footnotes specify potentially affected entities within a regulated industry where applicable)	NAICS code	SBA size standard	Total firms	Total small firms	% Small firms
Audio and Video Equipment Manufacturing	334310	750 employees	506	492	97.23
Wireless Telecommunications Carriers (except Satellite)[75].	517112	1,500 employees	1,184	1,081	91.30%
Television Broadcasting Stations	516120	$47 million	744	657	88.31%
Wired Telecommunications Carriers[76]	517111	1,500 employees	3,403	3,027	88.95
Electronics and Appliance Retailers	449210	$40 million	17,421	14,818	85.06
Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing.	334220	1,250 employees	155	136	87.74

[73] The North American Industry Classification System (NAICS) is the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy. *See www.census.gov/NAICS* for further details regarding the NAICS codes identified in this chart.

[74] The size standards in this chart are set forth in 13 CFR 121.201, by six digit NAICS code.

[75] Affected Entities in this industry include Broadband Radio Service and Educational Broadband Service and Fixed Microwave Services.

[76] Affected Entities in this industry include Competitive Access Providers, Competitive Local Exchange Carriers (CLECs), Direct Broadcast Satellite (DBS), Home Satellite Dish (HSD) Service, Incumbent Local Exchange Carriers (Incumbent LECs), Open Video Systems, Satellite Master Antenna Television (SMATV) Systems aka Private Cable Operators (PCOs), Cable Companies and Systems (Rate Regulation), and Cable System Operators (Telecom Act Standard).

TABLE 2—TELECOMMUNICATIONS SERVICE PROVIDER DATA

2024 Universal service monitoring report telecommunications service provider data (Data as of December 2023)	SBA size standard (1,500 employees)		
Affected entity	Total # FCC form 499A filers	Small firms	% Small entities
Local Exchange Carriers (LECs)[77]	4,904	4,493	91.62
Wired Telecommunications Carriers	4,682	4,276	91.33
Wireless Telecommunications Carriers (except Satellite)[78]	585	498	85.13

TABLE 3—BROADCAST TV ENTITY DATA

TV Broadcast Stations (as of August 8, 2025)	SBA size standard ($47 million)		
Affected entity	# Licensed	Small firms[79]	% Small entities
Television Stations (full power)	1,767	1,672	94.68
Commercial (full power)	1,384	1,289	93.1
Noncommercial educational (NCE)	383	383	100
Class A TV	383	383	100
Low Power (LPTV)	1,780	1,780	100
TV Translators	3,094	3,094	100

TABLE 4—CABLE ENTITIES DATA

Cable entities	Size standard	Total firms	Small firms	% Small firms in industry
Cable System Operators (Telecom Act Standard) Small Cable Operator.	Serves fewer than 498,000 subscribers, either directly or through affiliates.	530	524	98.87

D. Description of Economic Impact and Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

82. The RFA directs agencies to describe the economic impact of proposed rules on small entities, as well as projected reporting, recordkeeping and other compliance requirements, including an estimate of the classes of small entities which will be subject to the requirements and the type of professional skills necessary for preparation of the report or record.

83. The *FNPRM* seeks comment on a range of potential changes to existing reporting, recordkeeping, or other compliance requirements that, if implemented, would impact small entities to some degree. In the *FNPRM,* the Commission proposes to permit voluntary simulcasting and tentatively concludes that it should eliminate the local simulcasting requirement for stations that transition to ATSC 3.0. Small and other Next Gen TV broadcast stations would be able to choose whether they want to fully transition to ATSC 3.0 without a simulcast (*i.e.* flash-cut or terminate their existing 1.0 simulcast(s)) or whether they want to begin, or continue, to simulcast in ATSC 1.0. The Commission also proposes to immediately eliminate the ''substantially similar'' rule, removing the requirement that the programming aired on a Next Gen TV station's ATSC 1.0 simulcast channel be substantially similar to that of the primary video programming stream on the ATSC 3.0 channel. In addition, the Commission proposes to eliminate the 95 percent coverage threshold for expedited application processing and only require that the originating station is located the same DMA as its host station and its host station meets a minimum coverage requirement (*e.g.,* a station's community of licensee (COL)). Similarly, the *FNPRM* proposes to revise the children's television multicast coverage rule to require only COL coverage for full power stations, rather than 95 percent population coverage. The Commission also proposes to allow Class A stations to air children's programming on a multicast stream so long as the multicast stream host complies with the revised coverage requirements of section 73.6029(c). In addition, the Commission proposes to allow simulcasting ATSC 1.0 stations to use MPEG–4 (a more efficient compression method) for multicast streams. It also seeks comment on whether to extend this flexibility to other situations or broadcasters, and whether, if MPEG–4 is permitted for any broadcasters, it should be added to the broadcasting standard in sections 73.8000(a) and 73.682(d) of our rules (requiring manufacturer compliance) or whether we should provide an exception in section 15.117(b) in the same manner as the 3.0 standard in section 73.682(f) of our rules (which did not impose a requirement on manufacturers).

84. The Commission also seeks comment on issues related to these tentative conclusions and proposals. These include: ATSC 3.0 tuner and labeling requirements and television interface designs; the encryption of broadcast signals, including related costs and benefits for small and other stakeholders; and MVPD carriage of ATSC 3.0, including mandatory carriage of 3.0 signals, and the technical challenges, costs, and other burdens and

[77] Affected Entities in this industry include all reporting fixed local service providers (CLECs & Incumbent LECs).

[78] Affected Entities in this industry include all reporting wireless carriers and service providers.

[79] All NCE, Class A TV, LPTV and TV Translators are presumed to be small entities under the above SBA small business size standard, given the SBA's large annual receipts threshold for this industry and the nature of these television station licensees.

benefits related to MVPD carriage, specifically by smaller and rural MVPD systems. Finally, the *FNPRM* seeks comment on a number of other outstanding ATSC 3.0 issues, including an eventual sunset of ATSC 1.0 service, continued compliance with A/322, options to offset potential consumer costs related to converter devices, accessibility requirements, emergency alert requirements, requirements to provide a minimum amount of free over-the-air programming, privacy concerns, and pre-transition notice requirements.

85. Television broadcasters have been authorized to use the Next Gen TV (ATSC 3.0) standard on a voluntary, market-driven basis since 2017, allowing broadcasters to decide whether (and if so when) to deploy ATSC 3.0 service and bear the costs associated with such deployment. All broadcasters, including small entities, will need to undertake any costs or burdens associated with ATSC 3.0 service should they choose to do so. The item seeks comment on a requirement that MVPDs carry 3.0 signals, and MVPDs may consequently bear certain costs. The item also seeks comment on a mandate that all new television broadcast receivers be capable of receiving and displaying ATSC 3.0 signals, and manufactures consequently may also bear certain costs. We anticipate the information we receive in comments including, where requested, cost and benefit analyses, will help the Commission further identify and evaluate relevant compliance matters for small entities, including compliance costs and other burdens that may result from the inquiries we make in the *FNPRM.*

E. Discussion of Significant Alternatives Considered That Minimize the Significant Economic Impact on Small Entities

86. The RFA directs agencies to provide a description of any significant alternatives to the proposed rules that would accomplish the stated objectives of applicable statutes, and minimize any significant economic impact on small entities. The discussion is required to include alternatives such as: ''(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) the use of performance rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities.''

87. The *FNPRM* discusses a number of proposals and related alternatives that may reduce economic burdens for small television stations and other broadcasters, if adopted. The proposals contained in this *FNPRM* would eliminate the requirement that Next Gen TV broadcasters simulcast in 1.0, although they are still permitted to do so, and reduce the requirements related to simulcasting. The Commission seeks comment on whether to allow broadcasters to flash-cut or terminate simulcasting 30 days after **Federal Register** publication of an Order, subject to viewer and MVPD notice requirements, or whether to end the simulcasting requirement on a different date. Regarding Next Gen TV tuner mandates, the Commission seeks comment on whether to adopt proposals to mandate that all new tuners receive and display ATSC 3.0 signals, or whether it is unnecessary at this time based on marketplace demand and availability. If such a mandate were adopted, the Commission asks whether small equipment manufactures would be allowed additional time to comply with the new rules. The *FNPRM* also seeks comment on encryption of over-the-air broadcast signals, and the costs of encryption for broadcasters and manufacturers, including small entities. The *FNPRM* also seeks comment on possible rules governing MVPD carriage of 3.0 signals, and possible exemptions for small MVPDs to limit the costs they would face.

88. The Commission's evaluation of the comments filed in this proceeding will shape the final conclusions it reaches, the final alternatives it considers, and the actions it ultimately takes in this proceeding to minimize any significant economic impact that may occur on small entities from the final rules that are ultimately adopted.

F. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

89. None.

VI. Ordering Clauses

90. *It is ordered* that, pursuant to the authority found in sections 1, 4, 7, 301, 303, 307, 308, 309, 316, 319, 325(b), 336, 338, 399b, 403, 534, and 535 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154, 157, 301, 303, 307, 308, 309, 316, 319, 325(b), 336, 338, 399b, 403, 534, and 535, this Fifth Further Notice of Proposed Rulemaking *is hereby adopted* and *notice is hereby given* of the proposals and tentative conclusions described in this Fifth Further Notice of Proposed Rulemaking.

91. *It is further ordered* that the Commission's Office of the Secretary, *shall send* a copy of this Fifth Further Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for the Small Business Administration (SBA) Office of Advocacy.

List of Subjects in 47 CFR Part 73 and 74

Communications equipment, Television.

Federal Communications Commission.

Marlene Dortch,

Secretary.

Proposed Rules

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR parts 73 and 74 as follows:

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 155, 301, 303, 307, 309, 310, 334, 336, 339.

■ 2. Amend § 73.624 by revising paragraph (b)(3) to read as follows:

§ 73.624 Digital television broadcast stations.

* * * * *

(b) * * *

(3) TV licensees or permittees that choose to broadcast an ATSC 3.0 signal (using the Next Gen TV transmission standard in § 73.682(f)) shall transmit at least one free over the air video programming stream on that signal that requires at most the signal threshold of a comparable received TV signal. TV licensees or permittees that choose to broadcast an ATSC 3.0 signal (using the Next Gen TV transmission standard in § 73.682(f)) may also simulcast the primary video programming stream on its ATSC 3.0 signal by broadcasting an ATSC 1.0 signal (using the TV transmission standard in § 73.682(d)) from another broadcast television facility within its local market in accordance with voluntary simulcasting as described in §§ 73.3801, 73.6029, and 74.782 of this chapter.

* * * * *

■ 3. Amend § 73.682 by revising paragraphs (d)(1)(iii) and (iv) and (f)(1) to read as follows:

§ 73.682 TV transmission standards.

* * * * *

(d) * * *

(1) * * *

(iii) ATSC A/65C; and

(iv) ATSC A/72, Part 1: 2023, as provided for in §§ 73.3801(i)(1)(ii), 73.6029(i)(1)(ii), and 74.782(j)(1)(ii).

* * * * *

(f) * * *

(1) As an alternative to broadcasting an ATSC 1.0 signal using the DTV transmission standard set forth in paragraph (d) of this section, DTV licensees or permittees may choose to broadcast an ATSC 3.0 signal using the Next Gen TV transmission standard set forth in this paragraph (f).

* * * * *

■ 4. Amend § 73.3801 by revising the introductory text of paragraph (a), paragraphs (b), (c), (f)(5), (f)(6)(ii)(C), (g)(1), (g)(4), the introductory text of paragraph (h)(1), paragraphs (h)(1)(i), (h)(2)(i), (h)(4)(i) and (ii), the introductory text of paragraphs (i) and (i)(1), and paragraph (i)(3) to read as follows:

§ 73.3801 Full Power Television Simulcasting During the ATSC 3.0 (Next Gen TV) Transition.

(a) *Simulcasting arrangements.* For purposes of voluntary simulcasting as described in paragraph (b) of this section, a full power television station may partner with one or more other full power stations or with one or more Class A, LPTV, or TV translator stations in a simulcasting arrangement for purposes of airing either an ATSC 1.0 or ATSC 3.0 signal on a host station's (*i.e.,* a station whose facilities are being used to transmit programming originated by another station) facilities. Noncommercial educational television stations may participate in simulcasting arrangements with commercial stations.

* * * * *

(b) *Voluntary simulcasting.* A full power television station that chooses to air an ATSC 3.0 signal may simulcast the primary video programming stream of that signal in an ATSC 1.0 format, as well as any multicast stream(s) in the manner set forth in paragraph (i) of this section.

(c) *Coverage requirements for the ATSC 1.0 simulcast signal.* For full power broadcasters that elect temporarily to relocate their ATSC 1.0 signal to the facilities of a host station for purposes of deploying ATSC 3.0 service (and that convert their existing facilities to ATSC 3.0), the ATSC 1.0 simulcast signal must continue to cover the station's entire community of license (*i.e.,* the station must choose a host from whose transmitter site the Next Gen TV station will continue to meet the community of license signal requirement over its current community of license, as required by § 73.618) and the host station must be assigned to the same Designated Market Area (DMA) as the originating station (*i.e.,* the station whose programming is being transmitted on the host station).

* * * * *

(f) * * *

(5) *Expedited processing.* An application filed in accordance with the streamlined process in paragraph (f)(3) of this section will receive expedited processing provided, for stations requesting to air an ATSC 1.0 signal on the facilities of a host station, that station must be assigned to the same DMA as the originating station and will provide ATSC 1.0 service to at least the community of license as required in paragraph (c) of this section.

(6) * * *

(ii) * * *

(C) Whether the ATSC 1.0 primary stream simulcast signal aired on the host station will serve at least the community of license as required in paragraph (c) of this section.

(g) * * *

(1) Commercial and noncommercial educational stations that terminate their ATSC 1.0 signal(s) or relocate their ATSC 1.0 signals (*e.g.,* moving to a host station's facility, subsequently moving to a different host, or returning to its original facility) are required to air daily Public Service Announcements (PSAs) or crawls every day for 30 days prior to the date that the stations will terminate ATSC 1.0 operations on their existing facilities. Stations that transition directly to ATSC 3.0 will be required to air daily PSAs or crawls every day for 30 days prior to the date that the stations will terminate ATSC 1.0 operations.

* * * * *

(4) *Content of PSAs or crawls.* For stations terminating or relocating their ATSC 1.0 signals or transitioning directly to ATSC 3.0, each PSA or crawl must provide all pertinent information to consumers.

(h) * * *

(1) Next Gen TV stations terminating their ATSC 1.0 signal(s) or relocating their ATSC 1.0 signals (*e.g.,* moving to a temporary host station's facilities, subsequently moving to a different host, or returning to its original facility) must provide notice to MVPDs that:

(i) No longer will be required to carry the station's ATSC 1.0 signal due to the termination or relocation; or

* * * * *

(2) * * *

(i) Date and time of any ATSC 1.0 termination or channel changes;

* * * * *

(4) * * *

(i) Next Gen TV stations must provide notice at least 90 days in advance of terminating or relocating their ATSC 1.0 signals.

(ii) If the anticipated date of the ATSC 1.0 signal termination or relocation changes, the station must send a further notice to affected MVPDs informing them of the new anticipated date.

* * * * *

(i) *Multicast streams.* A Next Gen TV station is not required to license, under paragraph (f) of this section, a ''guest'' multicast programming stream that it originates and which is aired on a host station. If it chooses to do so, it and each of its licensed guest multicast streams must comply with the requirements of this section (including those otherwise applicable only to primary streams), except as otherwise provided in this paragraph. For purposes of this section, a ''multicast'' stream refers to a video programming stream other than the primary video programming stream.

(1) *1.0 Multicast streams.* A Next Gen TV station may license its simulcast or non-simulcast guest ATSC 1.0 multicast stream(s) aired on one or more ATSC 1.0 hosts pursuant to paragraph (f) of this section.

* * * * *

(3) *Children's television.* A Next Gen TV station may rely on a multicast stream it is airing via a host partner to comply with the Commission's children's television programming requirement in § 73.671. Such a stream must either be carried on the same host as the Next Gen TV station's primary stream, or on a host that serves at least the community of license (see § 73.618) served by the Next Gen TV station's pre-transition 1.0 signal.

* * * * *

■ 5. Amend § 73.6029 by:

■ a. Revising the introductory text of paragraph (a),

■ b. Revising paragraphs (b), (c)(2) and (3), (f)(5), (f)(6)(ii)(C), (g)(1), (g)(4),

■ c. Revising the introductory text of paragraph (h)(1),

■ d. Revising paragraph (h)(1)(i), (h)(2)(i), (h)(4)(i) and (ii),

■ e. Revising the introductory text of paragraphs (i) and (i)(1), and

■ f. Revising paragraph (i)(3).

The revisions read as follows:

§ 73.6029 Class A television simulcasting during the ATSC 3.0 (Next Gen TV) transition.

(a) *Simulcasting arrangements.* For purposes of voluntary simulcasting in

paragraph (b) of this section, a Class A television station may partner with one or more other Class A stations or with one or more full power, LPTV, or TV translator stations in a simulcasting arrangement for purposes of airing either an ATSC 1.0 or ATSC 3.0 signal on a host station's (*i.e.,* a station whose facilities are being used to transmit programming originated by another station) facilities.

* * * * *

(b) *Voluntary simulcasting.* A Class A television station that chooses to air an ATSC 3.0 signal may simulcast the primary video programming stream of that signal in an ATSC 1.0 format, as well as any multicast stream(s) in the manner set forth in paragraph (i) of this section.

(c) * * *

(2) May not relocate its ATSC 1.0 simulcast signal more than the distance permitted under § 74.787(b)(2); and

(3) Must select a host station assigned to the same Designated Market Area (DMA) as the originating station (*i.e.,* the station whose programming is being transmitted on the host station).

* * * * *

(f) * * *

(5) *Expedited processing.* An application filed in accordance with the streamlined process in paragraph (f)(3) of this section will receive expedited processing provided, for stations requesting to air an ATSC 1.0 signal on the facilities of a host station, that station must be assigned to the same DMA as the originating station and will meet the coverage requirements in paragraph (c) of this section.

(6) * * *

(ii) * * *

(C) Whether the ATSC 1.0 primary stream simulcast signal aired on the host station will meet the coverage requirements in paragraph (c) of this section.

(g) * * *

(1) Class A stations that terminate their ATSC 1.0 signal(s) or relocate their ATSC 1.0 signals (*e.g.,* moving to a host station's facilities, subsequently moving to a different host, or returning to its original facility) will be required to air daily Public Service Announcements (PSAs) or crawls every day for 30 days prior to the date that the stations will terminate ATSC 1.0 operations on their existing facilities. Stations that transition directly to ATSC 3.0 will be required to air daily PSAs or crawls every day for 30 days prior to the date that the stations will terminate ATSC 1.0 operations.

* * * * *

(4) *Content of PSAs or crawls.* For stations terminating or relocating their ATSC 1.0 signals or transitioning directly to ATSC 3.0, each PSA or crawl must provide all pertinent information to consumers.

(h) * * *

(1) Next Gen TV stations terminating their ATSC 1.0 signal(s) or relocating their ATSC 1.0 signals (*e.g.,* moving to a temporary host station's facilities, subsequently moving to a different host, or returning to its original facility) must provide notice to MVPDs that:

(i) No longer will be required to carry the station's ATSC 1.0 signal due to the termination or relocation; or

* * * * *

(2) * * *

(i) Date and time of any ATSC 1.0 termination or channel changes;

* * * * *

(4) * * *

(i) Next Gen TV stations must provide notice at least 90 days in advance of terminating or relocating their ATSC 1.0 signals.

(ii) If the anticipated date of the ATSC 1.0 signal termination or relocation changes, the station must send a further notice to affected MVPDs informing them of the new anticipated date.

* * * * *

(i) *Multicast streams.* A Next Gen TV station is not required to license, under paragraph (f) of this section, a ''guest'' multicast programming stream that it originates and which is aired on a host station. If it chooses to do so, it and each of its licensed guest multicast streams must comply with the requirements of this section (including those otherwise applicable only to primary streams), except as otherwise provided in this paragraph. For purposes of this section, a ''multicast'' stream refers to a video programming stream other than the primary video programming stream.

(1) *1.0 Multicast streams.* A Next Gen TV station may license its simulcast or non-simulcast guest ATSC 1.0 multicast stream(s) aired on one or more ATSC 1.0 hosts pursuant to paragraph (f) of this section.

* * * * *

(3) *Children's television.* A Next Gen TV station may rely on a multicast stream it is airing via a host partner to comply with the Commission's children's television programming requirement in § 73.671. Such a stream must either be carried on the same host as the Next Gen TV station's primary stream, or on a host that serves at least the area required under paragraph (c) of this section.

* * * * *

■ 6. Amend § 73.8000 by adding paragraph (a)(2)(vii) to read as follows:

§ 73.8000 Incorporation by reference.

* * * * *

(a) * * *

(2) * * *

(vii) ATSC Standard A/72, Part 1:2023–04, ''Video System Characteristics of AVC in the ATSC Digital Television System,'' (Apr. 25, 2023), IBR approved for § 73.682.

* * * * *

PART 74—EXPERIMENTAL RADIO, AUXILIARY, SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

■ 7. The authority citation for part 74 continues to read as follows:

Authority: 47 U.S.C. 154, 302a, 303, 307, 309, 310, 325, 336 and 554.

■ 8. Amend § 74.782 by
■ a. Revising the introductory text of paragraph (a);
■ b. Revising paragraphs (b), (d)(2) and (3), (g)(5);
■ c. Revising the introductory text of paragraph (g)(6)(i) and paragraph (g)(6)(i)(D);
■ d. Revising the introductory text of paragraph (g)(6)(ii);
■ e. Revising paragraphs (g)(6)(ii)(C), (h)(1), (h)(4);
■ f. Revising the introductory text of paragraph (i)(1);
■ g. Revising paragraphs (i)(1)(i), (i)(2)(i), (i)(3), (i)(4)(i) and (ii);
■ h. Revising the introductory text of paragraph (j) and (j)(1) and paragraph (j)(2);
■ i. Removing and reserving paragraph (j)(3); and
■ j. Revising the introductory text of paragraph (j)(4).

The revisions read as follows:

§ 74.782 Low power television and TV translator simulcasting during the ATSC 3.0 (Next Gen TV) transition.

(a) *Simulcasting arrangements.* For purposes of voluntary simulcasting in paragraph (b) of this section, a low power television (LPTV) or TV translator station may partner with one or more other LPTV or TV translator stations or with one or more full power or Class A stations in a simulcasting arrangement for purposes of airing either an ATSC 1.0 or ATSC 3.0 signal on a host station's (*i.e.,* a station whose facilities are being used to transmit programming originated by another station) facilities.

* * * * *

(b) Voluntary *simulcasting.* An LPTV or TV translator station that elects voluntarily to simulcast may simulcast the primary video programming stream of their ATSC 3.0 signal in an ATSC 1.0 format, as well as any multicast

stream(s) in the manner set forth in paragraph (j) of this section.

* * * * *

(d) * * *

(2) May not relocate its ATSC 1.0 simulcast signal more than the distance permitted under § 74.787(b)(2); and

(3) Must select a host station assigned to the same Designated Market Area (DMA) as the originating station (*i.e.,* the station whose programming is being transmitted on the host station).

* * * * *

(g) * * *

(5) *Expedited processing.* An application filed in accordance with the streamlined process in paragraph (g)(3) of this section will receive expedited processing provided, for stations requesting to air an ATSC 1.0 signal on the facilities of a host station, that station must be assigned to the same DMA as the originating station and will meet the coverage requirements in paragraph (d) of this section .

(6) * * *

(i) An application in paragraph (g)(2) of this section must include the following information:

* * * * *

(D) A web link to the exhibit described in paragraph (j) of this section, if applicable; and

* * * * *

(ii) If an application in paragraph (g)(2) of this section includes a request to air an ATSC 1.0 signal on the facilities of a host station or stations, the broadcaster must, in addition to the information in paragraph (g)(6)(i) of this section, also indicate on the application:

* * * * *

(C) Whether the ATSC 1.0 primary stream simulcast signal aired on the host station will meet the coverage requirements in paragraph (d) of this section.

* * * * *

(h) * * *

(1) LPTV and TV translator stations that elect voluntarily to simulcast and that terminate their ATSC 1.0 signal(s) or relocate their ATSC 1.0 signals (*e.g.,* moving to a host station's facilities, subsequently moving to a different host, or returning to its original facility) will be required to air daily Public Service Announcements (PSAs) or crawls every day for 30 days prior to the date that the stations will terminate ATSC 1.0 operations on their existing facilities. LPTV and TV translator stations that transition directly to ATSC 3.0 will be required to air daily Public Service Announcements (PSAs) or crawls every day for 30 days prior to the date that the stations will terminate ATSC 1.0 operations.

* * * * *

(4) *Content of PSAs or crawls.* For stations terminating or relocating their ATSC 1.0 signals or transitioning directly to ATSC 3.0, each PSA or crawl must provide all pertinent information to consumers.

(i) * * *

(1) Next Gen TV stations terminating their ATSC 1.0 signal(s) or relocating their ATSC 1.0 simulcast signals (*e.g.,* moving to a temporary host station's facilities, subsequently moving to a different host, or returning to its original facility) must provide notice to MVPDs that:

(i) No longer will be required to carry the station's ATSC 1.0 signal due to the termination or relocation; or

* * * * *

(2) * * *

(i) Date and time of any ATSC 1.0 termination or channel changes;

* * * * *

(3) If any of the information in paragraph (i)(2) of this section changes, an amended notification must be sent.

(4) * * *

(i) Next Gen TV stations must provide notice at least 90 days in advance of terminating or relocating their ATSC 1.0 signals.

(ii) If the anticipated date of the ATSC 1.0 service termination or relocation changes, the station must send a further notice to affected MVPDs informing them of the new anticipated date.

* * * * *

(j) *Multicast streams.* A Next Gen TV station is not required to license, under paragraph (g) of this section, a ''guest'' multicast programming stream that it originates and which is aired on a host station. If it chooses to do so, it and each of its licensed guest multicast streams must comply with the requirements of this section (including those otherwise applicable only to primary streams), except as otherwise provided in this paragraph. For purposes of this section, a ''multicast'' stream refers to a video programming stream other than the primary video programming stream.

(1) *1.0 Multicast streams.* A Next Gen TV station may license its simulcast or non-simulcast guest ATSC 1.0 multicast stream(s) aired on one or more ATSC 1.0 hosts pursuant to paragraph (g) of this section.

* * * * *

(2) *3.0 Multicast streams.* A Next Gen TV station may license its guest ATSC 3.0 multicast stream(s) aired on one or more ATSC 3.0 hosts pursuant to paragraph (g)of this section.

(3) [Reserved]

(4) *Application exhibit required.* A Next Gen TV station seeking to license hosted multicast streams must prepare and host on its public website (or its Online Public Inspection File if the station does not have a dedicated website) the exhibit referenced in paragraph (g)(6)(i)(D) of this section. The exhibit must contain the following:

* * * * *

■ 9. Amend § 74.795 by revising paragraph (b)(1) to read as follows:

§ 74.795 Low power TV and TV translator transmission system facilities.

* * * * *

(b) * * *

(1) The transmitter shall be designed to produce digital television signals that can be satisfactorily viewed on consumer receiving equipment based on the digital broadcast television transmission standard in § 73.682(d) or § 73.682(f) of this chapter;

* * * * *

[FR Doc. 2025–20437 Filed 11–19–25; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Part 107

[Docket No. PHMSA–2022–0033 (HM–208J)]

RIN 2137–AF59

Hazardous Materials: Adjusting Registration and Fee Assessment Program

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Proposed rule; withdrawal.

SUMMARY: PHMSA is withdrawing its proposed rulemaking that would have increased registration fees for persons who transport, or offer for transportation, certain categories and quantities of hazardous materials.

DATES: The notice of proposed rulemaking published May 24, 2024 at 89 FR 45806 is withdrawn as of November 20, 2025.

FOR FURTHER INFORMATION CONTACT: Yul B. Baker, Jr., Standards and Rulemaking Division, Office of Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590, at 202–366–8553.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. What action is PHMSA taking?
II. What did PHMSA propose and why?
III. Why is PHMSA taking this action?
IV. What additional action is PHMSA taking?
V. Conclusion

I. What action is PHMSA taking?

PHMSA is withdrawing the notice of proposed rulemaking (NPRM), titled ''Hazardous Materials: Adjusting Registration and Fee Assessment Program'' (HM–208J),[1] under Docket No. PHMSA–2022–0033. This rulemaking proposed to increase the registration fees imposed under the statutorily mandated registration and fee assessment program for persons who transport, or offer for transportation, certain categories and quantities of hazardous materials. This rulemaking also proposed minor revisions to other registration program requirements.

II. What did PHMSA propose and why?

In the NPRM, PHMSA proposed the following revisions to the hazardous materials program procedures (49 CFR part 107):

- Revise § 107.612 to increase the annual registration fee to be paid by registrants qualifying as a small business or not-for-profit organization to $375 (*i.e.,* a $125 increase), and to be paid by registrants not qualifying as a small business or not-for-profit organization to $3,000 (*i.e.,* a $425 increase).
- Revise § 107.616 to require electronic-only registration fee payments.
- Revise § 107.620 recordkeeping requirements to clarify how a certificate of registration may be carried and provided to authorized personnel in either electronic or paper form for both motor carriers and vessels; to use consistent language for making available or furnishing the certificate of registration to authorized personnel or DOT enforcement personnel; and to remove sunrise dates for applicability of the requirements as these dates have passed and are no longer relevant to the respective provisions.

III. Why is PHMSA taking this action?

PHMSA is withdrawing the NPRM to reduce undue economic burdens on the hazardous materials transportation community. The withdrawal is consistent with Executive Order (E.O.) 14192,[2] ''Unleashing Prosperity Through Deregulation,'' which directs agencies to reduce unnecessary regulatory compliance burdens on both industry and the public. Stakeholder feedback on the NPRM also indicated uncertainty in the broader hazardous materials transportation community regarding the proposed fee increase, which provides further support for the withdrawal. PHMSA has determined that a fee increase is not necessary to maintain the level of funding needed to carry out the mission of its grants program, which is to support hazardous materials emergency response planning and training activities by States, local governments, and Native American Tribes—ensuring first responders are well trained and prepared to respond to hazardous materials related incidents—and to develop and distribute the Emergency Response Guidebook.

IV. What additional action is PHMSA taking?

Although PHMSA has decided not to increase registration fees at this time, PHMSA is moving forward with two of the proposed amendments in separate NPRMs that were published on July 1, 2025. The first NPRM, ''Hazardous Materials: Modernizing Payments To and From America's Bank Account (HM–268H),'' [3] under Docket No. PHMSA–2025–0096, has proposed updates to the payment system for hazardous materials registration. The second NPRM, ''Hazardous Materials: Reducing Recordkeeping Requirements for Domestic Carriers (HM–268I),'' [4] under Docket No. PHMSA–2025–0097, has proposed revisions to the hazardous materials program procedures.

V. Conclusion

PHMSA will not increase registration fees at this time. PHMSA based this decision on the Administration's priority of minimizing economic burdens on the regulated hazardous materials transportation community consistent with E.O. 14192. PHMSA will proceed with the remaining proposed amendments to implement an electronic-only payment system and to clarify fee program requirements in separate rulemakings. PHMSA received no comments specific to these latter proposed changes. Accordingly, PHMSA is withdrawing the May 24, 2024 NPRM and terminating this rulemaking proceeding.

Issued in Washington, DC, on November 18, 2025, under the authority delegated in 49 CFR 1.97.

Paul J. Roberti,

Administrator, Pipeline and Hazardous Materials Safety Administration.

[FR Doc. 2025–20445 Filed 11–19–25; 8:45 am]

BILLING CODE 4910–60–P

[1] 89 FR 45806 (May 24, 2024).

[2] 90 FR 9065 (Feb. 6, 2025).

[3] 90 FR 28528 (Jul. 1, 2025).

[4] 90 FR 28531 (Jul. 1, 2025).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

RIN 0648–BN11

Electronic Logbook Reporting in Commercial Fisheries of the Gulf of America and Atlantic

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

ACTION: Announcement of availability of proposed fishery management plan amendments; request for comments.

SUMMARY: Two regional fishery management councils have submitted to NMFS for review, and consideration of approval and implementation by NMFS, amendments to four fishery management plans (FMPs) in the Gulf of America (Gulf), South Atlantic, and Atlantic, referenced here as the Commercial Electronic Logbook Amendments. If approved by the Secretary of Commerce (Secretary) and implemented by NMFS, the Commercial Electronic Logbook Amendments would require submission of certain commercial fishing logbooks in an electronic format rather than the current paper format. These FMP amendments also propose minor changes to some of the required data fields in the logbooks determined to be necessary to successfully transition from paper to electronic reporting. The purpose of the Commercial Electronic Logbook Amendments is to increase the accuracy and efficiency of fisheries data that NMFS receives from federally permitted fishermen participating in the applicable commercial fisheries that occur in the Gulf, South Atlantic, and Atlantic.

DATES: Written comments on the Commercial Electronic Logbook Amendments must be received no later than January 20, 2026.

ADDRESSES: You may submit comments on the Commercial Electronic Logbook Amendments, identified by NOAA–

NMFS–2025–0570, by either of the following methods:

- *Electronic Submission:* Submit comments electronically via the Federal e-Rulemaking Portal. Visit *https://www.regulations.gov* and type NOAA–NMFS–2025–0570 in the Search box. Click on the ''Comment'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Karla Gore, NMFS Southeast Regional Office, 263 13th Avenue South, St. Petersburg, FL 33701.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period will not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *https://www.regulations.gov* without change. All personal identifying information, *e.g.,* name, address, *etc.,* confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments—enter N/A in the required fields if you wish to remain anonymous.

An electronic copy of the Commercial Electronic Reporting Amendments is available from *https://www.regulations.gov* or from the NMFS Southeast Regional Office website at *https://www.fisheries.noaa.gov/southeast/resources-fishing/southeast-electronic-reporting-technologies.* The Commercial Electronic Logbook Amendments include a Regulatory Flexibility Act (RFA) analysis, regulatory impact review, and fishery impact statement.

FOR FURTHER INFORMATION CONTACT: Karla Gore, NMFS Southeast Regional Office, 727–824–5305, *karla.gore@noaa.gov.*

SUPPLEMENTARY INFORMATION: NMFS manages a number of fisheries in Federal waters of the U.S. southeast region. The Coastal Migratory Pelagic (CMP) fishery includes the Gulf and Atlantic region, and fish such as king mackerel. The Gulf Fishery Management Council (Gulf Council), South Atlantic Fishery Management Council (South Atlantic Council), and NMFS prepared the FMP for the Coastal Migratory Pelagic Resources of the Gulf and Atlantic Region (CMP FMP). The South Atlantic Council and NMFS prepared the FMP for Dolphin and Wahoo Fishery of the Atlantic (Dolphin and Wahoo FMP) and the FMP for the Snapper-Grouper Fishery of the South Atlantic Region (Snapper-Grouper FMP) in the South Atlantic. The Gulf Council and NMFS prepared the FMP for the Reef Fish Resources of the Gulf (Reef Fish FMP). The FMPs were approved by the Secretary and are implemented by NMFS through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act, 16 U.S.C. 1801 *et seq.*). The Magnuson-Stevens Act requires each regional fishery management council to submit any FMP or FMP amendment to the Secretary for review and approval, partial approval, or disapproval. The Magnuson-Stevens Act also requires that NMFS, upon receiving an FMP or FMP amendment, publish an announcement in the **Federal Register** notifying the public that the FMP or amendment is available for review and comment. This action is proposed under the authority of section 303(a)(5) of the Magnuson-Stevens Act [16 U.S.C. 1853(a)(5)], which requires that FMPs specify the data required to be submitted to the Secretary, and consistent with National Standard 7 of the Magnuson-Stevens Act [16 U.S.C. 1851(a)(7)], which requires that conservation and management measures minimize costs and avoid unnecessary duplication where practicable.

The Magnuson-Stevens Act requires that NMFS and regional fishery management councils prevent overfishing and continually achieve the optimum yield from federally managed fish stocks. These mandates are intended to ensure that fishery resources are managed for the greatest overall benefit to the Nation, particularly with respect to providing food production and recreational opportunities, and protecting marine ecosystems. Congress recognized that the collection of reliable data is essential to the effective conservation, management, and scientific understanding of the Nation's fishery resources [16 U.S.C. 1801(a)(7)].

The Commercial Electronic Logbook Amendments would amend four separate FMPs to require the owner or operator of a vessel issued a commercial permit to submit the required logbook in an electronic format rather than using the current paper forms. The FMP amendments include Amendment 35 to the CMP FMP, Amendment 4 to the Dolphin and Wahoo FMP, Amendment 54 to the Snapper-Grouper FMP, and Amendment 57 to the Reef Fish FMP. The Commercial Electronic Logbook Amendments would apply to a vessel owner or operator for which NMFS has issued a commercial permit for: 1. CMP species in the Gulf and Atlantic; 2. Atlantic dolphinfish (dolphin) and wahoo; 3. South Atlantic snapper-grouper species; or 4. Gulf reef fish species.

Background

The Commercial Electronic Logbook Amendments detail the evolution of the data collections through the commercial coastal fisheries logbook program (CFLP) and other commercial reporting requirements. All of these programs provide essential trip information required to assess the status of fish stocks and monitor harvest, which are necessary to comply with the Magnuson-Stevens Act. In addition, economic and discard data are collected to address other provisions of the Magnuson-Stevens Act and other applicable law, such as the need to provide analyses of net economic effects and bycatch. The following discussion summarizes the CFLP and related data collection programs.

The Commercial Logbook Program

NMFS began the CFLP in 1990 for fishermen issued a Federal commercial permit for the Gulf reef fish fishery. Over time, NMFS has expanded the CFLP to include commercial harvest in the South Atlantic snapper-grouper fishery (1992), the CMP fishery in the Gulf and Atlantic (1998), and the Atlantic dolphin and wahoo fishery (2004). Fishermen that target shark species under the FMP for highly migratory species (HMS), which include various tunas, billfishes, and sharks, and is developed by NMFS' Atlantic HMS Management Division, are also included in the CFLP. The CFLP collects basic fishing effort and catch related data, including species and weights of landed fish, fishing location and depth of water, and the type of gear used to fish.

Since the initial implementation of the CFLP, NMFS has made several changes to forms and survey design to improve data collection. For example, the trip expense section of the form has been modified several times since 2001 and several updates were made to the ''gear type used'' data field to better clarify how fish were harvested. Also, the NMFS Southeast Fisheries Science Center (SEFSC) created a separate no-fishing form to better distinguish between non-fishing and non-reporting activity.

Currently every December, NMFS' SEFSC mails the logbook to the owners of federally permitted vessels with the applicable commercial permit (permit holders). Each year, NMFS selects 20 percent of permit holders to complete economic questions in the ''trip expense'' section of the logbook and 20 percent of permit holders are selected to

complete a supplemental discard survey. The mailing consists of a carbon paper logbook of approximately 100 pages containing 3 sections—instructions, fishing trip reporting forms, and no-fishing report forms—along with postage paid return envelopes. The owner or operator of the federally permitted vessel must report the fishing activity of each trip within 7 days after finishing a trip or after a month without any fishing activity, and mail the form to SEFSC. This recordkeeping and reporting requirement has been in place since at least 2004 for the affected Federal fisheries. NMFS recommends that fishermen keep the carbon copy of the CFLP form for their personal records.

Other Commercial Reporting Programs

Fishermen affected by Commercial Electronic Logbook Amendments may also possess other Federal commercial fishing permits issued by NMFS that have additional or different reporting requirements for commercial fishing trips. Other permits could include those issued by the NMFS Greater Atlantic Regional Fisheries Office (GARFO) and the Atlantic HMS Management Division. A vessel owner or operator with a Federal permit may also have reporting requirements when participating in the individual fishing quota (IFQ) programs in the Gulf or the wreckfish individual transferrable quota (ITQ) program in the South Atlantic. Each permit holder is responsible for ensuring compliance with the permit requirements of all relevant programs.

Gulf Individual Fishing Quota Programs and South Atlantic Wreckfish Individual Transferable Quota Program

NMFS manages the commercial harvest of 14 Gulf reef fish species through 2 IFQ programs under the Reef Fish FMP. The IFQ programs use a dedicated electronic reporting system to track allocation of catch limits to fishermen and commercial landings in real-time. NMFS manages wreckfish under the Snapper-Grouper FMP through an ITQ program. The ITQ program uses paper methods for documentation of share certificates, allocation coupons, wreckfish vessel logbooks, and wreckfish dealer logbooks. NMFS is developing a separate proposed rule to establish an electronic monitoring and tracking system for the ITQ program. These IFQ and ITQ programs allocate a portion of an annual catch level to individual fishermen that can be harvested throughout the fishing year. The IFQ and ITQ reporting systems are not logbook programs and operate independently of the CFLP. Reporting requirements under the IFQ and ITQ programs would remain unchanged by the proposed modifications to the CFLP. Owners and operators of vessels participating in the IFQ and ITQ programs would continue to report to both the applicable IFQ and ITQ system, and the CFLP.

Greater Atlantic Regional Fisheries Office

All commercial vessels with Federal permits issued by NMFS GARFO for species managed by the Mid-Atlantic or New England Fishery Management Councils are required to submit vessel trip reports (VTRs) electronically as eVTRs generally within 48 hours of the end of a commercial fishing trip (50 CFR 648.7). Permit holders that report logbook information to GARFO must use software approved by that office to submit an eVTR. Those fishermen operating vessels with commercial permits issued by both GARFO and the Southeast Regional Office may need to continue to submit multiple reports per commercial fishing trip to remain compliant with the reporting requirements of each permit. NMFS is evaluating options to streamline reporting requirements for various East Coast and Gulf fisheries to reduce or eliminate reporting redundancy.

Atlantic Highly Migratory Species Management Division

NMFS also uses the CFLP to collect HMS landings and effort related data from vessel owners primarily with commercial, limited access shark fishing permits using bottom longline, gillnet, or vertical line (including bandit) gear. A vessel owner with an HMS fishing permit and reporting through the CFLP must record the required logbook information for each day of fishing within 48 hours of completion or before offloading fish from the vessel, whichever is sooner. The completed logbook forms must be mailed in the provided postage paid envelopes and postmarked within 7 days of offloading all HMS. NMFS' HMS Management Division published a proposed rule in September 2024 that would change requirements for fishermen with HMS permits reporting through the CFLP and other methods. The proposed rule would switch to an electronic reporting method and adjust the timing requirement (89 FR 72796, September 6, 2024). As stated in the proposed rule, electronic logbook reporting is a step towards streamlining HMS reporting for commercial, for-hire, and private recreational fisheries consistent with the one stop reporting initiative to expand capabilities for the submission of a single electronic report to satisfy overlapping reporting requirements of vessels holding permits in multiple regional fisheries. As of August 2025, the HMS Management Division has not published a final rule.

Actions Contained in the Commercial Electronic Logbook Amendments

If approved and implemented by NMFS, the recommendations in the Commercial Electronic Logbook Amendments would change the format of required reporting in the CFLP from a paper logbook to an electronic reporting format and make limited changes to what data that fishermen need to report. The deadline to submit an electronic report after a fishing trip would not change from current requirements. The selection process for the ''trip expense'' and discard portions of the logbook would also remain the same.

The intent of the Commercial Electronic Logbook Amendments is to improve the accuracy and efficiency of logbook data collected from federally permitted commercial fishermen that report to the CFLP. Moving to an electronic platform is expected to increase convenience and ease of reporting for commercial fishermen while increasing the accuracy and timeliness of commercial data for use by fishery managers. The collected data would be available sooner to fishery managers once submitted through the electronic platform compared to the same data collected on the paper forms. Paper logbooks are sometimes difficult to interpret by analysts, and the analysts often need to contact the submitter for clarification or correction with several days or weeks elapsed from when fishing occurred. This need would be reduced if the logbook were electronically submitted, because logbook validations could prevent some errors, such as a trip start time being recorded as after a trip end time occurs. In addition, fishermen would not need to mail the paper reports, which is less convenient than using the electronic format. Therefore, NMFS expects the proposed change from paper to electronic reporting described in the Commercial Electronic Logbook Amendments to increase data accuracy and decrease the time delay of when those data are available for use by fishery managers.

The Commercial Electronic Logbook Amendments would require that commercial fishermen submit fishing reports on electronic software approved by NMFS. A vessel owner or operator would submit a completed fishing

report electronically no later than 7 days after the end of each fishing trip, which is the same timeframe required currently for submission of fishing reports on paper forms. If no fishing occurred during a calendar month, an electronic no-fishing report must be submitted electronically no later than 7 days after the end of that month. If a vessel owner or operator is aware of a period when fishing would not occur, a no-fishing report may be submitted anytime in advance of that period. If fishing subsequently occurs during time covered by a no-fishing report submitted previously, the vessel owner or operator would complete and submit the applicable fishing report.

Currently, NMFS shares commercial logbook data with the Atlantic Coastal Cooperative Statistics Program (ACCSP) as part of a partnership to combine fisheries-dependent information on the Atlantic coast from both Federal and state partners. Any software application that NMFS would approve also needs to meet the requirements to be submitted to the database managed by ACCSP. Because ACCSP combines data from multiple partners to create a comprehensive and consistent dataset, the compatibility of these data across systems is crucial. NMFS expects the continued use of ACCSP's system for partnering on various data collection systems. NMFS is also working towards a comprehensive reporting system for Federal fisheries across regions and may include other partners and data collection systems in the future. The proposed electronic CFLP would remain consistent with the goals and objectives for data collection set by the SEFSC and ACCSP.

To integrate the information currently collected by the paper logbook forms to the existing ACCSP database, slight modifications to the CFLP data fields would be required. For example, fields such as trip start time, trip end date, and trip end time would be added to prevent overlapping trip submissions. The addition of trip type would be added to so that the logbook software would show the data fields for that trip type. For example, if a fisherman selects a commercial trip, required data fields for a commercial trip would be shown. Primary area fished would be added to be compatible with the ACCSP database. Some data fields would be removed, including state trip ticket number and payment of catch. The signature field in the paper form would be replaced with a perjury statement that the submitter (an owner or operator) acknowledges and affirms the accurate and truthful data entry before submission can occur. Other data fields that may be modified include ''hours/days,'' which would default to hours to be consistent with the ACCSP database. In addition, the ''sales disposition'' data field would default to ''sold to dealer'' to be consistent with the ACCSP database. The retained catch (landings) would require an entry into the catch disposition category, which would default to ''general: food.'' Those selected by NMFS to submit information on discards would be required to declare the disposition of both retained catch and discards.

The currently available software through ACCSP would be free to fishermen. NMFS is also testing a downloadable application for a phone and a computer, which is separate from the ACCSP software. Once software providers are approved by NMFS' SEFSC, they would be listed on the NMFS website *https://www.fisheries.noaa.gov/southeast/resources-fishing/southeast-electronic-reporting-technologies.* After NMFS finalizes the technical specifications and during implementation of the electronic CFLP, other vendors may create additional software applications. These vendors may charge a fee for use or provide an application at no cost. Fishermen would need internet access, such as via Wi-Fi or cellular service to download an application, and submit the electronic reports. However, fishermen would be able to input data in the application regardless if they are connected to the internet. If NMFS implements a final rule for commercial electronic reporting as described in this proposed rule, paper logbooks would no longer be accepted. Further, a vessel owner would continue to be required to comply with the electronic reporting requirements to renew or transfer a Federal commercial permit.

Prior to the implementation date of a final rule for the Commercial Electronic Logbook Amendments, NMFS would contact each permit holder by mail and email. Outreach sessions would be scheduled prior to the implementation of the program and NMFS staff would be available to answer questions on how to get started with electronic reporting. If permit holders have specific questions related to the software, they should be directed to the applicable vendor. Vendors are required to have a help desk to assist with user questions. Prior to the implementation of the program, outreach materials would be available from NMFS to provide guidance about how the reporting requirements affect permit holders and how to use the software.

Proposed Rule for the Commercial Electronic Logbook Amendments

NMFS has drafted a proposed rule that would implement the Commercial Electronic Logbook Amendments. In accordance with the Magnuson-Stevens Act, NMFS is evaluating the proposed rule to determine whether it is consistent with the FMPs, the Magnuson-Stevens Act, and other applicable law. If that determination is affirmative, NMFS will publish the proposed rule in the **Federal Register** for public review and comment.

Consideration of Public Comments

The Gulf and South Atlantic Councils have submitted the Commercial Electronic Logbook Amendments for Secretarial review, and consideration of approval and implementation. Comments on the Commercial Electronic Logbook Amendments must be received no later than January 20, 2026. NMFS will consider all comments received during the respective comment periods, whether specifically directed to the Commercial Electronic Logbook Amendments or the proposed rule in the decision to approve, disapprove, or partially approve the Commercial Electronic Logbook Amendments. Comments received after the comment periods will not be considered by NMFS in this decision. NMFS will address all comments received during the respective comment periods for the Commercial Electronic Logbook Amendments or the associated proposed rule in a final rule.

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

Dated: November 18, 2025.

Kelly Denit,

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

[FR Doc. 2025–20491 Filed 11–19–25; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 90, No. 222
Thursday, November 20, 2025

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

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

The Department of Agriculture will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). Comments are invited on: (1) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments must be received by December 22, 2025 to be assured of consideration. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice at *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

An agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Individuals are not required to respond to a collection of information unless it displays a valid OMB control number.

National Agricultural Statistics Service (NASS)

Title: Fruit, Nuts, and Specialty Crops—Substantive Change.

OMB Control Number: 0535–0039.

Summary of Collection: The National Agricultural Statistics Service (NASS) is responsible for preparing and issuing current official state and national estimates of crop and livestock production. Estimates for fruit, tree nuts, and specialty crops are a key component of this mission and support the NASS strategic goal of covering all agricultural cash receipts. Data are collected voluntarily from growers, processors, and handlers through surveys authorized under 7 U.S.C. 2204(a). Individually identifiable data are protected under Section 1770 of the Food Security Act of 1985 (7 U.S.C. 2276) and Title III of Public Law 115–435 (CIPSEA), which require strict confidentiality for non-aggregated respondent data.

NASS is submitting a substantive change request to revise the currently approved information collection for the Fruit, Nut, and Specialty Crops Surveys. This change reflects a programmatic adjustment to the Florida citrus data collection strategy. Specifically, NASS proposes to discontinue the Florida Citrus Processors Inquiry and instead include Florida in the Quarterly Citrus Survey. This change will align Florida's citrus data collection with the methodology used in other citrus-producing states, streamline internal operations, and improve consistency across states. Florida will adopt the California version of the Quarterly Citrus Survey questionnaire. No changes are being made to the core survey instruments beyond the inclusion of Florida in the sampling frame and associated scheduling adjustments.

Need and Use of the Information: The data collected are used to estimate crop acreage, yield, production, utilization, price, and value in states with significant commercial production. These estimates are essential for stakeholders—including farmers, processors, exporters, shipping companies, and market order administrators—to make informed production and marketing decisions.

Description of Respondents: Farms; Business or other for-profit.

Number of Respondents: 56,215.

Frequency of Responses: On occasion; Annually; Semi-annually; Quarterly; Monthly; Weekly.

Total Burden Hours: 28,792.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2025–20457 Filed 11–19–25; 8:45 am]

BILLING CODE 3410–20–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding; whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by December 22, 2025 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it

displays a currently valid OMB control number.

Food and Nutrition Service

Title: FNS Generic Clearance for the FNS Fast Track Clearance for the Collection of Routine Customer Feedback.

OMB Control Number: 0584–0611.

Summary of Collection: Under the Government Service Delivery Improvement Act (GSDIA), along with the OMB Circular A–11, Section 280 Implementation, agencies are obligated to continually improve the services they provide the public and to collect qualitative and quantitative data from the public to do so. The Food and Nutrition Service (FNS) seeks to obtain OMB approval for the extension of a generic clearance to collect qualitative feedback on our delivery of services. By qualitative feedback we mean information that provides useful insights on perceptions and opinions but are not statistical surveys that yield quantitative results that can be generalized to the population of study.

Need and Use of the Information: This feedback will continue to: (1) provide insights into customer or stakeholder perceptions, experiences and expectations, (2) provide an early warning of issues with service and, (3) focus attention on areas where communication, training or changes in operations might improve delivery of products or services. This collection allows for ongoing, collaborative, and actionable communications between the Agency and its customers and stakeholders. It also allows feedback to contribute directly to the improvement of program management.

The solicitation of feedback targets areas such as: timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. Responses are assessed to plan and inform efforts to improve or maintain the quality of service offered to the public. If this information is not collected, vital feedback from customers and stakeholders on the Agency's services will not be available.

Description of Respondents: Individuals and Households, Businesses and Organizations, State, Local and/or Tribal Government.

Number of Respondents: 42,500.

Frequency of Responses: Reporting: Annually, On Occasion.

Total Burden Hours: 85,000.

Rachelle Ragland-Greene,

Departmental Information Collection Clearance Officer.

[FR Doc. 2025–20432 Filed 11–19–25; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

The Department of Agriculture will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). Comments are invited on: (1) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments must be received by December 22, 2025 to be assured of consideration. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice at *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

An agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Individuals are not required to respond to a collection of information unless it displays a valid OMB control number.

National Agricultural Statistics Service (NASS)

Title: Cooperator Funded Chemical Use Surveys—Substantive Change.

OMB Control Number: 0535–0273.

Summary of Collection: The National Agricultural Statistics Service (NASS) is authorized under 7 U.S.C. 2204 to collect and preserve agricultural information, including through the collection of statistics. NASS's mission is to provide timely, accurate, and useful statistics on agricultural production, economics, and environmental practices. To fulfill this mission, NASS conducts a variety of surveys that track changes in agricultural practices over time.

NASS is submitting a substantive change request to revise the currently approved information collection for the Cooperator Funded Chemical Use Surveys. This revision pertains specifically to the 2026 Minnesota Pesticide and Fertilizer Survey. While the overall purpose and scope of the survey remain unchanged, several questionnaire items have been reworded, clarified, or replaced to improve data quality and respondent comprehension. These updates are designed to enhance the accuracy and usability of the data without increasing respondent burden. The revised questionnaire will be used for phone enumeration beginning in February 2026, as requested by the sponsoring agency.

Need and Use of the Information: The proposed changes will simplify survey questions for respondents and better align the data collected with future analytical needs. The information supports agricultural policy development, environmental monitoring, and resource management.

Description of Respondents: Farms and Ranches.

Number of Respondents: 24,200.

Frequency of Responses: Reporting: Once per year.

Total Burden Hours: 11,571.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2025–20459 Filed 11–19–25; 8:45 am]

BILLING CODE 3410–20–P

DEPARTMENT OF COMMERCE

Census Bureau

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Survey of Construction Questionnaire for the Building Permit Official (SOC–QBPO)

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to

comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on June 27, 2025 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: U.S. Census Bureau, Department of Commerce.

Title: Survey of Construction Questionnaire for the Building Permit Official (SOC–QBPO).

OMB Control Number: 0607–0125.

Form Number(s): SOC–QBPO.

Type of Request: Regular submission, Request for an Extension, without Change, of a Currently Approved Collection.

Number of Respondents: 1,000.

Average Hours per Response: 15 minutes.

Burden Hours: 250.

Needs and Uses: The U.S. Census Bureau is requesting an extension of the currently approved collection for the Survey of Construction Questionnaire for the Building Permit Official (SOC–QBPO). The information collected on the SOC–QBPO is necessary to carry out the sampling for the Survey of Housing Starts, Sales and Completions (OMB number 0607–0110), also known as the Survey of Construction (SOC). Government agencies and private companies use statistics from the SOC to monitor and evaluate the large and dynamic housing construction industry.

The SOC–QBPO is an electronic questionnaire. The field representatives (FRs) either call or visit the respondents to enter their survey responses into a laptop computer using the Computer Assisted Personal Interviewing (CAPI) software formatted for the SOC–QBPO. The overall length of the interview will not change, and the sample size will only receive a minor downward adjustment.

The Census Bureau FRs use the SOC–QBPO to obtain information on the operating procedures of a permit office. This enables them to locate, classify, list, and sample building permits for residential construction. These permits are used as the basis for the sample selected for SOC. The Census Bureau also uses the information to verify and update the geographic coverage of permit offices.

Failure to collect this information would make it difficult, if not impossible, to accurately classify and sample building permits for the SOC. Data for two principal economic indicators are produced from the SOC: New Residential Construction (housing starts and housing completions) and New Residential Sales. Government agencies use these statistics to evaluate economic policy, measure progress towards the national housing goal, make policy decisions, and formulate legislation. For example, the Board of Governors of the Federal Reserve System uses data from this survey to evaluate the effect of interest rates in this interest-rate sensitive area of the economy. The Bureau of Economic Analysis (BEA) uses the data in developing the Gross Domestic Product (GDP). The private sector and other data users from Department of Housing and Urban Development (HUD) and the National Association of Home Builders (NAHB) use the information for estimating the demand for housing, building materials and the many products used in new housing and to schedule production, distribution, and sales efforts. The financial community uses the data to estimate the demand for short-term (construction loans) and long-term (mortgages) borrowing.

Affected Public: State, Local, or Tribal government.

Frequency: Annually.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13, United States Code, Sections 131 and 182.

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the collection or the OMB Control Number 0607–0125.

Sheleen Dumas,

Departmental PRA Compliance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2025–20475 Filed 11–19–25; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF329]

Western Pacific Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The Western Pacific Fishery Management Council (Council) will hold its 158th Scientific and Statistical Committee (SSC), Executive and Budget Standing Committee (SC), Program Planning SC, and its 205th Council meetings to take actions on fishery management issues in the Western Pacific Region.

DATES: The meetings will be held between December 9 and December 17, 2025. For specific times and agendas, see **SUPPLEMENTARY INFORMATION**. Written public comments on final action items at the 205th Council meeting should be received at the Council office by 5 p.m. HST, Thursday, December 11, 2025, see **ADDRESSES**.

ADDRESSES: The 158th SSC, Program Planning SC, and 205th Council meetings will be held by web conference via Webex. The Executive and Budget SC will be held as an in-person meeting at the Council office, 1164 Bishop Street, Suite 1400, Honolulu, Hawaii. Specific information on joining the meeting, connecting to the web conference and providing oral public comments will be posted on the Council website at *www.wpcouncil.org.* For assistance with the web conference connection, contact the Council office at (808) 522–8220.

The following venues will be host sites for the 205th Council meeting: Council office, 1164 Bishop Street, Suite 1400, Honolulu, Hawaii; Tedi of Samoa Building Suite 208B, Fagatogo Village, American Samoa; Cliff Pointe, 304 W O'Brien Drive, Hagatna, Guam; and BRI Building Suite 205, Kopa Di Oru St. Garapan, Saipan, CNMI.

Council address: Western Pacific Fishery Management Council, 1164 Bishop Street, Suite 1400, Honolulu, HI 96813.

Background documents for the 205th Council meeting will be available at *www.wpcouncil.org.* Written public comments on final action items at the 205th Council meeting should be received at the Council office by 5 p.m. HST, Thursday, December 11, 2025, and

should be sent to Kitty M. Simonds, Executive Director; Western Pacific Fishery Management Council, 1164 Bishop Street, Suite 1400, Honolulu, HI 96813, phone: (808) 522–8220 or fax: (808) 522–8226; or email: *info@wpcouncil.org*. Written public comments on all other agenda items may be submitted for the record by email throughout the duration of the meeting. Instructions for providing oral public comments during the meeting will be posted on the Council website.

FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director, Western Pacific Fishery Management Council; phone: (808) 522–8220.

SUPPLEMENTARY INFORMATION: The 158th SSC meeting will be held between 11 a.m. and 5 p.m. Hawaii Standard Time (HST) on December 9–10, 2025, and between 11 a.m. and 2 p.m. HST on December 11, 2025. The Executive and Budget SC meeting will be held between 10 a.m. and 12 p.m. HST on December 15, 2025. The Program Planning SC meeting will be held between 2 p.m. and 4 p.m. on December 15, 2025. The 205th Council meeting will be held between 11 a.m. and 5 p.m. HST on December 16–17, 2025. Public Comment on Non-Agenda Items will be held between 4:30 p.m. and 5 p.m. HST on December 16, 2025.

Agenda items noted as ''Final Action'' refer to actions that may result in Council transmittal of a proposed fishery management plan, proposed plan amendment, or proposed regulations to the U.S. Secretary of Commerce, under Sections 304 or 305 of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). In addition to the agenda items listed here, the Council and its advisory bodies will hear recommendations from Council advisors. An opportunity to submit public comment will be provided throughout the agendas. The order in which agenda items are addressed may change and will be announced in advance at the Council meeting. The meetings will run as late as necessary to complete scheduled business.

This meeting will be recorded (audio only) for the purposes of generating the minutes of the meeting. As public comments will be made publicly available, participants and public commenters are urged not to provide personally identifiable information (PII) at this meeting. Participation in the meeting by web conference, or by telephone, constitutes consent to the audio recording.

Agenda for the 158th SSC Meeting

Tuesday, December 9, 2025, 11 a.m. to 5 p.m. HST

1. Introductions
2. Approval of Draft Agenda and Assignment of Rapporteurs
3. Status of the 157th SSC Meeting Recommendations
4. Pacific Islands Fisheries Science Center Director's Report
5. Program Planning and Research
   - A. Multi-species Stock Assessment Strategies Process—Phase I Status Update
   - B. SSC Special Projects Working Group (WG) Reports
   - B.1. Bottomfish Management Unit Species Multispecies Complex WG next steps
   - B.2. Protected Species WG Report
   - B.3. Electronic Monitoring WG Update
   - B.4. Review of Special Projects List for 2026
   - C. Monument Actions
   - C.1. Options for removing Federal fishing prohibitions in the Marianas Trench Marine National Monument (MTMNM), Rose Atoll Marine National Monument (RAMNM), and Papahānaumokuākea Marine National Monument (PMNM) (Action Item)
   - C.2. State of Knowledge of Open Ocean Marine Protected Areas (MPAs) and Impacts in Western Pacific Region
   - D. Council Inflation Reduction Act (IRA) Project Updates
   - D.1. Scenario Planning for the American Samoa Longline Fishery
   - D.2. Updates on the Protected Species, Regulatory Review, and Community Engagement Projects
   - E. Public Comment
   - F. SSC Discussion and Recommendations

Wednesday, December 10, 2025, 11 a.m. to 5 p.m. HST

6. Protected Species
   - A. False Killer Whales Abundance Estimates Update
   - A.1. MHI Insular Population Abundance Estimates
   - A.2. Pelagic Abundance Estimates based on the 2023 Hawaiian Islands Cetacean and Ecosystem Assessment Survey
   - B. Deep-set Longline (DSLL) Endangered Species Act (ESA) Reconsultation for Oceanic Whitetip Shark and Leatherback Turtles
   - C. Kaneohe Green Sea Turtle Nesting Genetics
   - D. Public Comment
   - E. SSC Discussion and Recommendations
7. Pelagic & International Fisheries
   - A. Electronic Monitoring Updates
   - B. Outcomes of the Western and Central Pacific Fisheries Commission (WCPFC) 22nd Regular Session
   - C. Public Comment
   - D. SSC Discussion and Recommendations
8. Island Fisheries
   - A. Territorial Coral Reef Life History
   - B. Marine Recreational Information Program
   - C. Public Comment
   - D. SSC Discussion and Recommendations

Thursday, December 11, 2025, 11 a.m. to 2 p.m. HST

9. Other Business
   - A. SSC Meeting Schedule and Potential Working Groups
10. Summary of SSC Recommendations to the Council

Agenda for the Executive and Budget SC Meeting

Monday, December 15, 2025, 10 a.m. to 12 p.m. HST

1. Introduction and Approval of Agenda
2. Financial Reports
3. Administrative Reports
   - A. Office Lease Renewal
4. Council Family Changes
   - A. Pacific States Marine Fisheries Commission Membership
   - B. Election of Officers
5. Meetings and Workshops
6. Other Business
7. Public Comment
8. Discussion and Recommendations

Agenda for the Program Planning SC Meeting

Monday, December 15, 2025, 2 p.m. to 4 p.m. HST

1. Introduction and Approval of Agenda
2. 2026–2029 CNMI Bottomfish Annual Catch Limit Specifications (Action Item)
3. Recommendations on Commercial Fishing in the Pacific Islands Heritage Marine National Monument (Action Item)
4. Options for Commercial Fishing in the RAMNM, MTMNM, and PMNM (Action Item)
5. Report on Implementing the Seafood Executive Order Recommendations
6. Update on IRA Projects
7. Advisory Body Recommendations on Action Items
   - A. Advisory Panels
   - B. Fishing Industry Advisory Committee
   - C. Scientific and Statistical Committee

8. Other Business
9. Public Comment
10. Discussion and Recommendations

Agenda for the 205th Council Meeting

Tuesday, December 16, 2025, 11 a.m. to 5 p.m. HST

1. Welcome and Introductions
2. Approval of the 205th Council Meeting Agenda
3. Approval of the 204th Council Meeting Minutes
4. Executive Director's Report
5. Agency Reports
   A. National Marine Fisheries Service
   A.1. Pacific Islands Regional Office
   A.2. Pacific Islands Fisheries Science Center
   B. NOAA Office of General Counsel Pacific Islands Section
   C. US Coast Guard
   D. Enforcement
   D.1. NOAA Office of Law Enforcement
   D.2. NOAA Office of General Counsel Enforcement Section
   E. US State Department
   F. US Fish and Wildlife Service
   G. Public Comment
   H. Discussion and Action
6. Council Member Island Reports
   A. American Samoa
   B. CNMI
   C. Guam
   D. Hawaii
   E. Public Comment
   F. Discussion and Action
7. Program Planning and Research
   A. Specifications for CNMI Bottomfish Annual Catch Limits 2026–2029 (Final Action)
   B. Recommendations on Commercial Fishing in the Pacific Islands Heritage Marine National Monument (Final Action)
   C. Options for Commercial Fishing in the RAMNM, MTMNM, PMNM (Initial Action)
   C.1. Report on MPA Science from SSC
   D. Report on Implementing the Seafood Executive Order Recommendations
   E. IRA Project Updates
   E.1. Status of the Protected Species Workshops
   E.2. Regulatory Review Status Report
   E.3. Report on 2nd Round of Community Meetings and Vocational Fishermen Training Pilot Project
   F. Advisory Group Report and Recommendations
   F.1. Advisory Panel
   F.2. Fishing Industry Advisory Committee
   F.3. Social Science Planning Committee
   F.4. Scientific and Statistical Committee
   G. Public Comment
   H. Discussion and Action

Tuesday, December 16, 2025, 4:30 p.m. to 5 p.m. HST

Public Comment on Non-Agenda Items

Wednesday, December 17, 2025, 11 a.m. to 5 p.m. HST

8. Protected Species
   A. MHI Insular and Pelagic False Killer Whale Abundance Estimates Updates
   B. DSLL ESA Reconsultation for Oceanic Whitetip Shark and Leatherback Turtles
   C. Advisory Group Report and Recommendations
   C.1. Advisory Panel
   C.2. Fishing Industry Advisory Committee
   C.3. Scientific and Statistical Committee
   D. Public Comment
   E. Discussion and Action
9. Pelagic and International Fisheries
   A. Review of Electronic Monitoring Vessel Monitoring Plans
   B. International Fisheries
   B.1. Outcomes of Technical and Compliance Meeting of the WCPFC
   B.2. U.S. Positions at WCPFC22 from Permanent Advisory Committee
   B.3. Outcomes of the WCPFC 22nd Regular Session 2025
   C. IRA Scenario Planning American Samoa Meeting Report
   D. Advisory Group Report and Recommendations
   D.1. Advisory Panel
   D.2. Fishing Industry Advisory Committee
   D.3. Scientific and Statistical Committee
   E. Public Comment
   F. Discussion and Action
10. Administrative Matters
   A. Council Member and Staff Ethics Training
   B. Financial Reports
   C. Administrative Reports
   D. Council Coordinating Committee Update
   E. Council Family Changes
   F. Meetings and Workshops
   G. Executive and Budget Standing Committee Report
   H. Public Comment
   I. Council Discussion and Action
11. Election of Officers
12. Other Business

Non-emergency issues not contained in this agenda may come before the Council for discussion during its 205th meeting. However, Council final decisions will be restricted to those issues specifically listed in this document and any regulatory issue arising after publication of this document that requires emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take action to address the emergency.

Special Accommodations

These meetings are accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, (808) 522–8220 (voice) or (808) 522–8226 (fax), at least 5 days prior to the meeting date.

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

Dated: November 18, 2025.

Rey Israel Marquez,

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

[FR Doc. 2025–20425 Filed 11–19–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF251]

Endangered Species; File No. 29010

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

ACTION: Notice; receipt of application for a permit modification.

SUMMARY: Notice is hereby given that Caribbean Oceanic Restoration and Education Foundation, 2608 Fish Bay, St. John, VI, 00830 (Responsible Party: Rebecca Gibbel, DVM), has requested a modification to enhancement Permit No. 29010.

DATES: Written comments must be received on or before December 22, 2025.

ADDRESSES: The modification request and related documents are available for review by selecting ''Records Open for Public Comment'' from the Features box on the Applications and Permits for Protected Species home page, *https://apps.nmfs.noaa.gov,* and then selecting File No. 29010 mod #2 from the list of available applications. These documents are also available upon written request via email to *NMFS.Pr1Comments@noaa.gov.*

Written comments on this application should be submitted via email to *NMFS.Pr1Comments@noaa.gov.* Please include File No. 29010 in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request

via email to *NMFS.Pr1Comments@noaa.gov.* The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Erin Markin, Ph.D., or Amy Hapeman, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject modification to Permit No. 29010, issued on August 19, 2025, (90 FR 46566, September 29, 2025) is requested under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

Permit No. 29010 authorizes the permit holder to conduct response activities for pillar coral in the U.S. Virgin Islands (USVI). The objective of this project is to improve the survival of pillar coral by responding to incidents of damage or threats in the wild. Colonies or fragments would be reattached or stabilized in the same location or at new locations within waters of the USVI. The permit holder requests authorization to increase the number of pillar coral colonies that can be reattached or stabilized from 3 to 10 annually. The permit is valid through August 31, 2035.

Dated: November 17, 2025.

Shannon Bettridge,

Chief, Marine Mammal and Sea Turtle Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2025–20349 Filed 11–19–25; 8:45 am]

BILLING CODE 3510–22–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to the Procurement List.

SUMMARY: This action adds service(s) to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: *Date added to and deleted from the Procurement List:* December 21, 2025.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 355 E Street SW, Suite 325, Washington DC, 20024.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Michael R. Jurkowski, Telephone: (703) 489–1322, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Addition

On July 24, 2025, the Committee for Purchase From People Who Are Blind or Severely Disabled (operating as the U.S. AbilityOne Commission) published an initial notice of proposed additions to the Procurement List. (90 FR 34851). The Committee determined that the service(s) listed below is suitable for procurement by the Federal Government and has added this service to the Procurement List as a mandatory purchase for the contracting activity listed. In accordance with 41 CFR 51–5.3(b), the mandatory purchase requirement is limited to the contracting activity at the location listed, and in accordance with 41 CFR 51–5.2, the Committee has authorized nonprofit agency listed as the mandatory source(s) of supply.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the service(s) and impact of the additions on the current or most recent contractors, the Committee has determined that the service(s) listed below are suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

End of Certification

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the service(s) to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the product(s) and service(s) deleted from the Procurement List.

End of Certification

Accordingly, the following service(s) are added to the Procurement List:

Service Type: Base Supply Center
Mandatory for: U.S. Census Bureau, National Processing Center, Jeffersonville, IN
Authorized Source of Supply: Industries for the Blind and Visually Impaired, Inc., West Allis, WI
Contracting Activity: US CENSUS BUREAU, DEPT OF COMMERCE CENSUS

Michael R. Jurkowski,

Director, Business Operations.

[FR Doc. 2025–20428 Filed 11–19–25; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to and deletions from the Procurement List.

SUMMARY: The Committee is proposing to add products) to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and delete product(s) and service(s) previously furnished by such agencies.

DATES: Comments must be received on or before: December 20, 2025.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 355 E Street SW, Suite 325, Washington DC, 20024.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Michael R. Jurkowski, Telephone: (703) 489–1322, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Additions

Product(s)

In accordance with 41 CFR 51–2.4(b), Government personnel within the contracting activity have identified this as a product requirement not applicable to other Federal entities and has requested the Committee consider granting a purchase or distribution preference if the product is added to the Procurement List. *See* 71 FR 69536 (Dec. 1, 2006). If the Committee grants this request, the products will not be available through the U.S. AbilityOne Commission's Commercial Distribution Program. The Committee will consider this request along with relevant comments received from interested parties.

The following product(s) are proposed for addition to the Procurement List for production by the nonprofit agencies listed:

NSN(s)—Product Name(s):
6510–01–598–8418—Bandage, Compression, I, Flat Fold
Authorized Source of Supply: Alphapointe, Kansas City, MO
Mandatory For: DEPARTMENT OF DEFENSE
Contracting Activity: DEFENSE LOGISTICS AGENCY, DLA TROOP SUPPORT, MEDICAL SUPPLY CHAIN FSF
1005–01–706–2547—Buttstock, Subassembly, Black
Authorized Source of Supply: DePaul Industries, Portland, OR
Mandatory For: DEPARTMENT OF DEFENSE
Contracting Activity: DLA LAND AND MARITIME, LAND SUPPLIER OPERATIONS SMS

Service(s)

In accordance with 41 CFR 51–5.3(b), the Committee intends to add this services requirement to the Procurement List as a mandatory purchase only for the contracting activity listed at location listed with the proposed qualified nonprofit agency as the authorized source of supply. Prior to adding the service to the Procurement List, the Committee will consider other pertinent information, including information from Government personnel and relevant comments from interested parties regarding the Committee's intent to geographically limit this services requirement.

Service Type: Base Operations Support Services
Mandatory for: West Sound Facilities, Multiple Locations, Silverdale, WA
Contracting Activity: Naval Facilities Engineering Northwest Command, Silverdale, WA
Authorized Source of Supply: Skookum Educational Program (dba Tessera), Bremerton, WA

Deletions

The following product(s) and service(s) are proposed for deletion to the Procurement List:

Product(s)

NSN(s)—Product Name(s):
8520–00–NIB–0134—Purell Instant Hand Sanitizer, Green-Certified, 8 oz. Bottle
Authorized Source of Supply: Travis Association for the Blind, Austin, TX
Contracting Activity: DEPARTMENT OF HOMELAND SECURITY, OFFICE OF PROCUREMENT OPERATIONS
NSN(s)—Product Name(s):
7045–01–568–9695—USB 2.0 Hard Drive, Portable, 500G
Authorized Source of Supply: North Central Sight Services, Inc., Williamsport, PA
Contracting Activity: GSA/FAS ADMIN SVCS ACQUISITION BR(2
NSN(s)—Product Name(s):
890008300S—Breakfast Burrito and Drink
890008301S—Cold Sandwich With Chips and Drink
890008302S—Dinner Burrito With Fruit Cup and Drink
890008303S—Vegetarian Burrito With Chips and Drink
890008304S—Cheeseburger Meal With Chips and Drink
890008305S—Chicken Salad With Chip and Drink
890008306S—Chicken Teriyaki Bowl and Drink
890008307S—Snack
890008308S—Water, 16.9 oz. bottle
890008309S—Milk, 8 oz. box
890008310S—Juice, 6 oz. box
890008311S—Cold Vegetarian Sandwich With Chips and Drink
890008312S—Vegetarian Cheeseburger Meal With Chips and Drink
Authorized Source of Supply: ARC-Imperial Valley, El Centro, CA
Contracting Activity: U.S. CUSTOMS AND BORDER PROTECTION, BORDER ENFORCEMENT CTR DIV
NSN(s)—Product Name(s):
8950–01–E60–7766—Pepper, Black, Ground, Gourmet, 12/16 oz. Metal Cans
8950–01–E60–7768—Pepper, Black, Ground, Gourmet, 6/18 oz. Metal Cans
8950–01–E60–8234—Pepper, Black, Cracked 16 Mesh, 6/18 oz. Metal Cans
8950–01–E60–8236—Pepper, Black, Cracked 16 Mesh, 6/16 oz. Metal Cans
8950–01–E60–8238—Pepper, Black, Whole, 6/16 oz. Metal Cans
8950–01–E60–8240—Pepper, Black, Whole, 6/18 oz. Metal Cans
Authorized Source of Supply: CDS Monarch, Webster, NY
Contracting Activity: DEFENSE LOGISTICS AGENCY, DLA TROOP SUPPORT
NSN(s)—Product Name(s):
4240–01–469–8738—Hearing Protection, Over-The-Head Earmuff, NRR 27dB
Authorized Source of Supply: Access: Supports for Living Inc., Middletown, NY
Contracting Activity: DEFENSE LOGISTICS AGENCY, DLA TROOP SUPPORT
NSN(s)—Product Name(s):
7290–00–633–9124—Pad, Ironing Board
7290–00–946–7905—Cover, Ironing Board
Authorized Source of Supply: NuVisions Center, a Not for Profit Corporation, Lewistown, PA
Contracting Activity: GSA/FSS GREATER SOUTHWEST ACQUISITI, FEDERAL ACQUISITION SERVICE
NSN(s)—Product Name(s):
7510–01–664–8787—DAYMAX System, 2024 Calendar Pad, Type I
7510–01–664–8808—DAYMAX System, 2024, Calendar Pad, Type II
Authorized Source of Supply: Anthony Wayne Rehabilitation Ctr for Handicapped and Blind, Inc., Fort Wayne, IN
Contracting Activity: GSA/FSS GREATER SOUTHWEST ACQUISITI, FEDERAL ACQUISITION SERVICE
NSN(s)—Product Name(s):
5340–00–454–5969—Strap, Webbing, 180″ x 1″
Authorized Source of Supply: The Charles Lea Center, Inc., Spartanburg, SC
Contracting Activity: DEFENSE LOGISTICS AGENCY, DLA LAND AND MARITIME
NSN(s)—Product Name(s):
8415–01–092–7529—Coveralls, Disposable, Small
8415–01–092–7531—Coverall, Disposable, with Attached Hood & Booties for Asbestos/Fiberglass Handlers, Navy, White, L
8415–01–092–7533—Coverall, Disposable, Asbestos and Fiberglass, U.S. Navy, White Main Body, XX-Large
Authorized Source of Supply: TradeWinds Services, Inc., Merrillville, IN
Authorized Source of Supply: ASPIRO, Inc., Green Bay, WI
Contracting Activity: DEFENSE LOGISTICS AGENCY, DLA TROOP SUPPORT
NSN(s)—Product Name(s):
8415–00–NSH–0608—Pocket, Radio, AN/PRC–126
8415–00–NSH–0612—Suspenders, Sub-Belt
8415–00–NSH–0613—Pocket, Shotgun Launched Riot Control Canister
8415–00–NSH–0614—Pocket, Administrative
8415–00–NSH–0617—Insert, Medical, Trauma, Ranger
8415–00–NSH–0620—Modular Assault Pack
8415–00–NSH–0621—Load Carriage System Bag
8415–00–NSH–0623—Load Carriage System Harnes (CV–420)
8415–00–NSH–0624—Mission Tether Belt
8415–00–NSH–0625—Mission Tether
8415–00–NSH–0684—FSBE Deployment Bag
8415–00–NSH–0685—8415–00–NSH–0685
Authorized Source of Supply: Chautauqua County Chapter, NYSARC, Jamestown, NY
Contracting Activity: DEPT OF THE ARMY, W6QK ACC–APG NATICK
NSN(s)—Product Name(s):
6190–09–000–0279—Kit, Martial Arms Training (Battalion Kit)
7810–00–NSH–0002—Kit, Martial Arms Training (School of Infantry Kit
7810–00–NSH–0003—Kit, Martial Arms Training (Recruit Depot Kit)
Authorized Source of Supply: Chautauqua County Chapter, NYSARC, Jamestown, NY
Contracting Activity: DEPT OF THE ARMY, W6QK ACC–APG NATICK
NSN(s)—Product Name(s):
1375–00–NSH–0001—Kit, Marine Corps Demolition, Advanced
Authorized Source of Supply: Chautauqua County Chapter, NYSARC, Jamestown, NY
Contracting Activity: DEPT OF THE ARMY, W6QK ACC–APG NATICK
NSN(s)—Product Name(s):
5340–00–454–5963—Strap, Webbing, 100″ x 1″
Authorized Source of Supply: The Charles Lea Center, Inc., Spartanburg, SC
Contracting Activity: DEFENSE LOGISTICS AGENCY, DLA LAND AND MARITIME
NSN(s)—Product Name(s):
5340–00–126–9011—Strap, Webbing, 144″ x 1″
Authorized Source of Supply: The Charles Lea Center, Inc., Spartanburg, SC
Contracting Activity: DEFENSE LOGISTICS AGENCY, DLA LAND AND MARITIME
NSN(s)—Product Name(s):
5340–00–126–9011—Strap, Webbing, 174″ x 1″
Authorized Source of Supply: The Charles Lea Center, Inc., Spartanburg, SC

Contracting Activity: DEFENSE LOGISTICS AGENCY, DLA LAND AND MARITIME

NSN(s)—Product Name(s):

8970–01–321–9153—Heater, Flameless

Authorized Source of Supply: Work, Incorporated, Dorchester, MA

Contracting Activity: DEFENSE LOGISTICS AGENCY, DLA TROOP SUPPORT

NSN(s)—Product Name(s):

EIRS 74, PSIN3916—Tray, MM, Fiberboard

Authorized Source of Supply: ReadyOne Industries, Inc., El Paso, TX

Contracting Activity: U.S. Postal Service, Washington, DC

NSN(s)—Product Name(s):

8415–00–NSH–0398—Trousers, Wind Resistant, Army, Urban Camouflage, XS–XS

8415–00–NSH–0399—Trousers, Wind Resistant, Army, Urban Camouflage, XS–S

8415–00–NSH–0400—Trousers, Wind Resistant, Army, Urban Camouflage, XS–R

8415–00–NSH–0401—Trousers, Wind Resistant, Army, Urban Camouflage, XS–L

8415–00–NSH–0402—Trousers, Wind Resistant, Army, Urban Camouflage, S–XS

8415–00–NSH–0403—Trousers, Wind Resistant, Army, Urban Camouflage, S–S

8415–00–NSH–0404—Trousers, Wind Resistant, Army, Urban Camouflage, S–R

8415–00–NSH–0405—Trousers, Wind Resistant, Army, Urban Camouflage, S–L

8415–00–NSH–0406—Trousers, Wind Resistant, Army, Urban Camouflage, S–XL

8415–00–NSH–0407—Trousers, Wind Resistant, Army, Urban Camouflage, M–XS

8415–00–NSH–0408—Trousers, Wind Resistant, Army, Urban Camouflage, M–S

8415–00–NSH–0409—Trousers, Wind Resistant, Army, Urban Camouflage, M–R

8415–00–NSH–0410—Trousers, Wind Resistant, Army, Urban Camouflage, M–L

8415–00–NSH–0411—Trousers, Wind Resistant, Army, Urban Camouflage, M–XL

8415–00–NSH–0412—Trousers, Wind Resistant, Army, Urban Camouflage, L–S

8415–00–NSH–0413—Trousers, Wind Resistant, Army, Urban Camouflage, L–R

8415–00–NSH–0414—Trousers, Wind Resistant, Army, Urban Camouflage, L–L

8415–00–NSH–0415—Trousers, Wind Resistant, Army, Urban Camouflage, L–XL

8415–00–NSH–0416—Trousers, Wind Resistant, Army, Urban Camouflage, XL–S

8415–00–NSH–0417—Trousers, Wind Resistant, Army, Urban Camouflage, XL–R

8415–00–NSH–0418—Trousers, Wind Resistant, Army, Urban Camouflage, XL–LL

8415–00–NSH–0419—Trousers, Wind Resistant, Army, Urban Camouflage, M–XXL

8415–00–NSH–0420—Trousers, Wind Resistant, Army, Urban Camouflage, L–XXL

8415–00–NSH–0421—Trousers, Wind Resistant, Army, Urban Camouflage, XXL–XXL

Authorized Source of Supply: Goodwill Industries of South Florida, Inc., Miami, FL

Contracting Activity: DEPT OF THE ARMY, W6QK ACC–APG NATICK

NSN(s)—Product Name(s):

8415–00–NSH–0425—Jacket, Fleece, with Hood, Wind and Water Resistant, Type 1, Army, Green, S

8415–00–NSH–0426—Jacket, Fleece, with Hood, Wind and Water Resistant, Type 1, Army, Green, M

8415–00–NSH–0427—Jacket, Fleece, with Hood, Wind and Water Resistant, Army, Green, L

8415–00–NSH–0428—Jacket, Fleece, with Hood, Wind and Water Resistant, Army, Green, XL

8415–00–NSH–0429—Jacket, Fleece, with Hood, Wind and Water Resistant, Army, Black, S

8415–00–NSH–0430—Jacket, Fleece, with Hood, Wind and Water Resistant, Army, Black, M

8415–00–NSH–0431—Jacket, Fleece, with Hood, Wind and Water Resistant, Army, Black, L

8415–00–NSH–0432—Jacket, Fleece, with Hood, Wind and Water Resistant, Army, Black, XL

8415–01–476–6425—Jacket, Wind Resistant Fleece with Hood, SPEAR, Army, Green, LR

8415–01–476–6428—Jacket, Wind Resistant Fleece with Hood, SPEAR, Army, Green, MR

8415–01–476–6429—Jacket, Wind Resistant Fleece with Hood, SPEAR. Army, Green, SR

8415–01–476–6431—Jacket, Wind Resistant Fleece, SPEAR, Army, Green, XLR

8415–01–476–6560—Jacket, Wind Resistant Fleece, SPEAR, Army, Black, XLR

8415–01–476–6573—Jacket, Wind Resistant Fleece, SPEAR, Army, Black, LL

8415–01–476–6574—Jacket, Wind Resistant Fleece with Hood, SPEAR, Army, Green, SR

8415–01–476–6576—Jacket, Wind Resistant Fleece, SPEAR, Army, Black, MR

8415–01–476–6577—Jacket, Wind Resistant Fleece with Hood, SPEAR, Army, Black, SR

8415–01–476–6578—Jacket, Wind Resistant Fleece, SPEAR, Army, Black, XLL

Authorized Source of Supply: Peckham Vocational Industries, Inc., Lansing, MI

Contracting Activity: DEPT OF THE ARMY, W6QK ACC–APG NATICK

NSN(s)—Product Name(s):

8415–00–NSH–0341—Shirt, Underlayer for Fleece Jacket, 200 Weight, Army, Long Sleeved, Black, XS

8415–01–470–1130—Jacket, 100 Weight Fleece, Extreme Cold Weather Clothing System (ECWCS), S

8415–01–470–1135—Jacket, 100 Weight Fleece, Extreme Cold Weather Clothing System (ECWCS), M

8415–01–470–1136—Jacket, 100 Weight Fleece, Extreme Cold Weather Clothing System (ECWCS), L

8415–01–470–1137—Jacket, 100 Weight Fleece, Extreme Cold Weather Clothing System (ECWCS), XL

Authorized Source of Supply: Peckham Vocational Industries, Inc., Lansing, MI

Contracting Activity: DEPT OF THE ARMY, W6QK ACC–APG NATICK

NSN(s)—Product Name(s):

8415–00–NSH–0422—Cover, Parachutists' Helmet, Army, Urban Camouflage, X Small-Small

8415–00–NSH–0423—Cover, Parachutists' Helmet, Army, Urban Camouflage, Medium–Large

8415–00–NSH–0424—Cover, Parachutists' Helmet, Army, Urban Camouflage, X Large

Authorized Source of Supply: Mount Rogers Community Services Board, Wytheville, VA

Contracting Activity: DEPT OF THE ARMY, W6QK ACC–APG NATICK

NSN(s)—Product Name(s):

8415–00–NSH–0333—Overalls, Bib, 100 Weight, Army, Black, Medium

8415–00–NSH–0351—Overalls, Bib, 100 Weight, Army, Black, Small

8415–00–NSH–0352—Overalls, Bib, 100 Weight, Army, Black, Small Long

8415–00–NSH–0353—Overalls, Bib, 100 Weight, Army, Black, Medium Long

8415–00–NSH–0354—Overalls, Bib, 100 Weight, Army, Black, Large

8415–00–NSH–0355—Overalls, Bib, 100 Weight, Army, Black, Large/Long

8415–00–NSH–0356—Overalls, Bib, 100 Weight, Army, Black, X Large

Authorized Source of Supply: Peckham Vocational Industries, Inc., Lansing, MI

Contracting Activity: DEPT OF THE ARMY, W6QK ACC–APG NATICK

NSN(s)—Product Name(s):

8415–00–NSH–0335—Trousers, 100 Weight Polyester Pile Fleece, Extreme Cold Weather Clothing System (ECWCS), M

8415–00–NSH–0362—Trousers, 100 Weight Polyester Pile Fleece, Extreme Cold Weather Clothing System (ECWCS), S

8415–00–NSH–0363—Trousers, 100 Weight Polyester Pile Fleece, Extreme Cold Weather Clothing System (ECWCS), L

8415–00–NSH–0364—Trousers, 100 Weight Polyester Pile Fleece, Extreme Cold Weather Clothing System (ECWCS), SL

Authorized Source of Supply: Peckham Vocational Industries, Inc., Lansing, MI

Contracting Activity: DEPT OF THE ARMY, W6QK ACC–APG NATICK

NSN(s)—Product Name(s):

8415–00–NSH–0334—Jacket, 200 Weight Polyester Pile Fleece, Extreme Cold Weather Clothing System (ECWCS), M

8415–00–NSH–0357—Jacket, 200 Weight Polyester Pile Fleece, Extreme Cold Weather Clothing System (ECWCS), S

8415–00–NSH–0358—Jacket, 200 Weight Polyester Pile Fleece, Extreme Cold Weather Clothing System (ECWCS), L
8415–00–NSH–0359—Jacket, 200 Weight Polyester Pile Fleece, Extreme Cold Weather Clothing System (ECWCS), L–L
8415–00–NSH–0360—Jacket, 200 Weight Polyester Pile Fleece, Extreme Cold Weather Clothing System (ECWCS), XL
8415–00–NSH–0361—Jacket, 200 Weight Polyester Pile Fleece, Extreme Cold Weather Clothing System (ECWCS), XL–L
Authorized Source of Supply: Peckham Vocational Industries, Inc., Lansing, MI
Contracting Activity: DEPT OF THE ARMY, W6QK ACC–APG NATICK
NSN(s)—Product Name(s):
1560–01–509–2216FX—#1 Fuel Tank Foam Kit, F–15A/B Eagle
1560–01–509–2219FX—#3A Fuel Tank Foam Kit, F–15A/B Eagle
Authorized Source of Supply: Middle Georgia Diversified Industries, Inc., Dublin, GA
Contracting Activity: DEFENSE LOGISTICS AGENCY, DLA AVIATION
NSN(s)—Product Name(s):
8415–00–NSH–0639—Overalls, Fire Retardant 200 Fleece, SPEAR, Army, Black, SR
8415–00–NSH–0640—Overalls, Fire Retardant 200 Fleece, SPEAR, Army, Black, MR
8415–00–NSH–0641—Overalls, Fire Retardant 200 Fleece, SPEAR, Army, Black, LR
8415–00–NSH–0642—Overalls, Fire Retardant 200 Fleece, SPEAR, Army, Black, LL
8415–00–NSH–0643—Overalls, Fire Retardant 200 Fleece, SPEAR, Army, Black, XLR
8415–00–NSH–0644—Overalls, Fire Retardant 200 Fleece, SPEAR, Army, Black, XLL
8415–00–NSH–0645—Overalls, Fire Retardant 200 Fleece, SPEAR, Army, Green, SR
8415–00–NSH–0646—Overalls, Fire Retardant 200 Fleece, SPEAR, Army, Green, MR
8415–00–NSH–0647—Overalls, Fire Retardant 200 Fleece, SPEAR, Army, Green, LR
8415–00–NSH–0648—Overalls, Fire Retardant 200 Fleece, SPEAR, Army, Green, LL
8415–00–NSH–0649—Overalls, Fire Retardant 200 Fleece, SPEAR, Army, Green, XLR
8415–00–NSH–0650—Overalls, Fire Retardant 200 Fleece, SPEAR, Army, Green, XLL
8415–00–NSH–0651—Jacket, Fire Retardant 200 Fleece, SPEAR, Army, Black, SR
8415–00–NSH–0652—Jacket, Fire Retardant 200 Fleece, SPEAR, Army, Black, MR
8415–00–NSH–0653—Jacket, Fire Retardant 200 Fleece, SPEAR, Army, Black, LR
8415–00–NSH–0654—Jacket, Fire Retardant 200 Fleece, SPEAR, Army, Black, LL
8415–00–NSH–0655—Jacket, Fire Retardant 200 Fleece, SPEAR, Army, Black, XLR
8415–00–NSH–0656—Jacket, Fire Retardant 200 Fleece, SPEAR, Army, Black, XLL
8415–01–476–6199—Jacket, Heavy Weight Fleece, Army, Black, LR
8415–01–476–6201—Jacket, Heavy Weight Fleece, Army, Black, MR
8415–01–476–6206—Jacket, Heavy Weight Fleece, Army, Black, SR
8415–01–476–6215—Jacket, Heavy Weight Fleece, Army, Black, XLL
8415–01–476–6217—Jacket, Heavy Weight Fleece, Army, Black, XLR
8415–01–476–6218—Shirt, Underwear, Midweight, Army, Black, L
8415–01–476–6223—Shirt, Underwear, Midweight, Army, Black, LR
8415–01–476–6224—Shirt, Underwear, Midweight, Army, Black, MR
8415–01–476–6227—Shirt, Underwear, Midweight, Army, Black, XLL
8415–01–476–6228—Shirt, Underwear, Midweight, Army, Black, SR
8415–01–476–6237—Shirt, Underwear, Midweight, Army, Black, LR
8415–01–476–6241—Overalls, Bib, Stretch, SPEAR, Army, Unisex, Black, LL
8415–01–476–6260—Overalls, Bib, Stretch, SPEAR, Army, Unisex, Black, LR
8415–01–476–6261—Overalls, Bib, Stretch, SPEAR, Army, Unisex, Black, MR
8415–01–476–6263—Overalls, Bib, Stretch, SPEAR, Army, Unisex, Black, SR
8415–01–476–6264—Overalls, Bib, Stretch, SPEAR, Army, Unisex, Black, XLL
8415–01–476–6265—Overalls, Bib, Stretch, SPEAR, Army, Unisex, Black, LLR
8415–01–F01–0215—Shirt, Underwear, Midweight, SPEAR, Army, Green
Authorized Source of Supply: Peckham Vocational Industries, Inc., Lansing, MI
Contracting Activity: DEPT OF THE ARMY, W6QK ACC–APG NATICK
NSN(s)—Product Name(s):
8415–01–490–1900—Shirt, Chemical Protective Undergarment, Collarless, CPU, Navy, Long Sleeved, Black, 30
8415–01–490–1901—Shirt, Chemical Protective Undergarment, Collarless, CPU, Navy, Long Sleeved, Black, 32
8415–01–490–1902—Shirt, Chemical Protective Undergarment, Collarless, CPU, Navy, Long Sleeved, Black, 34
8415–01–490–1903—Shirt, Chemical Protective Undergarment, Collarless, CPU, Navy, Long Sleeved, Black, 36
8415–01–490–1904—Shirt, Chemical Protective Undergarment, Collarless, CPU, Navy, Long Sleeved, Black, 38
8415–01–490–1908—Shirt, Chemical Protective Undergarment, Collarless, CPU, Navy, Long Sleeved, Black, 40
8415–01–490–1910—Shirt, Chemical Protective Undergarment, Collarless, CPU, Navy, Long Sleeved, Black, 42
8415–01–490–1911—Shirt, Chemical Protective Undergarment, Collarless, CPU, Navy, Long Sleeved, Black, 44
8415–01–490–1913—Shirt, Chemical Protective Undergarment, Collarless, CPU, Navy, Long Sleeved, Black, 46
8415–01–490–1914—Shirt, Chemical Protective Undergarment, Collarless, CPU, Navy, Long Sleeved, Black, 28
8415–01–490–1915—Shirt, Chemical Protective Undergarment, Collarless, CPU, Navy, Long Sleeved, Black, 50
8415–01–490–1917—Shirt, Chemical Protective Undergarment, Collarless, CPU, Navy, Long Sleeved, Black, 52
Authorized Source of Supply: Peckham Vocational Industries, Inc., Lansing, MI
Contracting Activity: DEFENSE LOGISTICS AGENCY, DLA TROOP SUPPORT
NSN(s)—Product Name(s):
2530–00–277–2689—Steering Wheel
Authorized Source of Supply: Opportunities, Inc. of Jefferson County, Fort Atkinson, WI
Contracting Activity: DEFENSE LOGISTICS AGENCY, DLA LAND AND MARITIME
NSN(s)—Product Name(s):
2510–01–210–2748—Door Assembly, Heater/Defroster, HMMWV series M998
Authorized Source of Supply: Opportunities, Inc. of Jefferson County, Fort Atkinson, WI
Contracting Activity: DEFENSE LOGISTICS AGENCY, DLA LAND AND MARITIME
NSN(s)—Product Name(s):
2590–01–265–3185—Parking (Rear Left)
Authorized Source of Supply: Opportunities, Inc. of Jefferson County, Fort Atkinson, WI
Contracting Activity: DEFENSE LOGISTICS AGENCY, DLA LAND AND MARITIME
NSN(s)—Product Name(s):
8415–00–NSH–0925—Shirt, Underwear, No Lycra, MPS, Navy, Men's, Black, X Small Short
8415–00–NSH–0926—Shirt, Underwear, No Lycra, MPS, Navy, Men's, Black, X Small Regular
8415–00–NSH–0927—Shirt, Underwear, No Lycra, MPS, Navy, Men's, Black, X Small Long
8415–00–NSH–0928—Shirt, Underwear, No Lycra, MPS, Navy, Men's, Black, Small Short
8415–00–NSH–0929—Shirt, Underwear, No Lycra, MPS, Navy, Men's, Black, Small Regular
8415–00–NSH–0930—Shirt, Underwear, No Lycra, MPS, Navy, Men's, Black, Small Long
8415–00–NSH–0931—Shirt, Underwear, No Lycra, MPS, Navy, Men's, Black, Medium Short
8415–00–NSH–0932—Shirt, Underwear, No Lycra, MPS, Navy, Men's, Black, Medium Regular
8415–00–NSH–0933—Shirt, Underwear, No Lycra, MPS, Navy, Men's, Black, Medium Long
8415–00–NSH–0934—Shirt, Underwear, No Lycra, MPS, Navy, Men's, Black, Large Short
8415–00–NSH–0935—Shirt, Underwear, No Lycra, MPS, Navy, Men's, Black, Large Regular
8415–00–NSH–0936—Shirt, Underwear, No Lycra, MPS, Navy, Men's, Black, Large Long
8415–00–NSH–0937—Shirt, Underwear, No Lycra, MPS, Navy, Men's, Black, X Large Short
8415–00–NSH–0938—Shirt, Underwear, No Lycra, MPS, Navy, Men's, Black, X Large Regular

8415–00–NSH–0939—Shirt, Underwear, No Lycra, MPS, Navy, Men's, Black, X Large Long
8415–00–NSH–0940—Shirt, Underwear, No Lycra, MPS, Navy, Women's, Black, X Small Short
8415–00–NSH–0941—Shirt, Underwear, No Lycra, MPS, Navy, Women's, Black, X Small Regular
8415–00–NSH–0942—Shirt, Underwear, No Lycra, MPS, Navy, Women's, Black, X Small Long
8415–00–NSH–0943—Shirt, Underwear, No Lycra, MPS, Navy, Women's, Black, Small Short
8415–00–NSH–0944—Shirt, Underwear, No Lycra, MPS, Navy, Women's, Black, Small Regular
8415–00–NSH–0945—Shirt, Underwear, No Lycra, MPS, Navy, Women's, Black, Small Long
8415–00–NSH–0946—Shirt, Underwear, No Lycra, MPS, Navy, Women's, Black, Medium Short
8415–00–NSH–0947—Shirt, Underwear, No Lycra, MPS, Navy, Women's, Black, Medium Regular
8415–00–NSH–0948—Shirt, Underwear, No Lycra, MPS, Navy, Women's, Black, Medium Long
8415–00–NSH–0949—Shirt, Underwear, No Lycra, MPS, Navy, Women's, Black, Large Short
8415–00–NSH–0950—Shirt, Underwear, No Lycra, MPS, Navy, Women's, Black, Large Regular
8415–00–NSH–0951—Shirt, Underwear, No Lycra, MPS, Navy, Women's, Black, Large Long
8415–00–NSH–0952—Shirt, Underwear, No Lycra, MPS, Navy, Women's, Black, X Large Short
8415–00–NSH–0953—Shirt, Underwear, No Lycra, MPS, Navy, Women's, Black, X Large Regular
8415–00–NSH–0954—Shirt, Underwear, No Lycra, MPS, Navy, Women's, Black, X Large Long
8415–00–NSH–0955—Drawers, Underwear Power Stretch, Fire Resistant, No Lycra, Navy, Men's, Black, X Small Short
8415–00–NSH–0956—Drawers, Underwear Power Stretch, Fire Resistant, No Lycra, Navy, Men's, Black, X Small Regular
8415–00–NSH–0957—Drawers, Underwear Power Stretch, Fire Resistant, No Lycra, Navy, Men's, Black, X Small Long
8415–00–NSH–0958—Drawers, Underwear Power Stretch, Fire Resistant, No Lycra, Navy, Men's, Black, Small Short
8415–00–NSH–0959—Drawers, Underwear Power Stretch, Fire Resistant, No Lycra, Navy, Men's, Black, Small Regular
8415–00–NSH–0960—Drawers, Underwear Power Stretch, Fire Resistant, No Lycra, Navy, Men's, Black, Small Long
8415–00–NSH–0961—Drawers, Underwear Power Stretch, Fire Resistant, No Lycra, Navy, Men's, Black, Medium Short
8415–00–NSH–0962—Drawers, Underwear Power Stretch, Fire Resistant, No Lycra, Navy, Men's, Black, Medium Regular
8415–00–NSH–0963—Drawers, Underwear Power Stretch, Fire Resistant, No Lycra, Navy, Men's, Black, Medium Long
8415–00–NSH–0964—Drawers, Underwear Power Stretch, Fire Resistant, No Lycra, Navy, Men's, Black, Large Short
8415–00–NSH–0965—Drawers, Underwear Power Stretch, Fire Resistant, No Lycra, Navy, Men's, Black, Large Regular
8415–00–NSH–0966—Drawers, Underwear Power Stretch, Fire Resistant, No Lycra, Navy, Men's, Black, Large Long
8415–00–NSH–0967—Drawers, Underwear Power Stretch, Fire Resistant, No Lycra, Navy, Men's, Black, X Large Short
8415–00–NSH–0968—Drawers, Underwear Power Stretch, Fire Resistant, No Lycra, Navy, Men's, Black, X Large Regular
8415–00–NSH–0969—Drawers, Underwear Power Stretch, Fire Resistant, No Lycra, Navy, Men's, Black, X Large Long
8415–00–NSH–0970—Drawers, Underwear Power Stretch, Fire Resistant, No Lycra, Navy, Women's, Black, X Small Short
8415–00–NSH–0971—Drawers, Underwear Power Stretch, Fire Resistant, No Lycra, Navy, Women's, Black, X Small Regular
8415–00–NSH–0972—Drawers, Underwear Power Stretch, Fire Resistant, No Lycra, Navy, Women's, Black, X Small Long
8415–00–NSH–0973—Drawers, Underwear Power Stretch, Fire Resistant, No Lycra, Navy, Women's, Black, Small Short
8415–00–NSH–0974—Drawers, Underwear Power Stretch, Fire Resistant, No Lycra, Navy, Women's, Black, Small Regular
8415–00–NSH–0975—Drawers, Underwear Power Stretch, Fire Resistant, No Lycra, Navy, Women's, Black, Small Long
8415–00–NSH–0976—Drawers, Underwear Power Stretch, Fire Resistant, No Lycra, Navy, Women's, Black, Medium Short
8415–00–NSH–0977—Drawers, Underwear Power Stretch, Fire Resistant, No Lycra, Navy, Women's, Black, Medium Regular
8415–00–NSH–0978—Drawers, Underwear Power Stretch, Fire Resistant, No Lycra, Navy, Women's, Black, Medium Long
8415–00–NSH–0979—Drawers, Underwear Power Stretch, Fire Resistant, No Lycra, Navy, Women's, Black, Large Short
8415–00–NSH–0980—Drawers, Underwear Power Stretch, Fire Resistant, No Lycra, Navy, Women's, Black, Large Regular
8415–00–NSH–0981—Drawers, Underwear Power Stretch, Fire Resistant, No Lycra, Navy, Women's, Black, Large Long
8415–00–NSH–0982—Drawers, Underwear Power Stretch, Fire Resistant, No Lycra, Navy, Women's, Black, X Large Short
8415–00–NSH–0983—Drawers, Underwear Power Stretch, Fire Resistant, No Lycra, Navy, Women's, Black, X Large Regular
8415–00–NSH–0984—Drawers, Underwear Power Stretch, Fire Resistant, No Lycra, Navy, Women's, Black, X Large Long
8415–00–NSH–1272—Xsmall/Long
8415–00–NSH–1273—Small/Short
8415–00–NSH–1274—Small/Long
8415–00–NSH–1275—Medium/Short
Authorized Source of Supply: Peckham Vocational Industries, Inc., Lansing, MI
Contracting Activity: DEPT OF THE ARMY, W6QK ACC–APG NATICK
Contracting Activity: DEPT OF THE NAVY, NAVAL AIR SYSTEMS COMMAND
NSN(s)—Product Name(s):
8415–01–503–0222—Shirt, Cold Weather 300 Weight, Synthetic Fleece, Marine Corps, Unisex, Coyote Brown, S
8415–01–503–0223—Shirt, Cold Weather 300 Weight, Synthetic Fleece, Marine Corps, Unisex, Coyote Brown, M
8415–01–503–0224—Shirt, Cold Weather 300 Weight, Synthetic Fleece, Marine Corps, Unisex, Coyote Brown, L
8415–01–503–0225—Shirt, Cold Weather 300 Weight, Synthetic Fleece, Marine Corps, Unisex, Coyote Brown, XL
Authorized Source of Supply: Peckham Vocational Industries, Inc., Lansing, MI
Contracting Activity: DEFENSE LOGISTICS AGENCY, DLA TROOP SUPPORT

Service(s)

Service Type: Janitorial/Custodial
Mandatory for: U.S. Army Reserve Center: Mifflin County, Lewistown, PA
Contracting Activity: DEPT OF THE ARMY, W6QM MICC CTR–FT DIX (RC)
Service Type: Custodial Service
Mandatory for: US Navy, NAVFAC Southwest, Navy Operational Support Center, Salt Lake City, UT
Contracting Activity: DEPT OF THE NAVY, NAVFAC SOUTHWEST
Service Type: Document Management
Mandatory for: USDA Forest Service, Region 6, Edith Green-Wendell Wyatt Federal Building, Portland, OR
Contracting Activity: DEPT OF AGRICULTURE, FOREST SERVICE, NORTHWEST OREGON CONTRACTING AREA
Service Type: Switchboard Operation
Mandatory for: Department of Veterans Affairs, VA Medical Center, San Francisco, CA
Contracting Activity: DEPT OF VETERANS AFFAIRS, 261–NETWORK CONTRACT OFC21 (00261)
Service Type: Grounds Maintenance
Mandatory for: US Army, Pueblo Chemical Depot, Installation Acreage, Pueblo, CO
Contracting Activity: DEPT OF THE ARMY, W6QK ACC–RI
Service Type: Food Service Attendant
Mandatory for: US Air Force, 103 AW/MSC, 103rd Captain Joseph Wadsworth Airlift Dining Hall, East Granby, CT
Contracting Activity: DEPT OF THE ARMY, W7MZ USPFO ACTIVITY CT ARNG
Service Type: Custodial and Related Services
Mandatory for: GSA PBS Region 5, Senator Paul Simon Federal Building, Carbondale, IL
Contracting Activity: GENERAL SERVICES ADMINISTRATION, PUBLIC BUILDINGS SERVICE, PBS R5
Service Type: Custodial and Grounds Maintenance
Mandatory for: Multiple Locations St. Thomas and St. Johns, Virgin Islands
Contracting Activity: DEPT OF THE NTERIOR, NATIONAL PARK SERVICE, SER REGIONAL CONTRACTING OPO
Service Type: Janitorial Service
Mandatory for: US Coast Guard, Air Station Atlantic City, William J. Hughes Federal Aviation Administration Technical Center, Atlantic City International Airport, Egg Harbor Township, NJ
Contracting Activity: DEPT OF HOMELAND SECURITY, U.S. COAST GUARD, BASE PORTSMOUTH
Service Type: Food Service Attendant

Mandatory for: US Air Force, 103AW/MSC, 103rd Air Control Squadron Dining Hall, Orange, CT
Contracting Activity: DEPT OF THE ARMY, W7MZ USPFO ACTIVITY CT ARNG
Service Type: Sourcing, Cutting, Kitting and Fulfillment Service
Mandatory for: Federal Prison Industries, Washington, DC—Pre-Cut Kit, Groin Protector, Flame Retardant
Contracting Activity: FEDERAL PRISON SYSTEM/BUREAU OF PRISONS, CO BUSINESS OFFICE
Service Type: Dining Facility Attendant
Mandatory for: US Army, Mission and Installation Contracting Command, Fort Riley, KS
Contracting Activity: DEPT OF THE ARMY, W6QM MICC–FT RILEY

Michael R. Jurkowski,

Director, Business Operations.

[FR Doc. 2025–20426 Filed 11–19–25; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Performance Review Board Members

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Notice.

SUMMARY: Appointment of individuals to serve as members of the Performance Review Board.

DATES: *Applicable Date:* These appointments are effective on November 17, 2025.

FOR FURTHER INFORMATION CONTACT: Kelvin R. Wood, Chief of Staff, U.S. AbilityOne Commission; *kwood@abilityone.gov;* 202–809–3967.

SUPPLEMENTARY INFORMATION: The Chairperson of the Committee for Purchase From People Who Are Blind or Severely Disabled, operating as the U.S. AbilityOne Commission, has appointed the following individuals to serve on the Commission's Performance Review Board (PRB):

Chairperson of the PRB: Jennifer Sheehy
Member—Christina Brandt
Member—Matt Beebe
Member—Virna Winters

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

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Authority: This notice is published in the **Federal Register** pursuant to the requirement of 5 U.S.C. 4314(c)(4).

Michael R. Jurkowski,

Director, Business Operations.

[FR Doc. 2025–20430 Filed 11–19–25; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Change

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Change to the Procurement List.

SUMMARY: This action changes service additions to the Procurement List that are furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: Comments must be received on or before: December 20, 2025.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 355 E Street SW, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Michael R. Jurkowski, Telephone: (703) 489–1322, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Changes

If the Committee approves the change to the Procurement List, the entities of the Federal Government identified in this notice will be required to procure the service(s) listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on any small entities. The major factors considered for this certification were:

1. The action did not result in any additional reporting, recordkeeping, or other compliance requirements for small entities other than the nonprofit agencies furnishing the services to the Government.

2. The action did result in authorizing nonprofit agencies to furnish the products to the Government.

3. There were no known regulatory alternatives which would have accomplished the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the products added to the Procurement List.

End of Certification

The following is the intended change to the service currently on the Procurement List:

Service(s)

Service Type: Contact Center Service
Mandatory for: GSA PBS Region 3, Defense Manpower Data Center (CONUS), Fort Knox, KY

The Committee for Purchase From People Who Are Blind or Severely Disabled (Committee), is announcing that Chimes District of Columbia, Washington, DC and InspiriTec, Inc., Philadelphia, PA were recommended to the Committee to serve as mandatory sources for the GSA PBS Region 3, Defense Manpower Data Center (CONUS), Fort Knox, KY.

This is the Phase I competitive distribution Opportunity Notice to provide the Defense Manpower Data Center (DMDC) with operation and continuous enhancement of a multi-channel contact center for the DMDC and its associated programs. The Contractor shall provide customer service operations, including Tier 1 and Tier 2 support, and shall provide scalable, secure, and high-quality service delivery that meets the Government's mission needs.

The Contractor shall provide all personnel, operational oversight, and program management necessary to support contact center functions, ensuring compliance with all applicable policies, regulations, and performance standards. The Contractor shall also be responsible for adapting to changing requirements, including potential legislative and policy changes, and supporting new and evolving customer service needs throughout the period of performance. Critically, the Contractor will operate within DMDC's modernized, cloud-native contact center solution on AWS, leveraging AI-powered tools and expanded communication channels to achieve efficiencies and enhanced customer experience following the transition by Q4 FY25. The Contractor will collaborate with DMDC during the transition to ensure a seamless cutover and minimal disruption to customer service.

If the Commission determines that a competitive distribution is appropriate in

accordance with 41 CFR 51–3.4, Phase II will proceed once two or more recommended sources have been authorized by the Commission.

Michael R. Jurkowski,

Director, Business Operations.

[FR Doc. 2025–20429 Filed 11–19–25; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24–75]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Urooj Zahra at (703) 695–6233, *urooj.zahra.civ@mail.mil,* or *dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.*

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 24–75, Policy Justification, and Sensitivity of Technology.

Dated: November 18, 2025.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001–FR–P

DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 24-75, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of Norway for defense articles and services estimated to cost $580 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

Michael F. Miller
Acting Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 6001–FR–C

Transmittal No. 24–75

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Norway

(ii) *Total Estimated Value:*

Major Defense Equipment * ..	$510 million
Other	$ 70 million
TOTAL	$580 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Sixteen (16) M142 High Mobility Artillery Rocket Systems (HIMARS)

Fifteen (15) M30A2 Guided Multiple Launch Rocket System (GMLRS) Alternative Warhead (AW) pods with Insensitive Munitions Propulsion System (IMPS)

Fifteen (15) M31A2 GMLRS Unitary (GMLRS–U) high explosive pods with IMPS

One hundred (100) M57 Army Tactical Missile System (ATACMS) pods

Non-Major Defense Equipment:

The following non-MDE items will also be included: Low Cost Reduced Range Practice Rocket (LCRRPR) pods; interactive electronic technical manuals; integration support services; spare parts; tool kits; test equipment; contractor logistics support; training; training equipment; technical assistance; technical publications; transportation; and other related elements of logistics and program support.

(iv) *Military Department:* Army (NO–B–VSA)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(i) *Date Report Delivered to Congress:* August 9, 2024

* as defined in Section 47(6) of the Arms Export Control Act.

Policy Justification

Norway—M142 High Mobility Artillery Rocket Systems

The Government of Norway has requested to buy sixteen (16) M142 High Mobility Artillery Rocket Systems (HIMARS); fifteen (15) M30A2 Guided Multiple Launch Rocket System (GMLRS) Alternative Warhead (AW) pods with Insensitive Munitions Propulsion System (IMPS); fifteen (15) M31A2 GMLRS Unitary (GMLRS–U) high explosive pods with IMPS; and one hundred (100) M57 Army Tactical Missile System (ATACMS) pods. Also included are Low Cost Reduced Range Practice Rocket (LCRRPR) pods; interactive electronic technical manuals; integration support services; spare parts; tool kits; test equipment; contractor logistics support; training; training equipment; technical assistance; technical publications; transportation; and other related elements of logistics and program support. The estimated total program cost is $580 million.

This proposed sale will support the foreign policy goals and national security objectives of the United States by improving the security of a NATO Ally that is an important force for political stability and economic progress in Europe.

The proposed sale will improve Norway's capability to meet current and future threats and enhance its interoperability with U.S. and other allied forces. It will also enhance Norway's artillery and mid-range fire capability. Norway will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be Lockheed Martin, located in Grand Prairie, TX. The purchaser typically requests offsets. Any offset agreement will be defined in negotiations between the purchaser and the contractor.

Implementation of this proposed sale will require up to eight (8) U.S. Government and up to five (5) contractor representatives to travel to Norway for program management reviews to support the program. Travel is expected to occur approximately twice per year as needed to support equipment fielding and training.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 24–75

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The M142 High Mobility Artillery Rocket System (HIMARS) is a C–130 transportable wheeled launcher mounted on a 5 ton Family of Medium Tactical Vehicles truck chassis. HIMARS is the modern Army-fielded version of the Multiple Launch Rocket System (MLRS) M270 launcher and can fire all of the MLRS Family of Munitions (FOM), including the Guided Multiple Launch Rocket System (GMLRS) and Army Tactical Missile System (ATACMS). Utilizing the MLRS FOM, the HIMARS can engage targets between 15 and 300 kilometers with GPS-aided precision accuracy.

2. The GMLRS M31A2 Unitary is the Army's primary munition for units fielding the M142 HIMARS and M270Al Multiple Launcher Rocket System (MLRS) launchers. The M31 Unitary is a solid propellant artillery rocket that uses Global Positioning System/Precise Positioning Service (GPS/PPS)-aided inertial guidance provided by Selective Availability Anti-Spoofing Module (SAASM) or M-Code. It accurately and quickly delivers a single high-explosive blast fragmentation warhead to targets at ranges from 15–70 kilometers. The rockets are fired from a launch pod container that also serves as the storage and transportation container for the rockets. Each rocket pod holds six (6) total rockets.

3. The M30A2 GMLRS Alternative Warhead shares a greater than 90% commonality with the M31A1 Unitary. The primary difference between the GMLRS–U and GMLRS–AW is the replacement of the GMLRS–U's high explosive warhead with a 200-pound fragmentation warhead of pre-formed tungsten penetrators which is optimized for effectiveness against large area and imprecisely located targets. The munitions otherwise share a common motor, GPS/PPS-aided inertial guidance provided by Selective Availability Anti-Spoofing Module (SAASM) or M-Code, control system, fusing mechanism, multi-option height of burst capability, and effective range between 15 and 70 kilometers.

4. The M57 Army Tactical Missile System (ATACMS) is a conventional, semi-ballistic missile that utilizes a 500-pound high explosive warhead. It has an effective range of between 70 and 300 kilometers and has increased lethality and accuracy over previous versions of the ATACMS due to a GPS/PPS aided navigation system provided by Selective Availability Anti-Spoofing Module (SAASM) or M-Code.

5. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

6. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

7. A determination has been made that Norway can provide substantially the same degree of protection for the

sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

8. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Norway.

[FR Doc. 2025–20422 Filed 11–19–25; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24–76]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Urooj Zahra at (703) 695–6233, *urooj.zahra.civ@mail.mil,* or *dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.*

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 24–76, Policy Justification.

Dated: November 18, 2025.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001–FR–P

DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

August 19, 2024

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 24-76, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of the Netherlands for defense articles and services estimated to cost $305 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

Michael F. Miller
Acting Director

Enclosures:
1. Transmittal
2. Policy Justification

BILLING CODE 6001–FR–C

Transmittal No. 24–76

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of the Netherlands

(ii) *Total Estimated Value:*

Major Defense Equipment * ..	$ 0
Other	$305 million
TOTAL	$305 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:* The Government of the Netherlands has requested to buy training in support of its CH–47 and AH–64 helicopter fleet.

Major Defense Equipment (MDE): None

Non-Major Defense Equipment: The following non-MDE items will also be included: training ammunition; Army Supply Class Items I–VI and VIII–X; information technology (IT) equipment; ground components; parts and accessories; Installation Management Command (IMCOM)-related service support; U.S. Government and contractor personnel assistance; miscellaneous service contract support; and other related elements of logistics and program support.

(iv) *Military Department:* Army (NE–B–YCA, NE–B–YCB, NE–B–YCC)

(v) *Prior Related Cases, if any:* NE–B–WJN, NE–B–WJO, and NE–B–WJP

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* None

(viii) *Date Report Delivered to Congress:* August 19, 2024

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Netherlands—CH–47 and AH–64 Helicopter Training

The Government of the Netherlands has requested to buy training in support of its CH–47 and AH–64 helicopter fleet. Included is training ammunition; Army Supply Class I–VI and VIII–X items; information technology (IT) equipment; ground components; parts and accessories; Installation Management Command (IMCOM)-related service support; U.S. Government and contractor personnel assistance; miscellaneous service contract support; and other related elements of logistics and program support. The estimated total cost is $305 million.

This proposed sale will support the foreign policy goals and national security objectives of the United States by improving the security of a NATO Ally that is a force for political stability and economic progress in Europe.

The proposed sale will improve the Netherlands' capability for continued CH–47 and AH–64 helicopter training activities at Fort Cavazos, Texas. Fort Cavazos hosts personnel and equipment from the Royal Netherlands Air Force 302 Squadron. This training includes the AMERICAN FALCON exercise, which serves as a certifying event for Dutch military units and personnel to deploy abroad, who often support U.S.-led coalition operations.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

A principal contractor is not associated with this proposed sale. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to the Netherlands.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 2025–20423 Filed 11–19–25; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Notice of Intent To Grant a Partially Exclusive License; Spyris Federal Inc.

AGENCY: National Security Agency (NSA), Department of Defense (DoD).

ACTION: Notice of intent.

SUMMARY: The NSA hereby gives notice of its intent to grant Spyris Federal Inc. a revocable, non-assignable, partially exclusive license to practice the following Government-owned invention described and claimed in United States Patent Number (USPN), US10042928B1, System and Method for Automated Reasoning with and Searching of Documents.

DATES: Anyone wishing to object to the grant of this license has until December 5, 2025 by filing written objections, including evidence and arguments demonstrating that the grant of the license would be inconsistent with the requirements of 35 United States Code (U.S.C.) section 209 and 37 Code of Federal Regulations (CFR) section 404.7.

ADDRESSES: Written objections are to be filed with the National Security Agency Office of Research and Technology Applications, 9800 Savage Road, Suite 6843, Fort George G. Meade, MD 20755–6843.

FOR FURTHER INFORMATION CONTACT: Karen D. Presley, Director, Office of Research and Technology Applications, 9800 Savage Road, Suite 6843, Fort George G. Meade, MD 20755–6843, telephone (443) 634–3519.

SUPPLEMENTARY INFORMATION: The prospective partially exclusive license will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The patent rights in these inventions have been assigned to the United States Government as represented by the NSA.

Dated: November 18, 2025.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2025–20443 Filed 11–19–25; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24–77]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Urooj Zahra at (703) 695–6233, *urooj.zahra.civ@mail.mil,* or *dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil*.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 24–77, Policy Justification, and Sensitivity of Technology.

Dated: November 18, 2025.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001–FR–P

DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 24-77, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of Denmark for defense articles and services estimated to cost $85 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

Michael F. Miller
Acting Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 6001–FR–C

Transmittal No. 24–77

Notice of Proposed Issuance of Letter of Offer

Pursuant to Section 36(b)(1)

of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Denmark

(ii) *Total Estimated Value:*

Major Defense Equipment * ..	$65 million
Other	$20 million
TOTAL	$85 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE): Five thousand eight hundred thirty-two (5,832) M1156 Precision Guidance Kits (PGK)

Non-Major Defense Equipment: The following non-MDE items will also be included: ancillary items; compatibility testing; firing tables; technical assistance; technical data; new equipment training; and other related elements of logistics and program support.

(iv) *Military Department:* Army (DE–B–VMG)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* August 15, 2024

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Denmark—Precision Guidance Kits

The Government of Denmark has requested to buy five thousand eight hundred thirty-two (5,832) M1156 Precision Guidance Kits (PGK). Also included are ancillary items; compatibility testing; firing tables; technical assistance; technical data; new equipment training; and other related elements of logistics and program support. The estimated total cost is $85 million.

This proposed sale will support the foreign policy goals and national security objectives of the United States by improving the security of a NATO Ally that is a force for political stability and economic progress in Europe.

The proposed sale will improve Denmark's capability to meet current and future threats by providing precision capability equipment and will increase first strike accuracy in its brigades. Denmark will have no difficulty absorbing these articles and services into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be Northrop Grumman, located in Minneapolis, MN. The purchaser typically requests offsets. Any offset agreement will be defined in

negotiations between the purchaser and the contractor.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Denmark.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 24–77

Notice of Proposed Issuance of Letter of Offer

Pursuant to Section 36(b)(1)

of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The M1156A1 Precision Guidance Kit (PGK) is a cannon artillery fuze which uses the Global Positioning System (GPS) to increase the delivery accuracy of standard 155mm high explosive ammunition. The NA37 M1156A1 includes M-code capability. It is also a Height of Burst (HOB) fuze, which uses a proximity sensor to cause the round to burst in the air over the enemy, increasing lethality against the target.

2. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in development of a system with similar or advanced capabilities.

4. A determination has been made that Denmark can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in the furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

5. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Denmark.

[FR Doc. 2025–20424 Filed 11–19–25; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24–72]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Urooj Zahra at (703) 695–6233, *urooj.zahra.civ@mail.mil,* or *dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil*.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 24–72, Policy Justification, and Sensitivity of Technology.

Dated: November 14, 2025.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001–FR–P

DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

September 20, 2024

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 24-72, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of Bulgaria for defense articles and services estimated to cost $114 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

Michael F. Miller
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 6001–FR–C

Transmittal No. 24–72

Notice of Proposed Issuance of Letter of Offer

Pursuant to Section 36(b)(1)

of the Arms Export Control Act, as Amended

(i) *Prospective Purchaser:* Government of Bulgaria

(ii) *Total Estimated Value:*

Major Defense Equipment * ..	$ 79 million
Other	$ 35 million
TOTAL	$114 million

Funding Source: National Funds

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Two hundred eighteen (218) Javelin FGM–148F missiles (includes four (4) fly-to-buy missiles)

One hundred seven (107) Javelin Lightweight Command Launch Units (LWCLU)

Non-Major Defense Equipment: The following non-MDE items will also be included: Javelin LWCLU Basic Skills Trainers (BST); Javelin Outdoor Trainers (JOT); Battery Coolant Units (BCUs); System Integration and Check Out (SICO); lifecycle support; Javelin Restricted Interactive Electronic Technical Manual (IETM); Javelin operator manuals; tools; Javelin gunner training; Ammunition Technical Officer (ATO) training; Javelin maintenance training; technical assistance; other associated equipment and services; and other related elements of logistics and program support.

(iv) *Military Department:* Army (BU–B–UCQ)

(v) *Prior Related Cases, if any:* BU–B–UCP, BU–B–UCS

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* September 20, 2024

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Bulgaria—FGM–148F Javelin Missiles

The Government of Bulgaria has requested to buy two hundred eighteen (218) Javelin FGM–148F missiles (includes four (4) fly-to-buy missiles) and one hundred seven (107) Javelin Lightweight Command Launch Units (LWCLU). Also included are Javelin LWCLU Basic Skills Trainers (BST); Javelin Outdoor Trainers (JOT); Battery Coolant Units (BCUs); System Integration and Check Out (SICO); lifecycle support; Javelin Restricted

Interactive Electronic Technical Manual (IETM); Javelin operator manuals; tools; Javelin gunner training; Ammunition Technical Officer (ATO) training; Javelin maintenance training; technical assistance; other associated equipment and services; and other related elements of logistics and program support. The estimated total cost is $114 million.

This proposed sale will support the foreign policy and national security objectives of the United States by helping to improve the security of a NATO Ally that is an important force for political and economic stability in Europe.

The proposed sale will improve Bulgaria's long-term defense capacity to defend its sovereignty and territorial integrity and to meet its national defense requirements. Bulgaria will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractors will be the Javelin Joint Venture between Lockheed Martin, located in Orlando, FL, and RTX Corporation, located in Tucson, AZ. There are no known offset agreements in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of U.S. Government or contractor representatives to Bulgaria.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 24–72

Notice of Proposed Issuance of Letter of Offer

Pursuant to Section 36(b)(1)

of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The Javelin Weapon System is a medium-range, man portable, shoulder-launched, fire and forget anti-tank system for infantry, scouts, and combat engineers. It may also be mounted on a variety of platforms including vehicles, aircraft, and watercraft. The system weighs 49.5 pounds and has a maximum range in excess of 2,500 meters. The system is highly lethal against tanks and other systems with conventional and reactive armors. The system possesses a secondary capability against bunkers.

2. Javelin's key technical feature is the use of fire-and-forget technology which allows the gunner to fire and immediately relocate or take cover. Additional special features are the top attack and direct fire modes, an advanced tandem warhead and imaging infrared seeker, target lock-on before launch, and the capability for soft launch from enclosures or covered fighting positions. The Javelin missile also has a minimum smoke motor that decreases its visibility and chance of detection on the battlefield.

3. The Javelin Weapon System is comprised of two major tactical components, the reusable Light Weight Command Launch Unit (LWCLU) and a missile contained in a disposable launch tube assembly. The LWCLU incorporates an integrated day-night sight that provides target engagement capability in adverse weather and countermeasure environments. The LWCLU may also be used in a stand-alone mode for battlefield surveillance and target detection. The LWCLU's thermal sight is a 3rd generation Forward Looking Infrared (FLIR) sensor. To facilitate initial loading and subsequent updating of software, all on-board missile software is uploaded via the LWCLU after mating and prior to launch.

4. The missile is autonomously guided to the target using an imaging infrared seeker and adaptive correlation tracking algorithms. This allows the gunner to take cover or reload and engage another target after firing a missile. The missile has an advanced tandem warhead and can be used in either the top attack or direct fire modes (for targets under cover). An onboard flight computer guides the missile to the selected target.

5. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

6. If a technologically advanced adversary obtains knowledge of the specific hardware and software elements, the information could be used to develop countermeasures or equivalent systems that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

7. A determination has been made that Bulgaria can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This proposed sale is necessary to further the U.S. foreign policy and national security objectives outlined in the Policy Justification.

8. All defense articles and services listed on this transmittal are authorized for release and export to the Government of Bulgaria.

[FR Doc. 2025–20420 Filed 11–19–25; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24–73]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Urooj Zahra at (703) 695–6523, *urooj.zahra.civ@mail.mil,* or *dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.*

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 24–73 and Policy Justification.

Dated: November 18, 2025.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001–FR–P

DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

September 12, 2024

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 24-73, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of Israel for defense articles and services estimated to cost $164.6 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

Michael F. Miller
Director

Enclosures:
1. Transmittal
2. Policy Justification

BILLING CODE 6001–FR–C

Transmittal No. 24–73

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Israel

(ii) *Total Estimated Value:*

Major Defense Equipment *	$ 0
Other	$164.6 million
TOTAL	$164.6 million

Funding Source: Foreign Military Financing

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:* Foreign Military Sales (FMS) case IS–B–ZJY was below congressional notification threshold at $40.1 million and included Heavy Duty Tank Trailers (HDTTs); tool kits; spare parts; publications; associated technical documentation; and other related elements of logistics and program support. The Government of Israel has requested that the case be amended to include additional HDTTs. This amendment will cause the case to exceed the notification threshold, and thus notification of the entire program is required.

The above notification requirements are combined as follows:

Major Defense Equipment (MDE):

None

Non-Major Defense Equipment: The following non-MDE items will be included: Heavy Duty Tank Trailers (HDTT); spare and repair parts; tool kits; driver tools; corrosion protection; publications and technical documentation; U.S. Government support; technical, and logistics support services; storage; and other related elements of logistics and program support.

(iv) *Military Department:* Army (IS–B–ZJY)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* None

(viii) *Date Report Delivered to Congress:* September 12, 2024

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Israel—Heavy Duty Tank Trailers

The Government of Israel has requested to buy additional Heavy Duty Tank Trailers (HDTT) that will be added to a previously implemented case whose value was under the congressional notification threshold. The original FMS case, valued at $40.1 million ($0 in MDE), included HDTTs; spare and repair parts; tool kits; driver tools; corrosion protection; publications and technical documentation; U.S. Government support; technical and logistics support services; storage; and other related elements of logistics and program support. This notification is for the items in the original case and the additional HDTTs. The estimated total cost is $164.6 million.

The United States is committed to the security of Israel, and it is vital to U.S. national interests to assist Israel to develop and maintain a strong and ready self-defense capability. This proposed sale is consistent with those objectives.

The proposed sale will improve Israel's capability to meet current and future threats in the defense of its borders. Israel will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be Leonardo DRS, located in Arlington, VA. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Israel.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 2025–20421 Filed 11–19–25; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Notice of In-Person Meeting of the Federal Advisory Committee Known as the Western Water Cooperative Committee

AGENCY: Corps of Engineers, Department of the Army, DoD.

ACTION: Notice.

SUMMARY: The Western Water Cooperative Committee, a Federal Advisory Committee, provides a forum for discussion between the U.S. Army Corps of Engineers (Corps) and Western States regarding the operation of Corps projects and water rights and water laws of Western States. The first in-person meeting of the Western Water Cooperative Committee will be on December 3 and 4, 2025. This meeting is open to the public.

DATES: The Western Water Cooperative Committee will conduct an in-person meeting from 8:00 a.m. CST to 5:00 p.m. CST on Wednesday December 3 and Thursday, December 4, 2025.

ADDRESSES: The Western Water Cooperative Committee will conduct an in-person meeting at the Radisson Hotel Bismarck at 605 E. Broadway Avenue, Bismarck, North Dakota. Comments or requests to speak at the meeting should be submitted in writing to the Designated Federal Officer (DFO) for the committee: Mr. Sean L. Smith, ATTN: CEEC, 441 G. St. NW, Washington, DC 20314–1000; or by email at *WWCC@usace.army.mil.* Alternatively, contact the Alternate Designated Federal Officer (ADFO): Ms. Virginia K. Rynk, ATTN: CEEC, 441 G. St. NW, Washington, DC 20314–1000; or by email at *WWCC@usace.army.mil.* Electronic mail is the preferred mode of submission.

FOR FURTHER INFORMATION CONTACT: The DFO for the committee: Mr. Sean L. Smith, by telephone at 202–761–0301; and by email at *WWCC@usace.army.mil;* or the ADFO, Ms. Virginia K. Rynk by telephone at 202–761–4741; and by email at *WWCC@usace.army.mil.* For additional information about the Committee, please visit the committee's website at *https://www.usace.army.mil/Missions/Civil-Works/Project-Planning/Legislative-Links/WRDA-2022/Western-Water-Cooperative-Committee/.*

SUPPLEMENTARY INFORMATION: The committee meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150.

Purpose of the Meeting: The committee is chartered to ensure that the Corps flood control projects in Western States, as described in section 8158(b) of the James M. Inhofe National Defense Authorization Act for FY2023 (Pub. L. 117–263), are operated consistent with congressional directives by identifying opportunities to avoid or minimize conflicts between the operation of Corps projects and water rights and water laws in such States.

Agenda: At this meeting, the agenda will include the introductions of the approved committee members to date, explanation of what a Federal Advisory Committee is, the committee charge, initial discussion of state-identified opportunities to avoid or minimize conflicts between Corps projects and state water rights and water laws, the meeting date and location for the next meeting, and the process for determining future agenda items.

Availability of Materials for the Meeting: A copy of the agenda or any updates to the agenda for the December 3 and 4, 2025, in-person meeting will be available on the website *https://www.usace.army.mil/Missions/Civil-Works/Project-Planning/Legislative-Links/WRDA-2022/Western-Water-Cooperative-Committee/.* All materials will be posted to the website after the meeting.

Public Accessibility to the Meeting: Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.140 through 102–3.165, this meeting is open to the public. Any interested person may attend the meeting, file written comments or statements with the committee, or make verbal comments during the public meeting, at the times, and in the manner, permitted by the committee, as set forth below.

Special Accommodations: Individuals requiring any special accommodations related to the public meeting or seeking additional information about the procedures, should contact Mr. Smith, the committee DFO, or Ms. Rynk, an ADFO, at the email addresses or telephone numbers listed in the **FOR FURTHER INFORMATION CONTACT** section, at least five (5) business days prior to the meeting so that appropriate arrangements can be made.

Written Comments or Statements: Pursuant to 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of the Federal Advisory Committee Act, the public or interested organizations may submit written comments or statements to the Committee about its mission and/or topics to be addressed in this public meeting. Written comments or statements should be submitted to Mr. Smith, the committee DFO, or Ms. Rynk, the committee ADFO, via electronic mail, the preferred mode of submission, at the addresses listed in the **FOR FURTHER INFORMATION CONTACT** section in the following formats: Adobe Acrobat or Microsoft Word. The comment or statement must include the author's name, title, affiliation, address, and daytime phone number. Written comments or statements being submitted in response to the agenda set forth in this notice must be received by the committee DFO or ADFO at least five (5) business days prior to the meeting so that they may be made available to the committee for its consideration prior to the meeting. Written comments or statements received after this date may not be provided to the committee until its next meeting. Please note that because the committee operates under the provisions of the Federal Advisory Committee Act, as amended, all written comments will be treated as public documents and will be made available for public inspection.

Verbal Comments: Members of the public will be permitted to make verbal comments during the in-person public meeting only at the time and in the manner allowed herein. If a member of the public is interested in making a verbal comment at the in-person meeting, that individual must submit a

request, with a brief statement of the subject matter to be addressed by the comment, at least five business (5) days in advance to the committee DFO or ADFO, via electronic mail, the preferred mode of submission, at the addresses listed in the **FOR FURTHER INFORMATION CONTACT** section. The committee DFO and ADFO will log each request to make a comment, in the order received, and determine whether the subject matter of each comment is relevant to the committee's mission and/or the topics to be addressed in this public meeting. A 30-minute period near the end of the meeting will be available for verbal public comments. Members of the public who have requested to make a verbal comment and whose comments have been deemed relevant under the process described above, will be allotted no more than three (3) minutes during this period, and will be invited to speak in the order in which their requests were received by the DFO and ADFO.

Thomas P. Smith,

Director, Engineering and Construction Directorate, Corps of Engineers.

[FR Doc. 2025–20358 Filed 11–19–25; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF DEFENSE

Department of the Navy

Meeting of the U.S. Naval Academy Board of Visitors

AGENCY: Department of the Navy, Department of Defense (DoD).

ACTION: Notice of partially closed meeting.

SUMMARY: The DoD is publishing this notice to announce that the following Federal Advisory Committee meeting of the U.S. Naval Academy Board of Visitors, hereafter ''Board,'' will take place.

DATES: Open to the public, December 1, 2025, from 09:00 a.m. to 11:00 a.m. Eastern Time Zone (ET). Closed to the public, December 1, 2025, from 11:00 a.m. to 12:00 p.m. ET.

ADDRESSES: This meeting will be held at the U.S. Naval Academy, Annapolis, MD. The meeting will be handicap accessible. Escort is required.

FOR FURTHER INFORMATION CONTACT: Major Shawn C. Wehrle, USMC, Executive Secretary to the Board of Visitors, Office of the Superintendent, U.S. Naval Academy, Annapolis, MD 21402–5000, 410–293–1503, *wehrle@usna.edu.*

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) (5 U.S.C. 1001–1014), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and the General Services Administration's Federal Advisory Committee Management Final Rule (41 CFR part 102–3).

Purpose of Meeting: The U.S. Naval Academy Board of Visitors will meet to make such inquiry, as the Board deems necessary, into the state of morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, and academic methods of the Naval Academy.

Agenda

Proposed meeting agenda for December 1, 2025.

9:00 a.m. Call to Order (Open to Public)

9:00–10:50 a.m. Opening Meeting (Open to Public)

10:50–11:00 a.m. Break (Open to Public)

11:00–12:00 a.m. Closed Meeting (Closed to Public)

The closed meeting from 11:00–12:00 p.m. ET will consist of discussions of new and pending administrative or minor disciplinary infractions and non-judicial punishments involving midshipmen attending the Naval Academy to include but not limited to, individual honor or conduct violations within the Brigade, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. For this reason, a portion of this meeting will be closed to the public, as the discussion of such information cannot be adequately segregated from other topics, which precludes opening the closed meeting to the public. The Principal Deputy General Counsel has determined in writing that the meeting shall be partially closed to the public because the discussions during the closed meeting from 11:00 a.m.–12:00 p.m. ET will be concerned with matters protected under sections 552b(c) (5), (6), and (7) of title 5, U.S.C.

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

Waiver of Notification Requirement: Due to circumstances beyond the control of the Designated Federal Officer and the Department of War, the United States Naval Academy Board of Visitors was unable to provide public notification required by 41 CFR 102–3.150(a) concerning its December 1, 2025 meeting. Accordingly, the Advisory Committee Management Officer for the Department of War, pursuant to 41 CFR 102–3.150(b), waives the 15-calendar day notification requirement.

Meeting Accessibility: Pursuant to FACA and 41 CFR 102–3.140, this meeting is open to the public. Please contact the Executive Secretary five business days prior the meeting at *Admin-Routing@usna.edu* to coordinate access to the meeting.

Written Statements: Pursuant to 5 U.S.C. 1009(a)(3), interested persons may submit a written statement for consideration at any time, but it should be received by the Designated Federal Officer at least five business days prior to the meeting date so that the comments may be made available to the Board for their consideration prior to the meeting. Written statements should be submitted via mail to 121 Blake Rd., Annapolis, MD 21402. Please note that since the Board operates under the provisions of the FACA, as amended, all submitted comments and public presentations may be treated as public documents and may be made available for public inspection, including, but not limited to, being posted on the board website.

Dated: November 17, 2025.

A.R. DeMaio,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2025–20381 Filed 11–19–25; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2025–SCC–0415]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Federal Family Education Loan Program Regulations

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing an extension without change of a currently approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before December 22, 2025.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be submitted within 30 days of publication of this notice. Click on this link *www.reginfo.gov/public/do/PRAMain* to access the site. Find this information collection request (ICR) by selecting ''Department of Education''

under ''Currently Under Review,'' then check the ''Only Show ICR for Public Comment'' checkbox. *Reginfo.gov* provides two links to view documents related to this information collection request. Information collection forms and instructions may be found by clicking on the ''View Information Collection (IC) List'' link. Supporting statements and other supporting documentation may be found by clicking on the ''View Supporting Statement and Other Documents'' link.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Carolyn Rose, (202) 453–5967.

SUPPLEMENTARY INFORMATION: The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Federal Family Education Loan Program Regulations.

OMB Control Number: 1845–0020.

Type of Review: Extension without change of a currently approved ICR.

Respondents/Affected Public: Private Sector; Individuals or Households; State, Local, or Tribal Governments.

Total Estimated Number of Annual Responses: 17,100,726.

Total Estimated Number of Annual Burden Hours: 8,265,122.

Abstract: The Department of Education (the Department) is requesting an extension without change for the Federal Family Education Loan (FFEL) Program regulations. There have been no changes to the regulatory language and we are requesting an extension of the most recent burden assessed.

Brian Fu,

Program and Management Analyst, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2025–20466 Filed 11–19–25; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2025–SCC–0582]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Accreditation Participation and Disclosures

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing an extension without change of a currently approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before December 22, 2025.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be submitted within 30 days of publication of this notice. Click on this link *www.reginfo.gov/public/do/PRAMain* to access the site. Find this information collection request (ICR) by selecting ''Department of Education'' under ''Currently Under Review,'' then check the ''Only Show ICR for Public Comment'' checkbox. *Reginfo.gov* provides two links to view documents related to this information collection request. Information collection forms and instructions may be found by clicking on the ''View Information Collection (IC) List'' link. Supporting statements and other supporting documentation may be found by clicking on the ''View Supporting Statement and Other Documents'' link.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Carolyn Rose, (202) 453–5967.

SUPPLEMENTARY INFORMATION: The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Accreditation Participation and Disclosures.

OMB Control Number: 1845–0156.

Type of Review: Extension without change of a currently approved ICR.

Respondents/Affected Public: Private Sector; State, Local, and Tribal Governments *Total Estimated Number of Annual Responses:* 17,116.

Total Estimated Number of Annual Burden Hours: 583,171.

Abstract: This is a request for an extension without change of a currently approved collection, 1845–0156 Accreditation Participation and Disclosures. These regulations are § 668.26—End of an institution's participations in the Title IV, HEA programs and § 668.43—Institutional and programmatic information. There have been no changes to the regulations or burden assessment.

Brian Fu,

Program and Management Analyst, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2025–20467 Filed 11–19–25; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2025–SCC–0416]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Student Assistance General Provisions—Non-Title IV Revenue Requirements (90/10)

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing an extension without change of a currently approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before December 22, 2025.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be submitted within 30 days of publication of this notice. Click on this link *www.reginfo.gov/public/do/PRAMain* to access the site. Find this information collection request (ICR) by selecting ''Department of Education'' under ''Currently Under Review,'' then check the ''Only Show ICR for Public Comment'' checkbox. *Reginfo.gov* provides two links to view documents related to this information collection

request. Information collection forms and instructions may be found by clicking on the ''View Information Collection (IC) List'' link. Supporting statements and other supporting documentation may be found by clicking on the ''View Supporting Statement and Other Documents'' link.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Carolyn Rose, (202) 453–5967.

SUPPLEMENTARY INFORMATION: The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Student Assistance General Provisions—Non-Title IV Revenue Requirements (90/10).

OMB Control Number: 1845–0020.

Type of Review: Extension without change of a currently approved ICR.

Respondents/Affected Public: Private Sector.

Total Estimated Number of Annual Responses: 1,683.

Total Estimated Number of Annual Burden Hours: 39,752.

Abstract: This is a request for an extension without change of the previously approved collection for requirements contained in 34 CFR 668.28 providing that a proprietary institution must derive at least 10% of its annual revenue from sources other than Federal funds.

Brian Fu,

Program and Management Analyst, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2025–20366 Filed 11–19–25; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Agency Information Collection Extension

AGENCY: U.S. Department of Energy.

ACTION: Notice of request for comments.

SUMMARY: The Department of Energy (DOE) invites public comment on a proposed collection of information that DOE is developing for submission to the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1995.

DATES: Comments regarding this proposed information collection must be received on or before December 22, 2025. If you anticipate that you will be submitting comments but find it difficult to do so within the period of time allowed by this notice, please advise the DOE Desk Officer at OMB of your intention to make a submission as soon as possible. The Desk Officer may be telephoned at (202) 395–4718.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Oluwatosin Fadarey, Attorney-Adviser (Labor), GC–63, U.S. Department of Energy,1000 Independence Avenue SW, Washington, DC 20585, (240) 751–3745 or *oluwatosin.fadarey@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: Comments are invited on: (a) Whether the extended collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

This information collection request contains:

(1) *OMB No.:* 1910–5143;

(2) *Information Collection Request Titled:* Labor Relations Report;

(3) *Type of Review:* Renewal;

(4) *Purpose:* The proposed collection will request information from the Department of Energy M&O and Facilities Management Contractors for contract administration, management oversight, and cost control. This information is used to ensure that Department contractors maintain good labor relations and retain a workforce in accordance with the terms of their contract and in compliance with statutory and regulatory requirements as identified by contract. The respondents are Department M&O and Facility Management Contractors;

(5) *Annual Estimated Number of Respondents:* 35;

(6) *Annual Estimated Number of Total Responses:* 35;

(7) *Annual Estimated Number of Burden Hours:* 64;

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* $3,160;

(Statutory Authority: 42 U.S.C. 7254, 7256.)

Signing Authority

This document of the Department of Energy was signed on October 1, 2025, by Jeffrey Novak, Acting General Counsel, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on November 18, 2025.

Jennifer Hartzell,

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

[FR Doc. 2025–20465 Filed 11–19–25; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2547–095]

Village of Swanton, Vermont; Notice of Reasonable Period of Time for Water Quality Certification Application

On November 10, 2025, the Village of Swanton, Vermont (Village) submitted to the Federal Energy Regulatory Commission (Commission) documentation from the Vermont Department of Environmental Conservation (Vermont DEC) that it received a request for a Clean Water Act section 401(a)(1) water quality certification as defined in 40 CFR 121.5, from the Village, in conjunction with the above captioned project on November 5, 2025. Pursuant to the

Commission's regulations,[1] we hereby notify Vermont DEC of the following dates.

Date of Receipt of the Certification Request: November 5, 2025.

Reasonable Period of Time to Act on the Certification Request: One year, November 5, 2026.

If Vermont DEC fails or refuses to act on the water quality certification request on or before the above date, then the certifying authority is deemed waived pursuant to section 401(a)(1) of the Clean Water Act, 33 U.S.C. 1341(a)(1).

Dated: November 17, 2025.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2025–20405 Filed 11–19–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1256–089]

Loup River Public Power District; Notice of Availability of Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission or FERC) regulations, 18 CFR part 380, Commission staff reviewed Loup River Public Power District's application for a non-capacity amendment of license for the Loup River Hydroelectric Project No. 1256 and have prepared an Environmental Assessment (EA) for the project.[1] The licensee proposes to amend Articles 404 and 405 and one of the terms and conditions of the U.S. Fish and Wildlife Service's (FWS) Biological Opinion (BO), referred to as RPM1–TC1a, to provide for flows in the power canal during low flow events as well as greater operating flexibility under Article 405. The Loup River Project is located on the Loup and Platte Rivers, in Nance and Platte counties, Nebraska. The project does not occupy federal lands.

The EA contains Commission staff's analysis of the potential environmental effects of the proposed non-capacity amendment (proposed action), alternatives to the proposed action, and concludes that the proposed action, with staff-recommended measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

The EA may be viewed on the Commission's website at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number (P–1256) in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at 1–866–208–3676, or for TTY, (202) 502–8659.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

All comments must be filed by December 17, 2025, by 5:00 p.m. Eastern Time.

The Commission strongly encourages electronic filing. Please file comments using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* For assistance, please contact FERC Online Support. In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–1256–089.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

For further information, contact Diana Shannon at 202–502–6136 or *diana.shannon@ferc.gov.*

Dated: November 17, 2025.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2025–20404 Filed 11–19–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP19–118–001]

Trans-Foreland Pipeline Company, LLC; Notice of Request for Extension of Time

Take notice that on November 12, 2025, Trans-Foreland Pipeline Company, LLC (Trans-Foreland) requested that the Commission grant an extension of time, until December 17, 2028, to construct and place into service its Kenai LNG Cool Down Project (Project) located in Nikiski, Kenai Peninsula Borough, Alaska as authorized in the Order Granting Authorization Under Section 3 of the Natural Gas Act (Order).[1] The Order required Trans-Foreland to complete construction of the Project and make it available for service within two years of the date of the Order, or by December 17, 2022. On August 16, 2022, the Commission granted Trans-Foreland an extension of time, until December 17, 2025, to complete construction of its Project and make it available for service.

Trans-Foreland asserts that natural gas demand is projected to exceed supply in southcentral Alaska beginning 2027. Trans-Foreland states that its new owner, Harvest Alaska, LLC, has continued commercial development of Trans-Foreland's liquefied natural gas terminal and its import capabilities. Subsequently, Trans-Foreland is in the process of amending the Project to address the forecasted natural gas needs of southcentral Alaska as detailed in Docket No. PF25–9–000.

This notice establishes a 15-calendar day intervention and comment period deadline. Any person wishing to comment on Trans-Foreland's request for an extension of time may do so. No reply comments or answers will be considered. If you wish to obtain legal status by becoming a party to the proceedings for this request, you should, on or before the comment date stated below, file a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (NGA) (18 CFR 157.10).

As a matter of practice, the Commission itself generally acts on requests for extensions of time to complete construction for NGA facilities when such requests are contested before order issuance. For those extension

[1] 18 CFR 4.34(b)(5)(iii).

[1] The unique identification number for documents relating to this environmental review is EAXX–019–20–000–1753110756.

[1] *Trans-Foreland Pipeline Company LLC,* 173 FERC ¶ 61,253 (2020).

requests that are contested,[2] the Commission will aim to issue an order acting on the request within 45 days.[3] The Commission will address all arguments relating to whether the applicant has demonstrated there is good cause to grant the extension.[4] The Commission will not consider arguments that re-litigate the issuance of the certificate order, including whether the Commission properly found the project to be in the public convenience and necessity and whether the Commission's environmental analysis for the certificate complied with the National Environmental Policy Act (NEPA).[5] At the time a pipeline requests an extension of time, orders on certificates of public convenience and necessity are final and the Commission will not re-litigate their issuance.[6] The Director of the Office of Energy Projects, or his or her designee, will act on all of those extension requests that are uncontested.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at (202) 502–6652 (toll free at 1–866–208–3676) or email at *ferconlinesupport@ferc.gov,* or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at *public.referenceroom@ferc.gov.*

The Commission strongly encourages electronic filings of comments in lieu of paper using the ''eFile'' link at *http://www.ferc.gov.* In lieu of electronic filing, you may submit a paper copy which must reference the Project docket number.

To file via USPS: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To file via any other courier: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

Comment Date: 5:00 p.m. Eastern Time on December 2, 2025.

Dated: November 17, 2025.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2025–20403 Filed 11–19–25; 8:45 am]

BILLING CODE 6717–01–P

[2] Contested proceedings are those where an intervenor disputes any material issue of the filing. 18 CFR 385.2201(c)(1).

[3] *Algonquin Gas Transmission, LLC,* 170 FERC ¶ 61,144, at P 40 (2020).

[4] *Id.* at P 40.

[5] Similarly, the Commission will not re-litigate the issuance of an NGA section 3 authorization, including whether a proposed project is not inconsistent with the public interest and whether the Commission's environmental analysis for the permit order complied with NEPA.

[6] *Algonquin Gas Transmission, LLC,* 170 FERC ¶ 61,144, at P 40 (2020).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC26–30–000.
Applicants: Nevada Cogeneration Associates #1.
Description: Application for Authorization Under Section 203 of the Federal Power Act of Nevada Cogeneration Associates #1.
Filed Date: 11/14/25.
Accession Number: 20251114–5277.
Comment Date: 5 p.m. ET 12/5/25.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG26–48–000.
Applicants: Atlas VI, LLC.
Description: Atlas VI, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 11/14/25.
Accession Number: 20251114–5214.
Comment Date: 5 p.m. ET 12/5/25.

Docket Numbers: EG26–49–000.
Applicants: Atlas V, LLC.
Description: Atlas V, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 11/14/25.
Accession Number: 20251114–5215.
Comment Date: 5 p.m. ET 12/5/25.

Docket Numbers: EG26–50–000.
Applicants: Cradle Solar, LLC.
Description: Cradle Solar, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 11/17/25.
Accession Number: 20251117–5142.
Comment Date: 5 p.m. ET 12/8/25.

Docket Numbers: EG26–51–000.
Applicants: Goat Rock Solar, LLC.
Description: Goat Rock Solar, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 11/17/25.
Accession Number: 20251117–5162.
Comment Date: 5 p.m. ET 12/8/25.

Docket Numbers: EG26–52–000.
Applicants: Hester Hill Solar, LLC.
Description: Hester Hill Solar, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 11/17/25.
Accession Number: 20251117–5165.
Comment Date: 5 p.m. ET 12/8/25.

Docket Numbers: EG26–53–000.
Applicants: Pinewood Solar, LLC.
Description: Pinewood Solar, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 11/17/25.
Accession Number: 20251117–5167.
Comment Date: 5 p.m. ET 12/8/25.

Docket Numbers: EG26–54–000.
Applicants: Southwest Atlanta Energy Storage, LLC.
Description: Southwest Atlanta Energy Storage, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 11/17/25.
Accession Number: 20251117–5168.
Comment Date: 5 p.m. ET 12/8/25.

Take notice that the Commission received the following Complaints and Compliance filings in EL Dockets:

Docket Numbers: EL26–26–000.
Applicants: Pelican Power LLC v. Midcontinent Independent System Operator Inc.
Description: Complaint of Pelican Power LLC v. *Midcontinent Independent System Operator Inc.*
Filed Date: 11/14/25.
Accession Number: 20251114–5294.
Comment Date: 5 p.m. ET 12/15/25.

Docket Numbers: EL26–27–000.
Applicants: Kristina Pastoriza and Ruth Ward v. *Public Service Company of New Hampshire.*
Description: Complaint of Kristina Pastoriza and Ruth Ward v. *Public Service Company of New Hampshire.*
Filed Date: 11/17/25.
Accession Number: 20251117–5146.
Comment Date: 5 p.m. ET 12/8/25.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–3084–002; ER10–3090–002; ER10–3087–002; ER10–3095–002; ER10–3085–002; ER10–3086–002; ER11–3367–001; ER12–2219–001; ER13–628–001; ER19–2252–002; ER23–1703–003.

Applicants: Stanton Battery Energy Storage, LLC, Stanton Energy Reliability Center, LLC, Wellhead Power Delano, LLC, W Power, LLC, Yuba City Cogeneration Partners, LP, El Cajon Energy, LLC, Escondido Energy Center, LLC, Wellhead Power eXchange, LLC, Wellhead Power Panoche, LLC, Fresno Cogeneration Partners, L.P., Chula Vista Energy Center, LLC.

Description: Triennial Market Power Analysis for Southwest Region of Chula Vista Energy Center, et al.

Filed Date: 11/17/25.

Accession Number: 20251117–5189.

Comment Date: 5 p.m. ET 1/16/26.

Docket Numbers: ER22–392–003.

Applicants: El Paso Electric Company.

Description: Compliance filing: Response to Deficiency Letter to be effective 1/1/2022.

Filed Date: 11/14/25.

Accession Number: 20251114–5224.

Comment Date: 5 p.m. ET 12/5/25.

Docket Numbers: ER25–2766–001.

Applicants: Midcontinent Independent System Operator, Inc., GridLiance Heartland LLC.

Description: Tariff Amendment: GridLiance Heartland LLC submits tariff filing per 35.17(b): 2025–11–17_ Deficiency Response for GridLiance Heartland Logansport Integration to be effective 2/1/2026.

Filed Date: 11/17/25.

Accession Number: 20251117–5207.

Comment Date: 5 p.m. ET 12/8/25.

Docket Numbers: ER26–527–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Proposed Market Mitigation for Advanced Scheduled Resources to be effective 10/1/2025.

Filed Date: 11/14/25.

Accession Number: 20251114–5227.

Comment Date: 5 p.m. ET 12/5/25.

Docket Numbers: ER26–528–000.

Applicants: Versant Power.

Description: Initial rate filing: Wholesale Distribution Tariff for Electric Energy Delivery to Energy Stor. Syst. to be effective 1/17/2026.

Filed Date: 11/17/25.

Accession Number: 20251117–5107.

Comment Date: 5 p.m. ET 12/8/25.

Docket Numbers: ER26–529–000.

Applicants: Pacific Gas and Electric Company.

Description: Notice of Termination of Service Agreement No. 271 under Pacific Gas and Electric Company FERC Electric Tariff Volume No. 4.

Filed Date: 11/14/25.

Accession Number: 20251114–5292.

Comment Date: 5 p.m. ET 12/5/25.

Docket Numbers: ER26–530–000.

Applicants: Pacific Gas and Electric Company.

Description: Notice of Termination of Service Agreement No. 555 under Pacific Gas and Electric Company's FERC Electric Tariff Volume No. 4.

Filed Date: 11/14/25.

Accession Number: 20251114–5293.

Comment Date: 5 p.m. ET 12/5/25.

Docket Numbers: ER26–531–000.

Applicants: PacifiCorp.

Description: § 205(d) Rate Filing: UAMPS Const Agt—St. George BTM Modeling (RS. No. 801) to be effective 1/17/2026.

Filed Date: 11/17/25.

Accession Number: 20251117–5138.

Comment Date: 5 p.m. ET 12/8/25.

Docket Numbers: ER26–532–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2025–11–17_SA 4595 Ameren Illinois-Rebuild Moro Laclede NTAP MPFCA to be effective 1/17/2026.

Filed Date: 11/17/25.

Accession Number: 20251117–5171.

Comment Date: 5 p.m. ET 12/8/25.

Docket Numbers: ER26–533–000.

Applicants: Alabama Power Company, Georgia Power Company, Mississippi Power Company.

Description: § 205(d) Rate Filing: Alabama Power Company submits tariff filing per 35.13(a)(2)(iii: Wilsonville Solar LGIA Amendment Filing to be effective 11/3/2025.

Filed Date: 11/17/25.

Accession Number: 20251117–5178.

Comment Date: 5 p.m. ET 12/8/25.

Docket Numbers: ER26–534–000.

Applicants: Sierra Pacific Power Company.

Description: § 205(d) Rate Filing: Filing of Amended Liberty PPA to be effective 12/29/2025.

Filed Date: 11/17/25.

Accession Number: 20251117–5192.

Comment Date: 5 p.m. ET 12/8/25.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community organizations, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov.*

Dated: November 17, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–20427 Filed 11–19–25; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP26–196–000.

Applicants: Rockies Express Pipeline LLC.

Description: § 4(d) Rate Filing: REX 2025–11–14 Negotiated Rate Agreement Amendment to be effective 11/14/2025.

Filed Date: 11/14/25.

Accession Number: 20251114–5114.

Comment Date: 5 p.m. ET 11/26/25.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: PR25–68–001.

Applicants: Black Hills/Kansas Gas Utility Company, LLC.

Description: § 284.123 Rate Filing: BHKG Amended SOC and Statement of Rates Filing to be effective 8/1/2025.

Filed Date: 11/14/25.

Accession Number: 20251114–5098.

Comment Date: 5 p.m. ET 12/5/25.

Any person desiring to protest in any the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community organizations, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov.*

Dated: November 17, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–20431 Filed 11–19–25; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–13012–01–R3]

Clean Air Act Operating Permit Program; Order on Petitions for Objection to State Operating Permit for U.S. Steel Mon Valley Works, Irvin Plant

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final order on petition.

SUMMARY: The Environmental Protection Agency (EPA) Administrator signed an order dated September 16, 2025, granting in part and denying in part two petitions: one dated November 15, 2024 from United States Steel Corporation; and one dated November 15, 2024, from the Environmental Integrity Project, PennFuture, and Clean Air Council. The petitions requested that the EPA object to a Clean Air Act (CAA) title V operating permit issued by the Allegheny County Health Department to U.S. Steel Mon Valley Works Irvin Plant for its secondary steel processing facility located in West Mifflin, Allegheny County, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Gwendolyn Supplee, EPA Region 3, (215) 814–2763, *supplee.gwendolyn@epa.gov.* The final order and petition are available electronically at: *https://www.epa.gov/title-v-operating-permits/title-v-petition-database.*

SUPPLEMENTARY INFORMATION: The EPA received petitions from the United States Steel Corporation dated November 15, 2024, and from Environmental Integrity Project, PennFuture, and Clean Air Council dated November 15, 2024, requesting that the EPA object to the issuance of operating permit no. 0050–OP24, issued by Allegheny County Health Department to U.S. Steel Mon Valley Works Irvin Plant in West Mifflin, Allegheny County, Pennsylvania. On September 16, 2025, the EPA Administrator issued an order granting in part and denying in part the petitions. The order itself explains the basis for the EPA's decision.

Sections 307(b) and 505(b)(2) of the CAA provide that a petitioner may request judicial review of those portions of an order that deny issues in a petition. Any petition for review shall be filed in the United States Court of Appeals for the appropriate circuit no later than January 20, 2026.

Michael Dunn,

Acting Director, Air & Radiation Division, Region III.

[FR Doc. 2025–20414 Filed 11–19–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2003–0073; FRL–13087–01–OMS]

Agency Information Collection Activities Request; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Distribution of Offsite Consequence Analysis Information Under the Clean Air Act, as Amended (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), Distribution of Offsite Consequence Analysis Information under the Clean Air Act, As Amended (EPA ICR Number 1981.09, OMB Control Number 2050–0172) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA). This is a proposed extension of the ICR, which is currently approved through November 30, 2025. Public comments were previously requested via the **Federal Register** on April 17, 2025 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

DATES: Comments must be submitted on or before December 22, 2025.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OAR–2003–0073, to EPA online using *www.regulations.gov* (our preferred method), 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: William Noggle, Office of Emergency Management, Mail Code 5104A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 566–1306; email address: *noggle.william@epa.gov.*

SUPPLEMENTARY INFORMATION: This is a proposed extension of the ICR, which is currently approved through November 30, 2025. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

Public comments were previously requested via the **Federal Register** on April 17, 2025 during a 60-day comment

period (90 FR 16125), however, no comments were received. This notice allows for an additional 30 days for public comments. 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 *www.regulations.gov* or in person at the EPA Docket Center, WJC West, 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: This ICR renewal is for the final rule, *Accidental Release Prevention Requirements; Risk Management Programs Under the Clean Air Act Section 112(r)(7); Distribution of Off-Site Consequence Analysis Information.* CAA section 112(r)(7) required EPA to promulgate reasonable regulations and appropriate guidance to provide for the prevention and detection of accidental releases and for responses to such releases. The regulations include requirements for submittal of a risk management plan (RMP) to EPA. The RMP includes information on off-site consequence analyses (OCA) as well as other required program elements.

The Chemical Safety Information, Site Security, and Fuels Regulatory Relief Act (CSISSFRRA) required the President to promulgate regulations on the distribution of OCA information (CAA section 112(r)(7)(H)(ii)). The President delegated this responsibility to EPA and the Department of Justice (DOJ). The final rule, published on August 4, 2000 (65 FR 48108), imposed minimal information and recordkeeping requirements.

In accordance with the final rule, the Federal Government established 55 reading rooms at Federal facilities geographically distributed across the United States and its territories. At these reading rooms, members of the public are able to read, but not mechanically copy or remove, paper copies of OCA information for up to 10 stationary sources per calendar month. Members of the public may also have access to OCA information that the Local Emergency Planning Committee (LEPC) in whose jurisdiction the person lives or works, is authorized to provide. The final rule also authorizes and encourages state and local government officials to have access to OCA information for their official use.

EPA also established a Vulnerable Zone Indicator System (VZIS) which informs any person located in any state whether an address specified by that person might be within the vulnerable zone of one or more stationary sources, according to the data reported in RMPs. The VZIS is available on the internet or through a request through regular mail to the EPA.

This request for comments relates to the renewal of the existing approved ICR.

Form numbers: None.

Respondents/affected entities: State and local agencies and the public.

Respondent's obligation to respond: Required to obtain or retain a benefit (40 CFR part 1400).

Estimated number of respondents: 385 (total).

Frequency of response: As necessary.

Total estimated burden: 610 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $32,145 (per year), includes $42 annualized capital or operation & maintenance costs.

Changes in the estimates: There is a decrease of 53 hours annually in the total estimated respondent burden compared with the ICR currently approved by OMB. The currently approved ICR estimates 663 hours of annual burden of which 337 hours is on the public and 326 hours are on state and local governments. The estimated annual burden hours on the public have increased by two hours up to 339 hours due to two additional visits to Federal reading rooms per year. The estimated annual burden hours on state and local governments have decreased by 55 hours down to 271 hours due to fewer requests for OCA data by state and local governments. Additionally, the estimated annualized capital costs have decreased from $81 in the currently approved ICR down to $42 due to fewer requests.

Courtney Kerwin,

Director, Information Engagement Division.

[FR Doc. 2025–20410 Filed 11–19–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–13011–01–R3]

Clean Air Act Operating Permit Program; Order on Petition for Objection to State Operating Permit for United States Steel Corporation, Mon Valley Works, Clairton Plant

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final order on petition.

SUMMARY: The Environmental Protection Agency (EPA) Administrator signed an order dated September 16, 2025, granting in part and denying in part a petition dated November 19, 2024, from the United States Steel Corporation. The petition requested that the EPA object to a Clean Air Act (CAA) title V operating permit issued by the Allegheny County Health Department to the United States Steel Corporation, Mon Valley Works, Clairton Plant for its by-products coke plant located in Clairton, Allegheny County, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Gwendolyn Supplee, EPA Region 3, (215) 814–2763, *supplee.gwendolyn@epa.gov.* The final order and petition are available electronically at: *https://www.epa.gov/title-v-operating-permits/title-v-petition-database.*

SUPPLEMENTARY INFORMATION: The EPA received a petition from United States Steel Corporation dated November 19, 2024, requesting that the EPA object to the issuance of operating permit no. 0052–OP22, issued by Allegheny Health Department to United States Steel Corporation, Mon Valley Works, Clairton Plant in Clairton, Allegheny County, Pennsylvania. On September 16, 2025, the EPA Administrator issued an order granting in part and denying in part the petition. The order itself explains the basis for the EPA's decision.

Sections 307(b) and 505(b)(2) of the CAA provide that a petitioner may request judicial review of those portions of an order that deny issues in a petition. Any petition for review shall be filed in the United States Court of Appeals for the appropriate circuit no later than January 20, 2026.

Michael Dunn,

Acting Director, Air & Radiation Division, Region III.

[FR Doc. 2025–20417 Filed 11–19–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2021–0728; FRL–13089–01–OMS]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Consolidation of Certain Reporting and Recordkeeping Under Section 8 of the Toxic Substances Control Act (TSCA) (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The EPA has submitted an information collection request (ICR),

Consolidation of Certain Reporting and Recordkeeping Under Section 8 of the Toxic Substances Control Act (TSCA) (EPA ICR Number 2703.02, OMB Control Number. 2070–0224) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through November 30, 2025. Public comments were previously requested via the **Federal Register** on May 9, 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 December 22, 2025.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OPPT–2021–0728, to EPA online using *www.regulations.gov* (our preferred method), or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 2822T, 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: Katherine Sleasman, Office of Program Support (Mail Code 7602M), Office of Chemical Safety and Pollution Prevention, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202–566–1204; email address: *sleasman.katherine@epa.gov.*

SUPPLEMENTARY INFORMATION: This is a proposed extension of the ICR, which is currently approved through November 30, 2025. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

Public comments were previously requested via the **Federal Register** on May 9, 2025, during a 60-day comment period (90 FR 19715). This notice allows for an additional 30 days for public comments. 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 *www.regulations.gov* or in person at the EPA Docket Center, WJC West, 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: This ICR covers reporting and recordkeeping requirements in TSCA section 8, for persons who manufacture, import, or process chemical substances, mixtures, or categories, or distribute them in commerce. Data collected helps EPA evaluate the potential for human health and environmental risks caused by the manufacture, processing, and distribution in commerce of chemical substances, mixtures, or categories. TSCA section 8(a) Preliminary Assessment Information Rule (PAIR) requires manufacturers and importers of certain chemical substances to submit information about production, use, and/or exposure-related data. EPA is also consolidating two TSCA section 8(a) chemical specific rules into this ICR: ''Chemical-Specific Rules under the Toxics Substances Control Act Section 8(a); Certain Nanoscale Materials'' (OMB Control No. 2070–0194), and ''TSCA Section 8(a) Reporting and Recordkeeping Requirements for Asbestos'' (OMB Control No. 2070–0222). Under TSCA section 8(c), persons who manufacture, import, process, or distribute in commerce any chemical substance or mixture must keep records of significant adverse reactions to health or the environment. Allegations of adverse reactions to the health of employees be kept for thirty years, and all other allegations be kept for five years. Finally, under TSCA section 8(d), persons, who manufacture, import, process, or distribute in commerce (or propose to manufacture, import, process, or distribute in commerce) certain chemical substances and mixtures, are required to submit to EPA lists and copies of health and safety studies which relate to health and/or environmental effects of the chemical substances and mixtures.

Form numbers: 7710–25, 7710–35, 7710–51, 9600–032 and 9600–07.

Respondents/affected entities: Manufacturers (including imports) or processors of chemical substances and/or mixtures.

Respondent's obligation to respond: Mandatory (40 CFR 703; 704; 712; 716; 717; 766, and 792).

Estimated number of respondents: 13,595 (total).

Frequency of response: On occasion.

Total estimated burden: 106,523 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $9,138,944 (per year), which includes $0 annualized capital or operation & maintenance costs.

Changes in the Estimates: This increase is due to the fact that this ICR is absorbing two previously independent collections (647 hours from OMB Control Numbers 2070–0194 and 2070–0222). This ICR renewal incorporates an increase in burden identified in a recent TSCA section 8(d) rulemaking, published on December 13, 2024 (89 FR 100756), which incorporated an updated burden estimate arising out of a requirement to report studies showing any measurable content of the subject chemicals in response to information provided by stakeholders. This increase in burden would apply only where the Agency, via the applicable regulations, requires reporting of studies at any measurable content. EPA does not anticipate promulgating 8(d) rules requiring such reporting in this ICR's renewal period. Thus, despite this increase in burden being incorporated into this ICR, any 8(d) rules promulgated during this renewal period will not reflect this increase in burden. These changes are program adjustments.

Courtney Kerwin,

Director, Information Engagement Division.

[FR Doc. 2025–20413 Filed 11–19–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2025–0086; FRL 13088–01–OMS]

Agency Information Collection Activities Request; Submission to the Office of Management and Budget for Review and Approval; Comment Request; EPA's ENERGY STAR Product Labeling (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), EPA's ENERGY STAR Product Labeling (EPA ICR Number 2078.09, OMB Control Number 2060–0528) 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 November 30, 2025. Public comments were previously requested via the **Federal Register** on August 1, 2025 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

DATES: Comments must be submitted on or before December 22, 2025.

ADDRESSES: Submit your comments to EPA, referencing Docket ID No. EPA–HQ–OAR–2003–0033, to EPA online using *www.regulations.gov* (our preferred method), *a-and-r-Docket@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: Katherine Vokes, Climate Protection Partnerships Division, Office of Air and Radiation, Mailcode 6202A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202–564–8538; fax number: 202–343–2200; email address: *vokes.katherine@epa.gov.*

SUPPLEMENTARY INFORMATION: This is a proposed extension of the ICR, which is currently approved through November 30, 2025. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

Public comments were previously requested via the **Federal Register** on August 1, 2025 during a 60-day comment period (90 FR 36159). This notice allows for an additional 30 days for public comments. 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 *www.regulations.gov* or in person at the EPA Docket Center, WJC West, 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: ENERGY STAR is a voluntary program developed in collaboration with industry to create a self-sustaining market for energy efficient products. The ENERGY STAR label is a registered certification label that helps consumers identify products that meet ENERGY STAR energy performance criteria. To protect the integrity of the label, EPA works to ensure that products carrying the label meet appropriate program requirements.

EPA sets criteria for ENERGY STAR products and facilitates the sale of certified products by providing consumers with information about the products. To set criteria for efficient products, EPA analyzes data on the performance of products and works with stakeholders to set criteria based on established processes.

EPA partners with retailers, energy efficiency program sponsors (EEPS), service providers and product brand owners who wish to use the ENERGY STAR label to differentiate products as more energy efficient. Partners sign Partnership Agreements that require adherence to logo-use guidelines and program requirements, as well as promotion of ENERGY STAR certified products through product offerings.

To have products third-party certified as ENERGY STAR, product brand owner partners are required to have eligible products tested in an EPA-recognized laboratory and certified by an EPA-recognized third-party certification body (CB). EPA maintains an XML-based automated data exchange for CBs to share information with EPA on certified products

To monitor the ongoing performance of products and maintain program integrity, EPA also requires CBs to conduct post-market verification testing of a sampling of ENERGY STAR certified products and share information with EPA on products verified twice a year. For thermostats, there are additional reporting requirements to verify product performance.

To monitor progress and support the best allocation of resources, EPA requires partners to submit data on annual shipments of and installations and incentives for ENERGY STAR certified products. Finally, for any ENERGY STAR recognition, EPA may ask Partners to submit applications if they wish to participate.

Form Numbers: 5900–441, 5900–34, 5900–216, 5900–217, 5900–218, 5900–252, 5900–253, 5900–33, 5900–37, 5900–35, 5900–38, 5900–388, 5900–227, 5900–415, 5900–483, 5900–164, 5900–42, 5900–208, 5900–41, 5900–168, 5900–28, 5900–39, 5900–44, 5900–351, 5900–207, 5900–165, 5900–416, 5900–350, 5900–166, 5900–43, 5900–224, 5900–51, 5900–719, 5900–35, 5900–48, 5900–49, 5900–163, 5900–417, 5900–50, 5900–348, 5900–230, 5900–720, 5900–35, 5900–234, 5900–671, 5900–54, 5900–55, 5900–47, 5900–56, 5900–57, 5900–58, 5900–228, 5900–227.

Respondents/affected entities: Respondents for this information collection request include Partners and Recognized Bodies in ENERGY STAR.

Respondent's obligation to respond: Voluntary.

Estimated number of respondents: 3,877.

Frequency of response: Initially/one-time, on occasion, semi-annually, annually.

Total estimated burden: 44,110 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $3,018,554.69 (per year), includes $0 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is an increase in the total estimated respondent burden compared with the ICR currently approved by OMB. Consultations indicated burden estimates required minor changes; the primary driver in the increase in burden was the number of estimated respondents due to an increase in program participation. Total estimated costs also increased slightly as a result of updating the loaded hourly rates for major occupational groups.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2025–20452 Filed 11–19–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2025–0097; FRL–13079–01–OMS]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Renewable Fuel Standard (RFS) Program: RFS Annual Rules (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), Renewable Fuel Standard (RFS) Program: RFS Annual Rules (EPA ICR Number 2546.04, OMB Control Number 2060–0725) 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 November 30, 2025. Public comments were previously requested via the **Federal Register** on April 30, 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 December 22, 2025.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OAR–2025–0097, to EPA online using *www.regulations.gov* (our preferred method), by email to EPA–HQ–OAR–2025–0097, 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: John D. Weihrauch Office of Air and Radiation, Mail Code 6405A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202–343–9477; email address: *weihrauch.john@epa.gov.*

SUPPLEMENTARY INFORMATION: This is a proposed extension of the ICR, which is currently approved through November 30, 2025. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

Public comments were previously requested via the **Federal Register** on April 30, 2025 during a 60-day comment period (90 FR 17920). This notice allows for an additional 30 days for public comments. 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 *www.regulations.gov* or in person at the EPA Docket Center, WJC West, 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: This ICR is for general registration, recordkeeping, and reporting under the Renewable Fuel Standard (RFS) program, required by Clean Air Act and implementing regulations in 40 CFR parts 80 and 1090. The RFS program relies upon marketable credits (RINs) to function, which necessitates recordkeeping and reporting to establish type and number of RINs generated, sold, retired, etc. EPA provides the secure systems that respondents use to register, submit compliance reports, and transact RINs, which removes a burden from industry. EPA uses the information to monitor compliance with RFS and to ensure the integrity of the RIN market and to ensure the integrity of the RIN market.

Form Numbers: RFS0107 (5900–631), RFS0304 (5900–492), RFS0500(5900–493), RFS0602 (5900–290), RFS0702 (5900–289), RFS0801 (5900–293), RFS0902 (5900–278), RFS1000 (5900–335), RFS1200 (5900–337), RFS1300 (5900–262), RFS1400 (5900–354), RFS1500 (5900–355), RFS1600 (5900–356), RFS1701 (5900–632), RFS2001 (5900–633), RFS2101 (5900–634), RFS2201 (5900–635), RFS2301 (5900–636), RFS2400 (5900–361), RFS2500 (5900–374), RFS2700 (5900–373).

Respondents/affected entities: RIN Generators, Obligated Parties, RIN Owners, Exporters, QAP Providers, Petitioners for Aggregate Compliance, Third Parties.

Respondent's obligation to respond: Mandatory under 40 CFR parts 80 and 1090.

Estimated number of respondents: 28,804 (total).

Frequency of response: Quarterly, annually, on occasion.

Total estimated burden: 767,353 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $22,724,608 (per year), which includes $0 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is a decrease of 93,617 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This decrease is due to several factors. First, some of the burden in the existing ICR was for one-time burdens, such as initially programming codes, which existing parties will have already performed. Second, some of the burden in the existing ICR has been reduced through improvements in reporting methods initiated by EPA—for example, EPA has greatly improved its unified reporting format (URF) used for data entry in a manner that provides feedback to respondents and reduces errors and resubmissions. Third, EPA has reduced complexity by removing reporting steps and certain stand-alone forms.

Courtney Kerwin,

Director, Information Engagement Division.

[FR Doc. 2025–20355 Filed 11–19–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–13013–01–R3]

Clean Air Act Operating Permit Program; Order on Petition for Objection to State Operating Permit for Neville Chemical Company

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final order on petition.

SUMMARY: The Environmental Protection Agency (EPA) Administrator signed an order dated September 16, 2025, granting in part and denying in part a petition dated September 20, 2024, from Environmental Integrity Project, PennFuture, Clean Air Council, and Food & Water Watch. The petition requested that the EPA object to a Clean Air Act (CAA) title V operating permit issued by the Allegheny County Health Department to Neville Chemical Company for its resin manufacturing operation located in Neville Township, Allegheny County, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Ms. Gwendolyn Supplee, EPA Region 3, (215) 814–2763, *supplee.gwendolyn@epa.gov.* The final order and petition are available electronically at*: https://www.epa.gov/title-v-operating-permits/title-v-petition-database.*

SUPPLEMENTARY INFORMATION: The EPA received a petition from Environmental Integrity Project, PennFuture, Clean Air Council, and Food & Water Watch dated September 20, 2024, requesting that the EPA object to the issuance of operating

permit no. 0060–OP24, issued by Allegheny County Health Department to Neville Chemical Company in Neville Township, Allegheny County, Pennsylvania. On September 16, 2025, the EPA Administrator issued an order granting in part and denying in part the petition. The order itself explains the basis for the EPA's decision.

Sections 307(b) and 505(b)(2) of the CAA provide that a petitioner may request judicial review of those portions of an order that deny issues in a petition. Any petition for review shall be filed in the United States Court of Appeals for the appropriate circuit no later than January 20, 2026.

Michael Dunn,

Acting Director, Air & Radiation Division, Region III.

[FR Doc. 2025–20412 Filed 11–19–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–13048–01–OAR]

Notice of November 2025 Decisions on Petitions for Small Refinery Exemptions Under the Renewable Fuel Standard Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Decision on petitions.

SUMMARY: The Environmental Protection Agency (EPA) is providing notification of its final action entitled November 2025 Decision on Petitions for RFS Small Refinery Exemptions (''November 2025 SRE Decisions Action'') in which EPA issued decisions on 16 small refinery exemption (SRE) petitions under the Renewable Fuel Standard (RFS) program. EPA is providing this notification for public awareness of, and the basis for, EPA's decision announced on November 7, 2025.

DATES: November 20, 2025.

FOR FURTHER INFORMATION CONTACT: Campbell Martin, Office of Transportation and Air Quality, Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20004; telephone number: (202) 564–5209; email address: *SRE-Petitions@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background and Final Action

The Clean Air Act (CAA) provides that a small refinery [1] may at any time petition EPA for an extension of the exemption from the obligations of the RFS program for the reason of disproportionate economic hardship (DEH).[2] In evaluating such petitions, the EPA Administrator, in consultation with the Secretary of Energy, will consider the findings of a Department of Energy (DOE) study and other economic factors.[3]

In the November 2025 SRE Decisions Action,[4] EPA is acting on 16 individual SRE petitions from 8 refineries seeking an exemption from their RFS obligations for the 2021–2024 compliance years. In consultation with DOE, EPA reviewed all the information submitted by each individual refinery in support of its petition. After careful consideration of all statutory factors and the information submitted by the refineries, EPA is granting full (100 percent) exemptions to 2 petitions, granting partial (50 percent) exemptions to 12 petitions, and denying 2 petitions.

The November 2025 SRE Decisions Action articulates EPA's interpretation of section 211(o)(9) of the CAA and EPA's authority with respect to SRE petitions. As required by CAA section 211(o)(9), EPA's final actions on the pending SRE petitions are based on the legal and factual analysis presented herein, after consulting with DOE, and considering the DOE Small Refinery Study and ''other economic factors.''

The November 2025 SRE Decisions Action also explains how EPA will implement SRE decisions when an exemption is granted. In addition, the November 2025 SRE Decisions Action provides a correction to an error in one of the SRE decisions issued in the August 2025 SRE Decisions Action.[5]

II. Judicial Review

Section 307(b)(1) of the CAA governs judicial review of final actions by EPA. This section generally provides that petitions for judicial review of final actions that are nationally applicable must be filed in the United States Court of Appeals for the District of Columbia Circuit, and petitions for judicial review of actions that are locally or regionally applicable must be filed in the appropriate regional circuit.[6] However, petitions for judicial review of a final action that is locally or regionally applicable must be filed in the D.C. Circuit when ''such action is based on a determination of nationwide scope or effect and if in taking such action the Administrator finds and publishes that such action is based on such a determination.'' [7]

As the Supreme Court recently articulated in *Calumet,* the first step in determining the appropriate venue for judicial review of an EPA final action is to ascertain whether the action at issue is nationally applicable or locally or regionally applicable.[8] If the action is nationally applicable, judicial review belongs in the D.C. Circuit. If the action is locally or regionally applicable, then the second step is to determine whether EPA has appropriately invoked the ''nationwide scope or effect'' exception to ''override the default rule'' that judicial review of a locally or regionally applicable action belongs in the appropriate regional circuit.[9] The exception applies, and judicial review of EPA's action belongs in the D.C. Circuit, if EPA invokes the exception for a final action that is ''based on a determination of nationwide scope or effect'' and accompanied by an EPA finding of this basis.[10] A determination is ''the justification [EPA] gives for it[s] action, which can be found in its explanation of its action.'' [11] A determination has a nationwide scope when it applies throughout the country as a legal matter, and it has a nationwide effect when it applies throughout the country as a practical matter.[12] Finally, an action is ''based on'' a determination of nationwide scope or effect when the determination ''lie[s] at the core of the agency action,'' so as to form the most important part of the agency's reasoning.[13] Put another way, an EPA action is based on a determination of nationwide scope or effect ''only if a justification of nationwide breadth is the primary explanation for and driver of EPA's action.'' [14]

In the November 2025 SRE Decisions Action, EPA is adjudicating SRE petitions pursuant to the authority granted to the Agency by CAA section 211(o)(9)(B). Each adjudication is a separate ''action'' for the purposes of determining venue under CAA section 307(b)(1), and because each adjudication only applies to a single refinery, each action is locally or

[1] The CAA defines a small refinery as ''a refinery for which the average aggregate daily crude oil throughput for a calendar year . . . does not exceed 75,000 barrels.'' CAA section 211(*o*)(1)(K).

[2] CAA section 211(o)(9)(B)(i).

[3] CAA section 211(o)(9)(B)(ii).

[4] EPA, ''November 2025 Decision on Petitions for RFS Small Refinery Exemptions,'' EPA–420–R–25–013, November 2025.

[5] EPA, ''August 2025 Decision on Petitions for RFS Small Refinery Exemptions,'' EPA–420–R–25–010, August 2025.

[6] CAA section 307(b)(1).

[7] *Id.*

[8] *Calumet,* 145 S. Ct. at 1746.

[9] *Id.* at 1746.

[10] *Id.* at 1749–50.

[11] *Id.* at 1750 (internal quotations omitted).

[12] *Id.*

[13] *Id.* at 1751.

[14] *Id.*

regionally applicable.[15] However, EPA's adjudication of the relevant petitions is based on several determinations of nationwide scope or effect that formed the core basis for the Agency's decision.

First, these adjudications are based on EPA's determination that CAA section 211(o)(9) provides EPA with the authority to find that a small refinery would experience partial DEH if required to comply with its RFS obligations and to extend a partial exemption. As detailed in Section III.H, CAA section 211(o)(9)(B) grants EPA authority to temporarily extend the exemption from RFS obligations to a small refinery that demonstrates ''disproportionate economic hardship,'' but the statute does not define that phrase or its components, suggesting Congress left it to the Agency's discretion to ''fill up the details'' when determining how to implement this provision.[16] EPA interprets CAA section 211(o)(9)(B), based on the plain language, structure, and objective of the statute, to provide the Agency with the authority to find that a small refinery would experience partial DEH and to extend a partial exemption. This determination has nationwide scope because it is an interpretation of a federal statute and CAA section 211(o)(9)(B)(i) by its terms applies nationwide.[17] Additionally, this determination has nationwide effect because it applies generically to all refineries nationwide, regardless of their geographic location.[18]

Second, these adjudications are based on EPA's determination that the DOE matrix is a reasonable proxy for DEH, and EPA will defer to DOE's findings unless EPA's consideration of other economic factors compels a different result. As detailed in Section III.E, CAA section 211(o)(9)(B) permits a small refinery to petition for an extension of the exemption from its RFS obligations for the reason of DEH. The statute directs EPA to ''consider the findings of the [2011 DOE study] and other economic factors'' in evaluating a petition but provides no further instruction as to how to effectuate these obligations.[19] As the author of the study and through its work assessing SRE petitions in conjunction with EPA, DOE has developed extensive expertise in evaluating economic conditions at U.S. refineries that is fundamental to the process both DOE and EPA use to identify whether DEH exists for each petitioner. With limited exceptions, EPA has consistently relied upon DOE's expertise in the Agency's adjudication of SRE petitions over the life of the RFS program. Thus, EPA has determined that the best way to fulfill its obligation to ''consider the findings of the [2011 DOE study]'' under CAA section 211(o)(9)(B) is to defer to DOE's application of its matrix and resulting findings in evaluating whether a small refinery would experience DEH. EPA has further determined that the best way to fulfill its obligation to consider ''other economic factors'' is to independently assess all available information and weigh whether this information compels EPA to depart from DOE's findings. This determination has nationwide scope because it is both an interpretation of a federal statute and CAA section 211(o)(9)(B)(i) by its terms applies nationwide, and it is a rebuttable presumption that DOE's finding as to whether a given small refinery would experience DEH, based on application of the DOE matrix, is correct, unless EPA's consideration of other economic factors compels it to depart from DOE's findings. Additionally, this determination has nationwide effect because it applies generically to all refineries nationwide, regardless of their geographic location.

Third, these adjudications are based on EPA's determination that, when extending the exemption, either wholly or partially, to a small refinery that has already retired RINs to comply with its RFS obligations, CAA section 211(o) restricts EPA to returning some or all of those retired RINs, commensurate with the degree of the exemption. As detailed in Section IV.B, returning RINs in this manner effectuates the best reading of the statute. CAA section 211(o)(5) requires that every instance of RIN generation be associated with the refining, blending, or importation of renewable fuel. Section 211(o)(5) also requires that RINs expire after a certain amount of time, while section 211(o)(9)(B) permits small refineries to petition for an extension of the exemption ''at any time.'' EPA interprets these provisions of CAA section 211(o) to limit EPA to returning RINs retired for compliance, if any, when it grants an extension of the exemption. This determination has nationwide scope because it is an interpretation of a federal statute and CAA sections 211(o)(5) and 211(o)(9)(B) by their terms apply nationwide. Additionally, this determination has nationwide effect because it applies generically to all refineries nationwide, regardless of their geographic location.

This third determination also minimizes disruptions to the RIN market and RFS program, akin to the Fifth Circuit's review of the April 2022 Alternative Compliance Action[20] in *Wynnewood Refining Co., LLC* v. *EPA,* 86 F.4th 1114 (5th Cir. 2023). In *Wynnewood,* the Fifth Circuit concluded that the ACA was based on a determination of nationwide scope or effect because the ACA was designed to mitigate the impact of the collective denials from the April 2022 SRE Denial Action on the RIN market.[21] After denying 36 SRE petitions for the 2018 compliance year, EPA estimated that the small refineries would need to retire an additional 1.4 billion RINs to satisfy their 2018 compliance obligations.[22] Concerned that such a drastic spike in need for RINs would threaten the viability of the RIN market, EPA issued the ACA, which required that the small refineries file a revised compliance report but did not require them to retire additional RINs.[23] The Fifth Circuit reasoned that, because the purpose of the ACA was to address the continuing viability of the RFS program as a whole, it was based on a determination of nationwide scope or effect.[24] Similarly here, EPA's determination that the only permissible means of implementing the extension of the exemption is by returning retired RINs is based on concerns about the integrity of the RFS program as a whole. As explained in Section IV.B, EPA estimates that, were the Agency to replace the retired RINs with current vintage RINs, it would introduce approximately 3 billion new RINs into the market. The sudden mass influx of new RINs would result in decreased RIN prices, leading to decreased future investments in renewable fuel production and threatening the stabilty of the RIN market nationwide. EPA's approach of returning retired RINs is designed to avoid these negative impacts to the RFS program. Following the reasoning from the *Wynnewood* decision, because the purpose of this determination is to address the continuing viability of the RFS program as a whole, it is a determination of nationwide scope or effect.

[15] *Id.* at 1748.

[16] *Loper Bright Enters.* v. *Raimondo,* 603 U.S. 369, 394–95.

[17] *Calumet,* 145 S. Ct. at 1752.

[18] *Id.*

[19] CAA section 211(o)(9)(B).

[20] ''April 2022 Alternative RFS Compliance Demonstration Approach for Certain Small Refineries,'' EPA–420–R–22–006, April 2022 (''ACA'').

[21] *Wynnewood Refining Co., LLC* v. *EPA,* 86 F.4th 1114, 1119 (5th Cir. 2023).

[22] *Id.* at 1119–20.

[23] *Id.* at 1117, 1120.

[24] *Id.* at 1120.

The actions discussed within the November 2025 SRE Decisions Action are based on the three determinations outlined above, as these determinations lie ''at the core of the agency action[s]'' so as to form the most important part of EPA's reasoning.[25] The first and second determinations together form the core basis for EPA's adjudications because the Agency has used both of them to create a rebuttable presumption that application of the DOE matrix produces the correct DEH finding, and EPA defers to that finding unless the Agency's consideration of other economic factors, including refinery-specific information, compels the Agency to depart from that rebuttable presumption. EPA's first determination is the first element of EPA's rebuttable presumption: because the DOE matrix can result in a finding of full DEH, partial DEH, or no DEH, EPA must first determine that the CAA provides the Agency with authority for finding partial DEH before the Agency can consider deferring to those findings. EPA's second determination is the second element of EPA's rebuttable presumption: the DOE matrix is a reasonable proxy for determining whether a small refinery would experience DEH, and deferring to that finding is the best way of fulfilling the Agency's statutory obligation to ''consider the [2011 DOE Study]'' and will result in the correct DEH finding for that small refinery. Taken together, these two determinations—that EPA has the authority to find that a small refinery is experiencing partial DEH and that the DOE matrix is a reasonable proxy for determining whether a small refinery would experience DEH—form the rebuttable presumption that is ''the primary explanation for and driver of EPA's action.'' [26] Under this rebuttable presumption, EPA will defer to DOE's findings unless the Agency's consideration of other economic factors compels a different result.

To fulfill its statutory obligation to consider ''other economic factors,'' EPA did consider refinery-specific information in its adjudications. However, these confirmatory reviews were not the primary drivers of EPA's actions on these petitions. EPA considered refinery-specific facts only to determine whether to depart from its rebuttable presumption that application of DOE's matrix results in the correct DEH finding, and these considerations, for each small refinery, confirmed that none of the refinery-specific facts rebutted the presumptive disposition. For example, EPA considered information presented by small refineries regarding their financial circumstances and found that the information was already considered in the DOE matrix or did not otherwise justify departing from the finding reached by application of the DOE matrix. Thus, EPA's consideration of refinery-specific facts was peripheral in comparison to EPA's rebuttable presumption that application of the DOE matrix is the best means of determining whether DEH exists.[27] Notably, EPA's confirmatory review of refinery-specific facts did not change the final decision for any of the SRE petitions.

Additionally, EPA's third determination—that the only permissible way to implement the extension of the exemption from RFS obligations when a small refinery has retired RINs for compliance is to return those retired RINs—is a core driver of EPA's actions because EPA's adjudication of SRE petitions necessarily includes extending the exemption to meritorious petitioners. But how EPA effectuates that extension of the exemption can look different depending on whether the relevant small refinery has already demonstrated compliance with its relevant RFS obligations by retiring RINs. Generally, the RFS statutory and regulatory provisions require all obligated parties to comply with their RFS obligations. However, CAA section 211(o)(9)(B) provides an exception when a small refinery demonstrates that it would experience DEH. In other words, when EPA grants an exemption to a small refinery, that small refinery is not required to retire any RINs to demonstrate compliance if it is a full exemption, and only the number of RINs necessary to meet half of its RFS obligation if it is a partial exemption. However, simply granting a petition does not necessarily effectuate the exemption in all cases. If the exemption is granted prior to a compliance demonstration by the small refinery, then the exemption is self-implementing. But if the small refinery has already demonstrated compliance by retiring RINs, EPA needs to take an additional step to effectuate the exemption. For the reasons outlined in Section IV.B and in this Section V, EPA has determined, consistent with its interpretation of the Agency's authority under CAA section 211(o) and its policy interest in treating all refineries that receive an exemption equally, that returning the retired RINs is the only permissible way of implementing the exemption where a small refinery has previously demonstrated compliance with its RFS obligations by retiring RINs. EPA's adjudications are based on this determination because extending the exemption to meritorious petitioners is necessarily a part of EPA's action on the SRE petitions and EPA's statutory interpretation and policy considerations inform its implementation of the exemption for all petitioners.

For the reasons discussed above, EPA finds that the final actions discussed within the November 2025 SRE Decisions Action are based on determinations of nationwide scope or effect for purposes of CAA section 307(b)(1) and is publishing that finding in the **Federal Register**. Under section 307(b)(1) of the CAA, petitions for judicial review of these actions must be filed in the D.C. Circuit by January 20, 2026.

Aaron Szabo,

Assistant Administrator, Office of Air and Radiation.

[FR Doc. 2025–20440 Filed 11–19–25; 8:45 am]

BILLING CODE 6560–50–P

[25] *Calumet,* 145 S. Ct. at 1751.

[26] *Id.*

[27] *Id.* at 1752.

ENVIRONMENTAL PROTECTION AGENCY

[FRL–11423–02–OAR]

Acid Rain Program: Excess Emissions Penalty Inflation Adjustments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of annual adjustment factors.

SUMMARY: The Acid Rain Program requires sources that do not meet their annual Acid Rain emissions limitations for sulfur dioxide (SO_2) or nitrogen oxides (NO_X) to pay inflation-adjusted excess emissions penalties. This document provides notice of the annual adjustment factors used to calculate excess emissions penalties for compliance years 2025 and 2026.

FOR FURTHER INFORMATION CONTACT: Bryan Ramirez at (202) 564–7591 or *ramirez.bryan@epa.gov.*

SUPPLEMENTARY INFORMATION: The Acid Rain Program limits SO_2 and NO_X emissions from fossil fuel-fired electricity generating units. All affected sources must hold allowances sufficient to cover their annual SO_2 mass emissions, and certain coal-fired units must meet annual average NO_X emission rate limits. Under 40 CFR 77.6, any source that does not meet these requirements must pay an excess emissions penalty without demand to the EPA Administrator. The automatic

penalty is computed as the number of excess tons of SO_2 or NO_X emitted times a per-ton penalty amount of $2,000 times an annual adjustment factor, which must be published in the **Federal Register**.

The annual adjustment factor used to compute excess emissions penalties for compliance year 2025 is 2.5265, resulting in an automatic penalty amount of $5,053 per excess ton of SO_2 or NO_X emitted in 2025. In accordance with 40 CFR 77.6(b) and 72.2, this annual adjustment factor is determined from values of the Consumer Price Index for All Urban Consumers (CPI–U) for August 1989 and August 2024.

The annual adjustment factor used to compute excess emissions penalties for compliance year 2026 is 2.6001 resulting in an automatic penalty amount of $5,200 per excess ton of SO_2 or NO_X emitted in 2025. This annual adjustment factor is determined from values of the CPI–U for August 1989 and August 2025.

Suzanne Kocchi,

Acting Director, Office of Atmospheric Protection, Office of Air and Radiation.

[FR Doc. 2025–20476 Filed 11–19–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–R09–OAR–2024–0455; FRL–12963–01–R9]

Clean Air Act Tribal Minor New Source Review Permit Issued to Agua Caliente Tribal Corporation, for the Agua Caliente Fuel Rancho Mirage

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final action.

SUMMARY: This document announces that the U.S. Environmental Protection Agency, Region 9 (EPA) made a final decision to issue, in accordance with the Clean Air Act (CAA), a Tribal Minor New Source Review (NSR) permit to Agua Caliente Tribal Corporation for the Agua Caliente Fuel Rancho Mirage under the CAA's Tribal Minor NSR Program. This permit authorizes the modification and operation of a gasoline dispensing facility.

DATES: The EPA's final decision for the Agua Caliente Fuel Rancho Mirage was issued and became effective on July 31, 2025. Pursuant to section 307(b)(1) of the Clean Air Act, judicial review of this final agency decision, to the extent it is available, may be sought by filing a petition for review in the United States Court of Appeals for the Ninth Circuit by January 20, 2026.

ADDRESSES: The EPA established a docket for this action under Docket ID No. EPA–R09–OAR–2024–0455. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the docket index, some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov.* Please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional information about accessing docket materials for this action.

FOR FURTHER INFORMATION CONTACT: Po-Chieh Ting, EPA Region 9, (415) 972–3191, *ting.pochieh@epa.gov.* The EPA's final permit decision, the Technical Support Document for this action, and all other supporting information are available through *https://www.regulations.gov* under Docket ID No. EPA–R09–OAR–2024–0455.

SUPPLEMENTARY INFORMATION:

Notice of Final Action

On July 31, 2025, the EPA issued a final decision to issue a permit, Permit No. C–2025–5, to Agua Caliente Tribal Corporation, an instrumentality of the Agua Caliente Band of Cahuilla Indians. This permit pertains to the modification and operation of the Agua Caliente Fuel Rancho Mirage (''Source''), a gasoline dispensing facility with a convenience store, located on Agua Caliente Indian Reservation, in Rancho Mirage, California. The EPA issued the permit pursuant to the provisions of Clean Air Act sections 110(a) and 301(d) and the EPA's Tribal Minor NSR Program at 40 CFR 49.151–49.164. The EPA based its decision on its determination that the Source met the applicability criteria and submitted all required content in the permit application under the EPA's Tribal Minor NSR Program. Notice of the final decision was served on August 4, 2025, pursuant to 40 CFR 49.159(a). In accordance with 40 CFR 49.159(d)(1), permit decisions may be appealed under the permit appeal procedures of 40 CFR 124.19. In accordance with 40 CFR 124.19, within 30 days after service of notice of the final permit decision, any person who filed comments on the draft permit or participated in a public hearing on the draft permit may file a petition to the EPA's Environmental Appeal Board (EAB) for review. Additionally, any person who failed to file comments or failed to participate in the public hearing on the draft permit may petition the EAB for administrative review of any permit conditions set forth in the final permit decision, but only to the extent that those final permit conditions reflect changes from the proposed draft permit. The EPA did not receive any comment filed on the draft permit or hold, or receive a request for, a public hearing on the draft permit. In the EPA's permit issued in its final permit decision, the EPA did not change the final permit conditions from those of the proposed draft permit. The EAB did not receive a petition to review any condition in the permit decision under 40 CFR 124.19. Therefore, pursuant to 40 CFR 49.159(a), this permit became effective on July 31, 2025.

Dated: October 24, 2025.

Michelle Angelich,

Acting Director, Air and Radiation Division, Region IX.

[FR Doc. 2025–20453 Filed 11–19–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2025–0029; FRL–13003–01–OCSPP]

Pesticides; Notice of Receipt of Requests To Voluntarily Cancel Certain Pesticide Registrations and/or Amend Registrations To Terminate Certain Uses With a 30-Day Comment Period (September 2025)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This document announces the Agency's receipt of and solicits comment on requests by registrants to voluntarily cancel their pesticide registration of certain products and/or to amend their product registrations to terminate one or more uses. In accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA provides a periodic notice of receipt addressing requests received by EPA since the last notice of receipt was issued and uses the month and year in the title to help distinguish one document from the other. EPA intends to grant these requests at the close of the comment period for this announcement unless the Agency receives substantive comments during the comment period that would merit further review of the requests, or the request is withdrawn by the registrant. If these requests are

granted, EPA will issue an order in the **Federal Register** cancelling the listed product registrations, after which any sale, distribution, or use of the products listed in this document will only be permitted after the registrations have been cancelled if such sale, distribution, or use is consistent with the terms as described in the final order.

DATES: Comments and withdrawal requests must be received on or before December 22, 2025.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2025–0029, 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: Christopher Green, Registration Division (7505M), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 566–2707; email address: *green.christopher@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Does this action apply to me?

This action is directed to the public and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides.

B. What action is the Agency taking?

This document announces receipt by EPA of requests from registrants to voluntarily cancel their pesticide registration and/or amend their product registrations to terminate one or more uses of the products listed in Unit II, that are currently registered under FIFRA section 3 (7 U.S.C. 136a) or section 24(c) (7 U.S.C. 136v(c)). Unless the Agency determines that there are substantive comments that warrant further review of the requests or the registrants withdraw their requests, EPA intends to issue an order in the **Federal Register** canceling and/or amending the affected registrations.

C. What is EPA's authority for taking this action?

FIFRA section 6(f)(1) (7 U.S.C. 136d(f)(1)) provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be canceled. Before acting on a request for voluntary cancellation, EPA must provide at least a 30-day public comment period on the request. FIFRA further provides that, before acting on a request for voluntary cancellation or termination of any minor agricultural use, EPA must provide a 180-day comment period unless:

1. The registrants request a waiver of the comment period, or

2. The EPA Administrator determines that continued use of the pesticide would pose an unreasonable adverse effect on the environment.

The registrants in Table 3 of Unit II, have requested that EPA waive the 180-day comment period. Accordingly, this document provides a 30-day comment period on these requests.

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

1. *Submitting CBI.* Do not submit this information 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. In addition to one complete version of the comment that includes CBI, a copy of the comment without CBI must be submitted for inclusion in the public docket. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

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

E. How can a registrant withdraw their request for voluntary cancellation?

Registrants who choose to withdraw their request for voluntary cancellation should submit a withdrawal request in writing to the person listed under **FOR FURTHER INFORMATION CONTACT**. If the products have been subject to a previous cancellation action, the effective date of cancellation and all other provisions of any earlier cancellation action are controlling.

II. Requests To Voluntarily Cancel and/or Amend Certain Registrations

The registrations with pending voluntary requests for cancellation are listed in sequence by registration number (or company number and 24(c) number) in Table 1 of this unit.

TABLE 1—REGISTRATIONS WITH PENDING VOLUNTARY REQUESTS FOR CANCELLATION

Registration No.	Company No.	Product name	Active ingredient
100–1177	100	Dynasty CST	Azoxystrobin (128810/131860–33–8)—(6.64%), Fludioxonil (071503/131341–86–1)—(1.11%), Metalaxyl-M (113502/70630–17.–0)—(3.32%).
9374–8	9374	Ragland Fly Block with Rabon (R) Oral Larvicide	Gardona (cis-isomer) (083702/22248–79–9)—(.3%).
9779–1011	9779	Spray Oil 470	Mineral oil—includes paraffin oil from 063503 (063502/8012–95–1)—(98.5%).
62719–435	62719	RH–144228 Fungicide	Myclobutanil (128857/88671–89–0)—(.5%), Sulfur (077501/7704–34–9)—(96.75%).
73748–1	73748	Aqua-Kontrol Concentrate	Permethrin (109701/52645–53–1)—(20%), Piperonyl butoxide (067501/51–03–6)—(20%).
73748–10	73748	Kontrol Mosquito Larvicide	Aliphatic petroleum solvent (063503/64742–89–8)—(98%).
83222–10	83222	Dormant & Summer Spray Oil	Mineral oil—includes paraffin oil from 063503 (063502/8012–95–1)—(98%).
92428–1	92428	Huihuang Tebuconazole Technical	Tebuconazole (128997/107534–96–3)—(98.9%).
102474–2	102474	Zhonghui Trifloxystrobin Technical	Trifloxystrobin (129112/141517–21–7)—(98.5%).
MN–210002	60063	Echo 720	Chlorothalonil (081901/1897–45–6)—(54%).
MN–210003	60063	Echo ZN	Chlorothalonil (081901/1897–45–6)—(38.5%).
MN–210004	60063	Echo 90DF	Chlorothalonil (081901/1897–45–6)—(90%).

TABLE 1—REGISTRATIONS WITH PENDING VOLUNTARY REQUESTS FOR CANCELLATION—Continued

Registration No.	Company No.	Product name	Active ingredient
MS–140005	87290	Willowood Clomazone 3ME	Clomazone (125401/81777–89–1)—(31.1%).
OR–020027	92894	Goal 2XL Herbicide	Oxyfluorfen (111601/42874–03–3)—(22.3%).
OR–050028	92894	Goal 2XL	Oxyfluorfen (111601/42874–03–3)—(22.3%).
OR–210009	62719	Starane Ultra	Fluroxypyr 1-methylheptyl ester (128968/81406–37–3)—(45.52%).
OR–210010	62719	Starane Ultra	Fluroxypyr 1-methylheptyl ester (128968/81406–37–3)—(45.52%).
TX–150002	87290	Willowood Clomazone 3ME	Clomazone (125401/81777–89–1)—(31.1%).
TX–190010	279	Flutriafol 500 G/L SC	Flutriafol (128940/76674–21–0)—(42%).
WA–220003	352	Dupont Fontelis Fungicide	Penthiopyrad (090112/183675–82–3)—(20.4%).
WI–230002	66222	Bravo ZN	Chlorothalonil (081901/1897–45–6)—(38.5%).
WI–230003	66222	Bravo 825 Agricultural Fungicide	Chlorothalonil (081901/1897–45–6)—(82.5%).
WI–230004	66222	Bravo Weather Stik	Chlorothalonil (081901/1897–45–6)—(54%).

The registrants of the products identified in Table 1A of this unit have requested 18-months to sell existing stocks of the products.

TABLE 1A—REGISTRATIONS WITH PENDING VOLUNTARY REQUESTS FOR CANCELLATION, CONT'D.

Registration No.	Company No.	Product name	Active ingredient
62719–649	62719	Enlist Duo	2,4-D, choline salt (051505/1048373–72–3)—(24.4%), Glyphosate, dimethylammonium salt (103608/34494–04–7)—(22.1%).
66222–245	66222	Mana 14223	Metolachlor (108801/51218–45–2)—(58.52%), Metribuzin (101101/21087–64–9)—(13.93%).

The product registrations with pending voluntary requests for amendments to terminate uses are listed in sequence by registration number (or company number and 24(c) number) in Table 2 of this unit.

TABLE 2—PRODUCT REGISTRATIONS WITH PENDING VOLUNTARY REQUESTS FOR AMENDMENT

Registration No.	Company No.	Product name	Active ingredient	Uses to be terminated
19713–268	19713	Drexel Kaptan 50W	Captan (081301/133–06–2)—(48.9%)	Home and garden use.
101563–130	101563	Spirotetramat 240 SC Greenhouse and Nursery Insecticide/Miticide.	Spirotetramat (392201/203313–25–1)—(22.4%).	Vegetable crops use.

The name and address of record for the requesting registrants are listed in sequence by EPA company number in Table 3 of this unit. The company number corresponds to the first part of the EPA registration numbers of the products listed in Tables 1, 1A and 2 of this unit.

TABLE 3—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION

Company No.	Company name and address
100	Syngenta Crop Protection, LLC, 410 Swing Road, P.O. Box 18300, Greensboro, NC 27419–8300.
279	FMC Corporation, 2929 Walnut Street, Philadelphia, PA 19104.
352	Corteva Agriscience, LLC, 9330 Zionsville Road, Indianapolis, IN 46268.
9374	Livestock Nutrition Center, LLC, 409 Sheppard St., Chickasha, OK 73018.
9779	Winfield Solutions, LLC, P.O. Box 64589, St. Paul, MN 55164–0589.
19713	Drexel Chemical Company, P.O. Box 13327, Memphis, TN 38113–0327.
60063	Sipcam Agro USA, Inc., 2525 Meridian Pkwy., Durham, NC 27713.
62719	Corteva Agriscience, LLC, 9330 Zionsville Road, Indianapolis, IN 46268.
66222	Makhteshim Agan of North America, Inc., D/B/A Adama, 8601 Six Forks Road, Suite 300, Raleigh, NC 27615.
73748	Veseris, 10800 Pecan Park Blvd., Suite 300, Austin, TX 78750.
83222	Winfield Solutions, LLC, 1080 County Rd. F West, MS5705, P.O. Box 64589, St. Paul, MN 55164.
87290	Generic Crop Science, LLC, Agent Name: Syntech Research Group, 7217 Lancaster Pike, Suite A, P.O. Box 640, Hockessin, DE 19707.
92428	Yancheng Huihuang Chemical Co. Ltd., Agent Name: Wagner Regulatory Associates, Inc., P.O. Box 640, Hockessin, DE 19707.
92894	Nutrichem USA, Inc., Agent Name: Pyxis Regulatory Consulting, Inc., 535 Dock Street, Suite 211, Tacoma, WA 98402.
101563	Environmental Science U.S., LLC, 5000 CentreGreen Way, Suite 400, Cary, NC 27513.

TABLE 3—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION—Continued

Company No.	Company name and address
102474	Liaoning Zhonghui Biotechnology Co., Ltd., Agent Name: Reach24H USA, Inc., 11921 Freedom Drive, Suite 550, Reston, VA 20190.

III. Provisions for Disposition of Existing Stocks

Existing stocks are those stocks of registered pesticide products that are currently in the United States, and that were packaged, labeled, and released for shipment prior to the effective date of the cancellation, which will be the date of publication of the cancellation order in the **Federal Register**. In any order issued in response to these requests, EPA anticipates including the following provisions for the treatment of any existing stocks of the products listed in Unit II:

For voluntary cancellations of the registrations listed in Table 1 of Unit II, registrants will be permitted to sell and distribute existing stocks of voluntarily canceled products for 1 year after the effective date of the cancellation order in the **Federal Register**. Thereafter, registrants will be prohibited from selling or distributing the products identified in Table 1 of Unit II, except for export consistent with FIFRA section 17 (7 U.S.C. 136o) or for proper disposal.

For the products identified in Table 1A of Unit II, the registrants have requested 18-months after the date of publication of the cancellation order in the **Federal Register** to sell existing stocks. Thereafter, the registrants will be prohibited from selling or distributing the products identified in Table 1A of Unit II, except for export consistent with FIFRA section 17 (7 U.S.C. 136o) or for proper disposal.

Once EPA has approved labels for the products listed in Table 2 of Unit II, (amended to reflect the requested amendments to terminate uses), registrants will be permitted to sell or distribute products under the previously approved labeling for a period of 18 months after the date of publication of the cancelation order in the **Federal Register**, unless other restrictions have been imposed. Thereafter, registrants will be prohibited from selling or distributing the products whose labels include the terminated uses identified in Table 2 of Unit II, except for export consistent with FIFRA section 17 (7 U.S.C. 136o) or for proper disposal.

Persons other than the registrant will generally be allowed to sell, distribute, or use existing stocks of the canceled products and/or products whose labels include the terminated uses until supplies are exhausted, provided that such sale, distribution, or use is consistent with the terms of the previously approved labeling on, or that accompanied, the canceled products and/or terminated uses.

Authority: 7 U.S.C. 136 *et seq.*

Dated: November 12, 2025.

Charles Smith,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2025–20400 Filed 11–19–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2021–0669; FRL–9116–07–OAR]

Phasedown of Hydrofluorocarbons: Notice of 2026 Allowance Allocations for Production and Consumption of Regulated Substances Under the American Innovation and Manufacturing Act of 2020, and Notice of Final Actions Establishing Administrative Consequences

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has issued calendar year 2026 allowances for the production and consumption of hydrofluorocarbons in accordance with the Agency's regulations. This issuance of allowances is undertaken pursuant to the American Innovation and Manufacturing (AIM) Act, which directs EPA by October 1 of each calendar year to determine the quantity of production and consumption allowances for the following calendar year. In this notice, EPA is also providing notice of separate Agency actions taken to establish administrative consequences for specific entities. These previously finalized actions withheld, retired, or revoked the identified entities' newly issued calendar year 2026 allowances in accordance with the administrative consequence regulatory provisions.

FOR FURTHER INFORMATION CONTACT: Connor Henderson, U.S. Environmental Protection Agency, Stratospheric Protection Division, telephone number: 202–564–2177; email address: *henderson.connor@epa.gov.* You may also visit EPA's website at *https://www.epa.gov/climate-hfcs-reduction* for further information.

SUPPLEMENTARY INFORMATION: Subsection (e)(2)(D)(i) of the American Innovation and Manufacturing Act of 2020 (AIM Act) directs the Environmental Protection Agency (EPA) to determine, by October 1 of each calendar year, the quantity of allowances for the production and consumption of regulated substances that may be used for the following calendar year. EPA has codified the production and consumption baselines and phasedown schedules for regulated substances in 40 CFR 84.7. Under the phasedown schedule, for 2026, total production allowances may not exceed 229,521,263 metric tons of exchange value equivalent (MTEVe) and total consumption allowances may not exceed 181,522,990 MTEVe.

EPA regulations at 40 CFR part 84, subpart A, outline the process by which the Agency determines the number of allowances each entity is allocated. EPA allocated allowances consistent with the regulatory requirements and has posted entity-specific allowance allocations on its website. An allowance allocated under the AIM Act does not constitute a property right and is a limited authorization for the production or consumption of a regulated substance. EPA also tracks information on how those allowances are used. Reported information for calendar year 2024 HFC activity, including how many allowances were used and total U.S. production and consumption of HFCs in 2024, can be found on EPA's website in its HFC Data Hub. Both allowance allocations and the HFC Data Hub can be found by visiting *https://www.epa.gov/climate-hfcs-reduction.*

Note that while allowances may be transferred or conferred once they are allocated, they can only be expended to cover imports and production in the calendar year for which they are allocated. In other words, calendar year 2026 allowances may only be expended for production and import of bulk HFCs between January 1, 2026, and December 31, 2026.

Application-Specific Allowances

EPA established the methodology for issuing application-specific allowances in the 2021 final rule titled *Phasedown of Hydrofluorocarbons: Establishing the Allowance Allocation and Trading Program Under the American Innovation and Manufacturing Act* (86 FR 55116, October 5, 2021) and updated this methodology in the final rule titled *Phasedown of Hydrofluorocarbons: Review and Renewal of Eligibility for Application-Specific Allowances* (90 FR 41676, August 26, 2025), hereinafter referred to as the HFC Allocation Framework Rule and the 2025 Application-specific Allowance Review and Renewal Rule, respectively. The methodology for application-specific allowance allocations is codified in 40 CFR 84.13. Because application-specific allowances can be expended to either produce or import HFCs, and application-specific allowances must be provided from within the overall annual production and consumption caps, EPA subtracts the amount of application-specific allowances allocated from both the production and consumption general allowance pools. EPA issues application-specific allowances to end users in four applications: propellants in metered dose inhalers (MDIs), structural composite preformed polyurethane foam for marine use and trailer use, etching of semiconductor material or wafers and the cleaning of chemical vapor deposition chambers within the semiconductor manufacturing sector, and onboard aerospace fire suppression. Additionally, EPA issues application-specific allowances to the U.S. Department of Defense for mission-critical military end uses.

Applying the methodology codified in 40 CFR 84.13, EPA allocated the number of application-specific allowances shown in Table 1.

TABLE 1—NUMBER OF CALENDAR YEAR 2026 APPLICATION-SPECIFIC ALLOWANCES ALLOCATED PER ENTITY

Entity	Application	Application-specific allowances allocated (MTEVe)
Analog Devices	Semiconductors	16,065.3
Applied Materials	Semiconductors	4,476.7
Armstrong Pharmaceuticals	Propellants in MDIs	226,695.0
AstraZeneca Pharmaceuticals	Propellants in MDIs	2,677.0
Aurobindo Pharma USA	Propellants in MDIs	19,740.6
Compsys	Structural Composite Preformed Polyurethane Foam	6,768.9
Diodes Incorporated	Semiconductors	1,409.7
General Electric	Semiconductors	469.9
GlaxoSmithKline	Propellants in MDIs	407,370.6
GlobalFoundries	Semiconductors	127,914.9
Google	Semiconductors	947.2
Hitachi High-Tech America	Semiconductors	474.1
IBM Corporation	Semiconductors	407.9
Intel Corporation	Semiconductors	479,420.4
Invagen Pharmaceuticals	Propellants in MDIs	268,017.4
Jireh Semiconductor	Semiconductors	2,396.6
Keysight Technologies	Semiconductors	493.9
Kindeva Drug Delivery	Propellants in MDIs	653,490.0
LA Semiconductor	Semiconductors	1,879.6
Lam Research Corp.	Semiconductors	39,779.4
Lupin	Propellants in MDIs	13,680.8
Medtronic Tempe Campus	Semiconductors	316.2
Microchip Technology	Semiconductors	12,003.2
Micron Technology	Semiconductors	168,032.3
Newport Corporation	Semiconductors	1,879.7
Newport Fab DBA TowerJazz	Semiconductors	16,977.0
Northrop Grumman Corporation	Semiconductors	3,611.2
NXP Semiconductor	Semiconductors	47,105.1
Polar Semiconductor	Semiconductors	10,818.8
Qorvo Texas	Semiconductors	939.8
Renesas Electronics America	Semiconductors	1,409.7
Samsung Austin Semiconductor	Semiconductors	284,285.0
Seagate Technologies	Semiconductors	939.9
Semiconductor Components Industries DBA ON Semiconductor.	Semiconductors	14,216.1
SkyWater Technology	Semiconductors	21,420.4
Skyworks Solutions	Semiconductors	1,031.7
Taiwan Semiconductor Manufacturing Company Arizona Corporation (TSMC Arizona Corporation).	Semiconductors	218,957.1
Texas Instruments	Semiconductors	483,341.1
The Research Foundation for The State University of New York at NY CREATES.	Semiconductors	5,568.0
Tokyo Electron U.S. Holdings	Semiconductors	2,973.8
Tower Semiconductor San Antonio	Semiconductors	15,542.2
TSMC Washington	Semiconductors	17,944.6
UC San Diego	Semiconductors	418.4
Wolfspeed	Semiconductors	14,074.8
X–FAB Texas	Semiconductors	1,168.6
Department of Defense	Mission-critical Military End Uses	6,156,958.5

TABLE 1—NUMBER OF CALENDAR YEAR 2026 APPLICATION-SPECIFIC ALLOWANCES ALLOCATED PER ENTITY—Continued

Entity	Application	Application-specific allowances allocated (MTEVe)
Total Issued	All	9,776,509.1

EPA's 2025 Application-specific Allowance Review and Renewal Rule established an annual set-aside of 1,000,000 MTEVe allowances to accommodate unforeseen HFC needs resulting from a global pandemic, other public health emergency, or other healthcare system need (referred hereafter as the ''MDI set-aside''). EPA has set aside 1,000,000 MTEVe allowances for that purpose from both the consumption and production pools. Entities that use HFCs as a propellant in MDIs have until April 30, 2026, to apply for these allowances. Once the deadline passes, EPA will evaluate such requests and expects to issue allowances within 60 days. EPA also intends to distribute any remaining set-aside allowances pro rata amongst general pool allowance holders within 60 days of the April 30 request date. For more information, see the 2025 Application-specific Allowance Review and Renewal Rule and 40 CFR 84.15.

General Pool Allowances

EPA's 2023 final rule titled *Phasedown of Hydrofluorocarbons: Allowance Allocation Methodology for 2024 and Later Years* (88 FR 46836, July 20, 2023) updated the methodology for how the Agency would issue production and consumption allowances for 2024 through 2028 for general pool allowance holders. These updates are codified in 40 CFR 84.9 (production) and 40 CFR 84.11 (consumption), and EPA has issued allowances to entities who meet the criteria in the regulations, including those who were previously issued consumption allowances as new market entrants pursuant to 40 CFR 84.15.

EPA also created a new form of allowances called ''production for export allowances'' in the 2025 Application-specific Allowance Review and Renewal Rule. In accordance with the provisions codified in that rule at 40 CFR 84.18, prior to issuing general pool production allowances, EPA allocated 3,000 MTEVe production for export allowances to Iofina Chemical.

EPA allocated the number of production allowances shown in Table 2.

TABLE 2—NUMBER OF CALENDAR YEAR 2026 PRODUCTION ALLOWANCES ALLOCATED PER ENTITY

Entity	Production allowances allocated (MTEVe)
Arkema	26,394,276.4
Chemours	48,932,709.1
Iofina Chemical	1,135.0
Mexichem Fluor	32,640,740.2
Solstice Advanced Materials US (formerly known as Honeywell International)	110,772,893.2
Application-specific allowances [a]	9,776,509.1
Application-specific allowances: MDI set-aside	1,000,000.0
Production for export allowances	3,000.0
Total Issued	229,521,263.0

[a] See Table 1; this value corresponds to the total number of application-specific allowances allocated on October 1, 2025.

EPA allocated the number of consumption allowances shown in Table 3.

TABLE 3—NUMBER OF CALENDAR YEAR 2026 CONSUMPTION ALLOWANCES ALLOCATED PER ENTITY

Entity	Consumption allowances allocated (MTEVe)
A.C.S. Reclamation & Recovery (Absolute Chiller Services)	125,381.8
Ability Refrigerants	125,381.8
ACT Commodities	48.8
Advance Auto Parts	448,322.0
Advanced Specialty Gases	178,956.2
AFK & Co.	121,204.0
AFS Cooling	125,381.8
A-Gas	2,138,290.8
Air Liquide USA	312,690.4
American Air Components	125,381.8
Arkema	19,491,306.2
Artsen	644,517.8
Automart Distributors DBA Refrigerant Plus	125,381.8
AutoZone Parts	1,267,547.9
AW Product Sales & Marketing	75,811.5

TABLE 3—NUMBER OF CALENDAR YEAR 2026 CONSUMPTION ALLOWANCES ALLOCATED PER ENTITY—Continued

Entity	Consumption allowances allocated (MTEVe)
Bluon	20,986.9
CC Packaging	121,620.4
Chemours	21,497,110.1
Chemp Technology	125,381.8
ChemPenn	13,942.0
ComStar International	226,011.0
Cross World Group	125,381.8
Daikin America	1,957,524.9
EDX Industry	360,516.6
Electronic Fluorocarbons	65,412.6
Fireside Holdings DBA American Refrigerants	125,368.3
First Continental International	482,861.3
FluoroFusion Specialty Chemicals	1,601,010.8
Freskoa USA	125,381.8
GlaxoSmithKline	337,629.4
Golden Refrigerant	125,381.8
Harp USA	480,186.8
Hudson Technologies	2,111,566.7
Hungry Bear	125,381.8
ICool USA	2,136,951.2
IGas Holdings	16,375,867.0
Iofina Chemical	793.5
Kidde-Fenwal	125,381.8
Lenz Sales & Distribution	696,419.3
Lina Trade	125,381.8
Linde	334,002.4
Matheson Tri-Gas	21,400.2
MEK Chemical Corporation	52,074.8
Meraki Group	125,381.8
Metalcraft	100,932.4
Mexichem Fluor	15,981,606.3
Mondy Global	199,900.8
National Refrigerants	12,423,316.0
Nature Gas Import and Export	514,088.5
North American Refrigerants	125,381.8
O23 Energy Plus	125,381.8
Perfect Score Too DBA Perfect Cycle	23,744.8
Reclamation Technologies	374,891.6
Resonac America	41,653.2
RGAS	2,994,850.6
RMS of Georgia	1,033,726.5
Sciarra Laboratories	5,454.1
SDS Refrigerant Services	125,381.8
Solstice Advanced Materials US (formerly known as Honeywell International)	51,651,108.1
Solvay Fluorides	691,489.3
Summit Refrigerants	125,381.8
SynAgile Corporation	705.3
Technical Chemical	2,142,020.8
TradeQuim	125,381.8
Transocean Offshore Deepwater Drilling	10.5
Tulstar Products	460,452.4
Tyco Fire Products	125,381.8
USSC Acquisition Corp	82,407.8
Walmart	1,430,437.4
Waysmos USA	351,724.6
Wego Chemical Group	35,472.3
Weitron	3,975,564.6
Wesco HMB	125,381.8
Wilhelmsen Ships Service	25,335.2
Application-specific allowances[a]	9,776,509.1
Application-specific allowances: MDI set-aside	1,000,000.0
Total Issued	181,522,990.0

[a] See Table 1; this value corresponds to the total number of application-specific allowances allocated.

Administrative Consequences

Separate from the allocation of calendar year 2026 allowances, EPA hereby provides notice that it also took final actions establishing administrative consequences for specific entities. Each action, which EPA took through a letter issued to the relevant entity, is a separate final action informing the recipient entity of an administrative consequence. The requirements pertaining to administrative consequences are codified in 40 CFR 84.35. Under this provision, EPA can retire, revoke, or withhold the allocation of allowances, or ban an entity from receiving, transferring, or conferring allowances. A retired allowance is one that must go unused and expire at the end of the year; a revoked allowance is one that EPA takes back from an allowance holder and redistributes to all the other eligible allowance holders; and a withheld allowance is one that is retained by the Agency until an allowance holder that has failed to meet a regulatory requirement comes back into compliance, at which point EPA allocates it to the allowance holder. More information on EPA's approach to administrative consequences can be found at 86 FR 55168.

EPA finalized administrative consequences for certain entities that were allocated application-specific allowances, listed in Table 1 for calendar year 2026. These entities failed to submit either their auditing reports as required in 40 CFR 84.33 or their application-specific allowance holder biannual report(s) as required in 40 CFR 84.31(h)(1) and therefore EPA has withheld a portion of their allowances (if allowances were allocated to the entity) and will continue withholding these allowances until the missing reports are submitted and subsequently verified by EPA: Guardian Protective Devices, Odin Pharmaceuticals, Proteng Distribution, and Wolfspeed. These final actions became effective on September 30, 2025, and are summarized below in Table 4.

TABLE 4—SUMMARY OF ADMINISTRATIVE CONSEQUENCES TAKEN PURSUANT TO 40 CFR 84.35 FOR CALENDAR YEAR 2026 APPLICATION-SPECIFIC ALLOWANCES, EFFECTIVE SEPTEMBER 30, 2025

Entity	Number of affected allowances (MTEVe)	Administrative consequence action	Reasoning
Guardian Protective Devices [a].	0.0	Withhold	Failure to submit calendar year 2024 application-specific allowance holders biannual reports as required in 40 CFR 84.31(h)(1).
Odin Pharmaceuticals [a]	0.0	Withhold	Failure to submit calendar year 2024 application-specific allowance holders biannual reports as required in 40 CFR 84.31(h)(1).
Proteng Distribution [a]	0.0	Withhold	Failure to submit calendar year 2024 application-specific allowance holders biannual reports as required in 40 CFR 84.31(h)(1).
Wolfspeed	2,815.0	Withhold	Failure to submit auditing report as required in 40 CFR 84.33.

[a] The entity was not allocated calendar year 2026 application-specific allowances and as a result no allowances could be withheld.

EPA finalized administrative consequences for certain entities that were allocated consumption allowances, as listed in Table 3 for calendar year 2026. These final actions affecting calendar year 2026 allowances became effective on September 30, 2025. Specifically, the following entity failed to submit auditing reports as required in 40 CFR 84.33 and therefore EPA has withheld a portion of their consumption allowances until the missing reports are filed and verified by EPA: MEK Chemical Corporation. The following entities imported regulated HFCs without expending the requisite number of consumption allowances at the time of import and therefore EPA has retired and/or revoked consumption allowances commensurate with the quantities of regulated substances imported without allowances: IGas Holdings, Matheson Tri-Gas, Inc., and Wilhelmsen Ships Service. A summary of these administrative consequences is included in Table 5.

TABLE 5—SUMMARY OF ADMINISTRATIVE CONSEQUENCES PURSUANT TO 40 CFR 84.35 FOR CALENDAR YEAR 2026 CONSUMPTION ALLOWANCES, EFFECTIVE SEPTEMBER 30, 2025

Entity	Number of affected allowances (MTEVe)	Administrative consequence action	Reasoning
IGas Holdings [a]	78,551.8	Revoke	Imported regulated HFCs without expending requisite number of allowances.
Matheosn Tri-Gas, Inc.[a]	6,249.1	Revoke	Imported regulated HFCs without expending requisite number of allowances.
MEK Chemical Corporation	10,415.0	Withold	Failure to submit auditing report as required in 40 CFR 84.33.
	1,486.7	Retire	
Wilhelmsen Ships Service [a]	743.4	Revoke	Imported regulated HFCs without expending requisite number of allowances.

[a] As stated in the HFC Allocation Framework Rule (86 FR 55116, Oct. 5, 2021), EPA explained it would take a 50% premium in first instances of administrative consequences. This value corresponds to 50% of the full amount of consumption without requisite allowances at the time of import.

In addition to the administrative consequences listed in Tables 4 and 5 that were finalized in the past year, 62,674.8 MTEVe of consumption allowances were retired and 982,654.4 MTEVe were revoked, consistent with administrative consequences finalized in prior years and described in *Phasedown of Hydrofluorocarbons: Notice of 2024 Allowance Allocations for Production and Consumption of Regulated Substances Under the American Innovation and Manufacturing Act of 2020, and Notice of Final Administrative Consequences* (88 FR 72060, Oct. 19, 2023), hereafter referred to as the 2024 Notice of HFC Allowance Allocations. The entities subject to those prior year actions include American Air Components, Bluon, Honeywell International (now known as Solstice Advanced Materials US), and Resonac America.

Adjustments to Application-Specific Allowances

As described above, certain entities listed in Table 1 have had a portion of their calendar year 2026 allowances withheld for not submitting the auditing report required in 40 CFR 84.33 or their calendar year 2024 application-specific allowance holder biannual report(s) as required in 40 CFR 84.31(h)(1). These allowances will be withheld until the missing reports are submitted and subsequently verified by EPA. Accordingly, Table 7 shows the number of application-specific allowances available to each entity as a result of finalized administrative consequences.

TABLE 7—NUMBER OF CALENDAR YEAR 2026 APPLICATION-SPECIFIC ALLOWANCES AVAILABLE TO EACH ENTITY AS OF OCTOBER 1, 2025, ADJUSTED FOR ADMINISTRATIVE CONSEQUENCES

Entity	Application	Available application-specific allowances, adjusting for administrative consequences (MTEVe)
Analog Devices	Semiconductors	16,065.3
Applied Materials	Semiconductors	4,476.7
Armstrong Pharmaceuticals	Propellants in MDIs	226,695.0
AstraZeneca Pharmaceuticals	Propellants in MDIs	2,677.0
Aurobindo Pharma USA	Propellants in MDIs	19,740.6
Compsys	Structural Composite Preformed Polyurethane Foam	6,768.9
Diodes Incorporated	Semiconductors	1,409.7
General Electric	Semiconductors	469.9
GlaxoSmithKline	Propellants in MDIs	407,370.6
GlobalFoundries	Semiconductors	127,914.9
Hitachi High-Tech America	Semiconductors	947.2
Google	Semiconductors	474.1
IBM Corporation	Semiconductors	407.9
Intel Corporation	Semiconductors	479,420.4
Invagen Pharmaceuticals	Propellants in MDIs	268,017.4
Jireh Semiconductor	Semiconductors	2,396.6
Keysight Technologies	Semiconductors	493.9
Kindeva Drug Delivery	Propellants in MDIs	653,490.0
LA Semiconductor	Semiconductors	1,879.6
Lam Research Corp	Semiconductors	39,779.4
Lupin	Propellants in MDIs	13,680.8
Medtronic Tempe Campus	Semiconductors	316.2
Microchip Technology	Semiconductors	12,003.2
Micron Technology	Semiconductors	168,032.3
Newport Corporation	Semiconductors	1,879.7
Newport Fab DBA TowerJazz	Semiconductors	16,977.0
Northrop Grumman Corporation	Semiconductors	3,611.2
NXP Semiconductor	Semiconductors	47,105.1
Polar Semiconductor	Semiconductors	10,818.8
Qorvo Texas	Semiconductors	939.8
Renesas Electronics America	Semiconductors	1,409.7
Samsung Austin Semiconductor	Semiconductors	284,285.0
Seagate Technologies	Semiconductors	939.9
Semiconductor Components Industries DBA ON Semiconductor.	Semiconductors	14,216.1
SkyWater Technology	Semiconductors	21,420.4
Skyworks Solutions	Semiconductors	1,031.7
Taiwan Semiconductor Manufacturing Company Arizona Corporation (TSMC Arizona Corporation).	Semiconductors	218,957.1
Texas Instruments	Semiconductors	483,341.1
The Research Foundation for The State University of New York at NY CREATES.	Semiconductors	5,568.0
Tokyo Electron U.S. Holdings, Inc	Semiconductors	2,973.8
Tower Semiconductor San Antonio	Semiconductors	15,542.2
TSMC Washington	Semiconductors	17,944.6
UC San Diego	Semiconductors	418.4
Wolfspeed	Semiconductors	11,259.8
X–FAB Texas	Semiconductors	1,168.6
Department of Defense	Mission-critical Military End Uses	6,156,958.5
Total Available	All	9,773,694.1

Adjustments to Consumption Allowances

An entity is eligible to receive redistributed allowances if they were not subject to administrative consequences that took effect on the same day (except entities that had allowances withheld). For example, if EPA revoked 50 MTEVe allowances from company A and 50 MTEVe allowances from company B, effective on the same day, EPA's redistribution of that single pool of 100 MTEVe allowances would go to all general pool allowances holders except company A and company B. This applies regardless of whether the revocation happens in one year or over multiple years. However, entities who only had allowances withheld by the Agency, *e.g.,* as a result of failure to comply with the auditing requirements as contained in 40 CFR 84.33, were eligible to receive allowances that were redistributed.

For 2026, the total number of revoked and redistributed allowances is 1,068,198.7 MTEVe, which are being apportioned to eligible consumption allowance holders based on their relative market share, and the total number of retired allowances in 2026 is 64,161.5 MTEVe. These amounts are the result of administrative consequences with various effective dates. For more information on the administrative consequences finalized in 2023 that impact calendar year 2026 consumption allowances, see the 2024 Notice of HFC Allowance Allocations (88 FR 72060, Oct. 19, 2023).

Table 8 reflects 2026 consumption allowance totals available to each entity as of October 1, 2025, after taking into account the administrative consequences and eligibility described elsewhere in this notice.

TABLE 8—TOTAL NUMBER OF CALENDAR YEAR 2026 CONSUMPTION ALLOWANCES AVAILABLE TO EACH ENTITY AS OF OCTOBER 1, 2025, ADJUSTED FOR ADMINISTRATIVE CONSEQUENCES

Entity	Available consumption allowances, adjusted for all administrative consequences (MTEVe)
A.C.S. Reclamation & Recovery (Absolute Chiller Services)	126,509.1
Ability Refrigerants	126,509.1
ACT Commodities	49.2
Advance Auto Parts	452,352.8
Advanced Specialty Gases	180,565.2
AFK & Co	121,271.2
AFS Cooling	126,509.1
A-Gas	2,157,516.0
Air Liquide USA	315,501.7
American Air Components [a]	68,133.1
Arkema	19,666,550.9
Artsen	644,875.1
Automart Distributors DBA Refrigerant Plus	126,509.1
AutoZone Parts	1,278,944.3
AW Product Sales & Marketing	76,493.1
Bluon [a]	0.0
CC Packaging	122,713.9
Chemours	21,690,388.8
Chemp Technology	126,509.1
ChemPenn	14,067.3
ComStar International	228,043.1
Cross World Group	126,509.1
Daikin America	1,975,124.9
EDX Industry	363,757.9
Electronic Fluorocarbons	65,448.9
Fireside Holdings DBA American Refrigerants	126,495.5
First Continental International	487,202.7
FluoroFusion Specialty Chemicals	1,601,898.3
Freskoa USA	126,509.1
GlaxoSmithKline	340,665.0
Golden Refrigerant	126,509.1
Harp USA	484,504.1
Hudson Technologies	2,130,551.6
Hungry Bear	126,509.1
ICool USA	2,156,164.3
IGas Holdings	16,435,471.8
Iofina Chemical	800.6
Kidde-Fenwal	126,509.1
Lenz Sales & Distribution	702,680.7
Lina Trade	126,509.1
Linde	337,005.3
Matheson Tri-Gas	15,331.6
MEK Chemical Corporation	42,128.0
Meraki Group	126,509.1
Metalcraft	101,839.8
Mexichem Fluor	16,125,295.6
Mondy Global	201,698.1
National Refrigerants	12,535,012.9
Nature Gas Import and Export	518,710.7

TABLE 8—TOTAL NUMBER OF CALENDAR YEAR 2026 CONSUMPTION ALLOWANCES AVAILABLE TO EACH ENTITY AS OF OCTOBER 1, 2025, ADJUSTED FOR ADMINISTRATIVE CONSEQUENCES—Continued

Entity	Available consumption allowances, adjusted for all administrative consequences (MTEVe)
North American Refrigerants	126,509.1
O23 Energy Plus	126,509.1
Perfect Score Too DBA Perfect Cycle	23,958.3
Reclamation Technologies	378,262.2
Resonac America [a]	0.0
RGAS	3,021,777.1
RMS of Georgia	1,043,020.6
Sciarra Laboratories	5,503.1
SDS Refrigerant Services	126,509.1
Solstice Advanced Materials (formerly known as Honeywell International) [a]	50,754,403.0
Solvay Fluorides	697,706.4
Summit Refrigerants	126,509.1
SynAgile Corporation	711.7
Technical Chemical	2,161,279.6
TradeQuim	126,509.1
Transocean Offshore Deepwater Drilling	10.6
Tulstar Products	464,592.3
Tyco Fire Products	126,509.1
USSC Acquisition Corp	83,148.7
Walmart	1,443,298.3
Waysmos USA	354,887.0
Wego Chemical Group	35,791.3
Weitron	4,011,308.5
Wesco HMB	126,509.1
Wilhelmsen Ships Service	23,318.8
Application-specific allowances [b]	9,773,694.1
Application-specific allowances: MDI set-aside	1,000,000.0
Total Available	181,445,598.5

[a] While these entities were eligible for revoked and redistributed consumption allowances with an effective date of September 30, 2025, the Agency has previously finalized administrative consequences for them stating that ''[EPA] [w]ill retire and/or revoke allowances until the full administrative consequence is covered,'' (88 FR 72060, Oct. 19, 2023).

[b] See Table 7; this value corresponds to the total number of application-specific allowances available on October 1, 2025, after adjusting for administrative consequences.

Judicial Review

The AIM Act provides that certain sections of the Clean Air Act (CAA) ''shall apply to'' the AIM Act and actions ''promulgated by the Administrator of [EPA] pursuant to [the AIM Act] as though [the AIM Act] were expressly included in title VI of [the CAA].'' 42 U.S.C. 7675(k)(1)(C). Among the applicable sections of the CAA is section 307, which includes provisions governing judicial review. 42 U.S.C. 7607(b)(1). Section 307(b)(1) provides, in part, that petitions for review must only be filed in the United States Court of Appeals for the District of Columbia Circuit: (i) When the agency action consists of ''nationally applicable regulations promulgated, or final actions taken, by the Administrator,'' or (ii) when such action is locally or regionally applicable, but ''such action is based on a determination of nationwide scope or effect and if in taking such action the Administrator finds and publishes that such action is based on such a determination.''

The issuance of calendar year 2026 allowances for the production and consumption of hydrofluorocarbons herein noticed is ''nationally applicable'' within the meaning of CAA section 307(b)(1). The AIM Act imposes a national cap on the total number of allowances available for each year for all entities nationwide. 42 U.S.C. 7675(e)(2)(B)–(D). For 2025, there was a national pool of 229,521,263 production allowances and 181,522,990 consumption allowances available to distribute. The allocation action noticed herein distributed that finite set of allowances consistent with the methodology EPA established in the nationally applicable framework rule. As such, the allowance allocation is the division and assignment of a single, nationwide pool of HFC allowances to entities across the country according to the uniform, national methodology established in EPA's regulations. Each entity's allowance allocation is a relative share of that pool; thus, any additional allowances awarded to one entity directly affects the allocations to others. For these reasons, the final action of the Agency allocating hydrofluorocarbon allowances to entities located throughout the country is nationally applicable.

Under section 307(b)(1) of the CAA, petitions for judicial review of this allocation action must be filed in the United States Court of Appeals for the District of Columbia Circuit by January 20, 2026.

As described, in this notice EPA is also publishing notice of adjudicatory actions establishing administrative consequences that were previously taken effective September 30, 2025. Under section 307(b)(1) of the CAA, any petition for judicial review of such a final action must be filed in the United States Court of Appeals for the appropriate circuit by January 20, 2026.

Filing a petition for reconsideration by the Administrator does not affect the finality of any action noticed herein for purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and

shall not postpone the effectiveness of such action. The final actions described herein may not be challenged later in proceedings to enforce their requirements. 42 U.S.C. 7607(b)(2).

Cynthia Newberg,

Director, Stratospheric Protection Division.

[FR Doc. 2025–20439 Filed 11–19–25; 8:45 am]

BILLING CODE 6560–50–P

EXPORT-IMPORT BANK

Notice for the Request of Applications: 2026–2027 EXIM Advisory Committees

Time and Date: Wednesday, November 19th–Friday, December 19th, 2025.

Status: The Export-Import Bank of the United States (EXIM) is accepting applications for the 2026–2027 EXIM Advisory Committee and Sub-Saharan Africa Advisory Committee from November 19–December 19, 2025.

Candidates wishing to be considered for membership must submit an application here *https://www.exim.gov/leadership-governance/advisory-committees* and include the following:

- Statement of interest showing relevant knowledge, experience, and qualifications (500 words max)
- Resume
- Brief professional biography
- High-resolution headshot

Completed application materials must be submitted by December 19, 2025.

Advisory Committee

The Advisory Committee provides guidance to EXIM on its policies and programs, in particular on the extent to which EXIM provides competitive financing to support American jobs through exports.

Sub-Saharan Africa Advisory Committee

The Sub-Saharan Africa Advisory Committee provides advice on EXIM policies and programs designed to support the expansion of financing support for U.S. manufactured goods and services in Sub-Saharan Africa.

Contact Person for More Information: For more information about applying for membership to any of the committees, please contact India Walker at *advisory@exim.gov.*

Authority: The Committee was established by the Bank as directed by Section 2(b)(9) of the Export Import Bank Act of 1945. This Advisory Committee is chartered in accordance with the Federal Advisory Committee Act (''FACA''), 5 U.S.C. App.

India Walker,

Deputy Vice President, Office of External Affairs.

[FR Doc. 2025–20434 Filed 11–19–25; 8:45 am]

BILLING CODE 6690–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1104, OMB 3060–0717, OMB 3060–0419, OMB 3060–0126, OMB 3060–1203, OMB 3060–0289 and OMB 3060–0433; FR ID 318214]

Information Collections Being Submitted for Review and Approval to Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Pursuant to the Small Business Paperwork Relief Act of 2002, the FCC seeks specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.'' The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments and recommendations for the proposed information collection should be submitted on or before December 22, 2025.

ADDRESSES: Comments should be sent 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. Your comment must be submitted into *www.reginfo.gov* per the above instructions for it to be considered. In addition to submitting in *www.reginfo.gov* also send a copy of your comment on the proposed information collection to Nicole Ongele, FCC, via email to *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Nicole Ongele at (202) 418–2991. To view a copy of this information collection request (ICR) submitted to OMB: (1) go to the web page *http://www.reginfo.gov/public/do/PRAMain,* (2) look for the section of the web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the FCC invited the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. Pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), the FCC seeks specific comment on how it might further reduce the information collection burden for small business concerns with fewer than 25 employees.

OMB Control Number: 3060–1104.

Title: Section 73.682(d), DTV Transmission and Program System and Information Protocol (''PSIP'') Standards.

Form Number: N/A.

Type of Review: Extension of currently approved collection.

Respondents: Business or other for-profit entities; not-for-profit institutions.

Number of Respondents and Responses: 1,767 respondents and 1,767 responses.

Estimated Hours per Response: 0.50 hours.

Frequency of Response: Third Party Disclosure requirement; Weekly reporting requirement.

Total Annual Burden: 45,942 hours.

Total Annual Cost: No cost.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in Sections 309 and 337 of the Communications Act of 1934, as amended.

Needs and Uses: Section 73.682(d) of the Commission's rules incorporates by reference the Advanced Television Systems Committee, Inc. (''ATSC'') Program System and Information Protocol (''PSIP'') standard ''A/65C. PSIP data is transmitted along with a TV broadcast station's digital signal and provides viewers (via their DTV receivers) with information about the station and what is being broadcast, such as program information. The Commission has recognized the utility that the ATSC PSIP standard offers for both broadcasters and consumers (or viewers) of digital television (''DTV'').

ATSC PSIP standard A/65C requires broadcasters to provide detailed programming information when transmitting their broadcast signal. This standard enhances consumers' viewing experience by providing detailed information about digital channels and programs, such as how to find a program's closed captions, multiple streams and V-chip information. This standard requires broadcasters to populate the Event Information Tables (''EITs'') (or program guide) with accurate information about each event (or program) and to update the EIT if more accurate information becomes available. The previous ATSC PSIP standard A/65–B did not require broadcasters to provide such detailed programming information but only general information.

OMB Control Number: 3060–0717.

Title: Billed Party Preference for InterLATA 0+ Calls, CC Docket No. 92–77, 47 CFR 64.703(a), 64.709, 64.710.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 1,418 respondents; 11,250,150 responses.

Estimated Time per Response: 1 minute (.017 hours)-50 hours.

Frequency of Response: Annual and on-occasion reporting requirements.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this information collection is found at 47 U.S.C. 226, Telephone Operator Services, Public Law 101–435, 104 Stat. 986, codified at 47 CFR 64.703(a) Consumer Information, 64.709 Informational Tariffs, and 64.710 Operator Services for Prison Inmate Phones.

Total Annual Burden: 205,023 hours.

Total Annual Cost: $156,000.

Needs and Uses: Pursuant to 47 CFR 64.703(a), Operator Service Providers (OSPs) are required to disclose, audibly and distinctly to the consumer, at no charge and before connecting any interstate call, how to obtain rate quotations, including any applicable surcharges. 47 CFR 64.710 imposes similar requirements on OSPs to inmates at correctional institutions. 47 CFR 64.709 codifies the requirements for OSPs to file informational tariffs with the Commission. These rules help to ensure that consumers receive information necessary to determine what the charges associated with an OSP-assisted call will be, thereby enhancing informed consumer choice in the operator services marketplace.

OMB Control Number: 3060–0126.

Title: Section 73.1820, Station Log.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; not-for-profit institutions.

Number of Respondents and Responses: 15,200 respondents; 15,200 responses.

Estimated Time per Response: 0.017–0.5 hours.

Frequency of Response: Recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in Section 154(i) of the Communications Act of 1934, as amended.

Total Annual Burden: 15,095 hours.

Total Annual Cost: No cost.

Needs and Uses: The information collection requirements contained in *47 CFR 73.1820* require that each licensee of an AM, FM or TV broadcast station maintain a station log. Each entry must accurately reflect the station's operation. This log should reflect adjustments to operating parameters for AM stations with directional antennas without an approved sampling system; for all stations the actual time of any observation of extinguishment or improper operation of tower lights; and entry of each test of the Emergency Broadcast System (EBS) for commercial stations.

OMB Control Number: 3060–0419.

Title: Network Non-duplication Protection and Syndication Exclusivity: Sections 76.94, Notification; 76.95, Exceptions; 76.105, Notifications; 76.106, Exceptions; 76.107, Exclusivity Contracts; and 76.1609, Non-Duplication and Syndicated Exclusivity.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 5,523 respondents; 239,220 responses.

Estimated Time per Response: 0.5 to 2 hours.

Frequency of Response: On occasion reporting requirement; One-time reporting requirement; Third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this information collection is contained in Section 4(i) of the Communications Act of 1934, as amended.

Total Annual Burden: 222,712 hours.

Total Annual Cost: No cost.

Needs and Uses: The purpose of the various notification and disclosure requirements accounted for in this collection are to protect broadcasters who purchase the exclusive rights to transmit network or syndicated programming in their recognized market areas. The Commission's network non-duplication and syndicated exclusivity rules permit, but do not require broadcasters and program distributors to obtain the same enforceable exclusive distribution rights for network and syndicated programming that all other video programming distributors possess.

OMB Control No.: 3060–1203.

Title: Section 79.107 User Interfaces Provided by Digital Apparatus; Section 79.108 Video Programming Guides and Menus Provided by Navigation Devices; Section 79.110 Complaint Procedures for User Interfaces, Menus and Guides, and Activating Accessibility Features on Digital Apparatus and Navigation Devices.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Individuals or households; Business or other for-profit entities; Not for profit institutions; State, Local or Tribal government.

Number of Respondents and Responses: 5,599 respondents and 546,277 responses.

Estimated Time per Response: 0.0167 hours to 10 hours.

Frequency of Response: On occasion reporting requirement; Third party disclosure requirement; Recordkeeping requirement.

Obligation to Respond: Voluntary. The statutory authority for this information collection is contained in the Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA), Public Law 111–260, 124 Stat. 2751, and sections 4(i), 4(j), 303(r), 303(u), 303(aa), 303(bb), and 716(g) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 303(r), 303(u), 303(aa), 303(bb), and 617(g).

Total Annual Burden: 39,350 hours.

Annual Cost Burden: $74,100.

Needs and Uses: The Commission will use the information submitted by a digital apparatus manufacturer or other party to determine whether it is achievable for digital apparatus to be fabricated so that control of appropriate built-in apparatus functions are accessible to and usable by individuals who are blind or visually impaired or whether it is achievable to comply with the information, documentation, and training requirements. The Commission will use the information submitted by an Multichannel Video Programming Distributor (MVPD) or navigation device manufacturer or other party to determine whether it is achievable for on-screen text menus and guides provided by navigation devices for the display or selection of multichannel video programming to be audibly accessible in real time upon request by individuals who are blind or visually impaired or whether it is achievable to comply with the information, documentation, and training requirements. Consumers will use the information provided by manufacturers of digital apparatus on the full functionalities of digital apparatus, such as instructions and product information, as well as information provided by manufacturers and MVPDs in accordance with the information, documentation, and training requirements, in order to have accessible information and support on how to use the device. Consumers will use the information provided by manufacturers and MVPDs notifying consumers of the availability of accessible digital apparatus and navigation devices to determine which devices accessible and whether they wish to request an accessible device. MVPDs and manufacturers of navigation devices will use the information provided by consumers who are blind or visually impaired consumers when requesting accessible navigation devices to fulfill such requests. MVPDs will use information provided by customers who are blind or visually impaired as reasonable proof of disability as a condition to providing equipment and/or services at a price that is lower than that offered to the general public. Consumers will use the contact information of covered entities to file written complaints regarding the accessibility requirements for digital apparatus and navigation devices. Finally, the Commission will use information received pursuant to the complaint procedures for violations of sections 79.107–79.109 to enforce the Commission's digital apparatus and navigation device accessibility requirements. The Commission will forward complaints, as appropriate, to the named manufacturer or provider for its response, as well as to any other entity that the Commission determines may be involved, and it may request additional information from relevant parties.

OMB Control Number: 3060–0289.

Title: Section 76.601, Performance Tests; § 76.1704, Proof of Performance Test Data; § 76.1717, Compliance with Technical Standards.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities, and state, local, or tribal government.

Number of Respondents and Responses: 4,085 respondents, 6,433 responses.

Estimated Time per Response: 0.5 to 70 hours.

Frequency of Response: Recordkeeping requirement, Semi-annual and Triennial reporting requirements; Third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in sections 4(i) and 624(e) of the Communications Act of 1934, as amended.

Total Annual Burden: 166,405 hours.

Total Annual Cost: No cost.

Needs and Uses: 47 CFR 76.601(b) requires the operator of each cable television system that delivers analog signals to conduct performance tests of the analog channels on that system at least twice each calendar year (at intervals not to exceed seven months).

47 CFR 76.1704 requires that proof of performance test required by 47 CFR 76.601 shall be maintained on file at the operator's local business office for at least five years. The test data shall be made available for inspection by the Commission or the local franchiser, upon request. If a signal leakage log is being used to meet proof of performance test recordkeeping requirement in accordance with § 76.601, such a log must be retained for the period specified in 47 CFR 76.601(d). 47 CFR 76.1717 states that an operator shall be prepared to show, on request by an authorized representative of the Commission or the local franchising authority, that the system does, in fact, comply with the technical standards rules in part 76, subpart K.

OMB Control Number: 3060–0433.

Title: Basic Signal Leakage Performance Report.

Form Number: FCC Form 320.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 230 respondents and 1,600 responses.

Frequency of Response: Recordkeeping requirement, Annual reporting requirement.

Estimated Time per Hours: 20 hours.

Total Annual Burden: 32,000 hours.

Total Annual Cost: No cost.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in Sections 4(i), 302 and 303 of the Communications Act of 1934, as amended.

Needs and Uses: Cable television system operators and Multichannel Video Programming Distributors (MPVDs) who use frequencies in the bands 108–137 and 225–400 MHz (aeronautical frequencies) are required to file a Cumulative Signal Leakage Index (CLI) derived under 47 CFR 76.611(a)(1) or the results of airspace measurements derived under 47 CFR 76.611(a)(2). This filing must include a description of the method by which compliance with basic signal leakage criteria is achieved and the method of calibrating the measurement equipment. This yearly filing of FCC Form 320 is done in accordance with 47 CFR 76.1803. The records must be retained by cable operators.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2025–20433 Filed 11–19–25; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0430, OMB 3060–1226; FR ID 318099]

Information Collections Being Submitted for Review and Approval to Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Pursuant to the Small Business Paperwork Relief Act of 2002, the FCC seeks specific comment on how it might further reduce the information collection burden for small business concerns with fewer than 25 employees. The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments and recommendations for the proposed information collection should be submitted on or before December 22, 2025.

ADDRESSES: Comments should be sent 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. Your comment must be submitted into *www.reginfo.gov* per the above instructions for it to be considered. In addition to submitting in *www.reginfo.gov* also send a copy of your comment on the proposed information collection to Nicole Ongele, FCC, via email to *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Nicole Ongele at (202) 418–2991. To view a copy of this information collection request (ICR) submitted to OMB: (1) go to the web page *http://www.reginfo.gov/public/do/PRAMain,* (2) look for the section of the web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the FCC invited the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. Pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), the FCC seeks specific comment on how it might further reduce the information collection burden for small business concerns with fewer than 25 employees.

OMB Control Number: 3060–0430.

Title: Section 1.1206, Permit-but-Disclose Proceedings.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Individuals or households; Business or other for-profit; Not-for-profit institutions; Federal Government; and State, local, or tribal governments.

Number of Respondent and Responses: 11,500 respondents; 34,500 responses.

Frequency of Response: On occasion reporting requirement.

Obligation to Respond: Required to obtain benefits. Statutory authority for this collection of information is contained in sections 4(i) and (j), 303(r), and 409 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and (j), 303(r), and 409.

Estimated Time per Response: 0.75 hours (45 minutes).

Total Annual Burden: 25,875 hours.

Total Annual Costs: No cost.

Needs and Uses: The Commission's rules, under 47 CFR 1.1206, require that a public record be made of ex parte presentations (*i.e.,* written presentations not served on all parties to the proceeding or oral presentations as to which all parties have not been given notice and an opportunity to be present) to decision-making personnel in ''permit-but-disclose'' proceedings, such as notice-and-comment rulemakings and declaratory ruling proceedings.

On February 2, 2011, the FCC released a Report and Order and Further Notice of Proposed Rulemaking, GC Docket Number 10–43, FCC 11–11, which amended and reformed the Commission's rules on ex parte presentations (47 CFR 1.1206(b)(2)) made in the course of Commission rulemakings and other permit-but-disclose proceedings. The modifications to the existing rules adopted in this Report and Order require that parties file more descriptive summaries of their ex parte contacts, ensure that other parties and the public have an adequate opportunity to review and respond to information submitted ex parte, and improve the FCC's oversight and enforcement of the ex parte rules. The modified ex parte rules that contain information collection requirements which OMB approved on December 6, 2011, are as follows: (1) Ex parte notices will be required for all oral ex parte presentations in permit-but-disclose proceedings, not just for those presentations that involve new information or arguments not already in the record; (2) If an oral ex parte presentation is limited to material already in the written record, the notice must contain either a succinct summary of the matters discussed or a citation to the page or paragraph number in the party's written submission(s) where the matters discussed can be found; (3) Notices for all ex parte presentations must include the name of the person(s) who made the ex parte presentation as well as a list of all persons attending or otherwise participating in the meeting at which the presentation was made; (4) Notices of ex parte presentations made outside the Sunshine period must be filed within two business days of the presentation; (5) The Sunshine period will begin on the day (including business days, weekends, and holidays) after issuance of the Sunshine notice, rather than when the Sunshine Agenda is issued (as the current rules provide); (6) If an ex parte presentation is made on the day the Sunshine notice is

released, an ex parte notice must be submitted by the next business day, and any reply would be due by the following business day. If a permissible ex parte presentation is made during the Sunshine period (under an exception to the Sunshine period prohibition), the ex parte notice is due by the end of the same day on which the presentation was made, and any reply would need to be filed by the next business day. Any reply must be in writing and limited to the issues raised in the ex parte notice to which the reply is directed; (7) Commissioners and agency staff may continue to request ex parte presentations during the Sunshine period, but these presentations should be limited to the specific information required by the Commission; (8) Ex parte notices must be submitted electronically in machine-readable format. PDF images created by scanning a paper document may not be submitted, except in cases in which a word-processing version of the document is not available. Confidential information may continue to be submitted by paper filing, but a redacted version must be filed electronically at the same time the paper filing is submitted. An exception to the electronic filing requirement will be made in cases in which the filing party claims hardship. The basis for the hardship claim must be substantiated in the ex parte filing; (9) To facilitate stricter enforcement of the ex parte rules, the Enforcement Bureau is authorized to levy forfeitures for ex parte rule violations; (10) Copies of electronically filed ex parte notices must also be sent electronically to all staff and Commissioners present at the ex parte meeting so as to enable them to review the notices for accuracy and completeness. Filers may be asked to submit corrections or further information as necessary for compliance with the rules; and (11) Parties making permissible ex parte presentations in restricted proceedings must conform and clarify rule changes when filing an ex parte notice with the Commission.

The information is used by parties to permit-but-disclose proceedings, including interested members of the public, to respond to the arguments made and data offered in the ex parte presentations. The responses may then be used by the Commission in its decision-making.

The availability of the ex parte materials ensures that the Commission's decisional processes are fair, impartial, and comport with the concept of due process in that all interested parties can know of and respond to the arguments made to the decision-making officials.

OMB Control Number: 3060–1226.

Title: Receiving Written Consent for Communication with Base Stations in Canada; Issuing Written Consent to Licensees from Canada for Communication with Base Stations in the U.S.; Description of Interoperable Communications with Licensees from Canada.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: State, Local, or Tribal government agencies.

Number of Respondents and Responses: 3,013 respondents; 3,013 responses.

Estimated Time per Response: 0.5 hours–1 hour.

Frequency of Response: On occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. Written consent from the licensee of a base station repeater is required before first responders from the other country can begin communicating with that base stations repeater. Applicants are advised to include a description of how they intend to interoperate with licensees from Canada when filing applications to operate under any of the scenarios described in Public Notice DA 16–739 in order to ensure that the application is not inadvertently rejected by Canada. Statutory authority for these collections are contained in 47 U.S.C. 151, 154, 301, 303, 307, 308, 309, 310, 316, 319, 325(b), 332, 336(f), 338, 339, 340, 399b, 403, 534, 535, 1404, 1452, and 1454 of the Communications Act of 1934.

Total Annual Burden: 5,272 hours.

Total Annual Cost: None.

Needs and Uses: This collection will be submitted as an extension of an existing collection after this 60-day comment period to the Office of Management and Budget (OMB) in order to obtain the full three-year clearance. The purpose of requiring an agency to issue written consent before allowing first responders from the other country to communicate with its base station repeater ensures to that the licensee of that base stations repeater (host licensee) maintains control and is responsible for its operation at all times. The host licensee can use the written consent to ensure that first responders from the other country understand the proper procedures and protocols before they begin communicating with its base station repeater. Furthermore, when reviewing applications filed by border area licensees, Commission staff will use any description of how an applicant intends to interoperate with licensees from Canada, including copies of any written agreements, in order to coordinate the application with Innovation, Science and Economic Development Canada (ISED) and reduce the risk of an inadvertent rejection by ISED.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2025–20436 Filed 11–19–25; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[FR ID 318530]

Sunshine Act; Open Commission Meeting Tuesday, October 28, 2025

October 21, 2025.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Tuesday, October 28, 2025, which is scheduled to commence at 10:30 a.m. in the Commission Meeting Room of the Federal Communications Commission, 45 L Street NE, Washington, DC. While attendance at the Open Meeting is available to the public, the FCC headquarters building is not open access and all guests must check in with and be screened by FCC security at the main entrance on L Street. Attendees at the Open Meeting will not be required to have an appointment but must otherwise comply with protocols outlined at: *www.fcc.gov/visit.* Open Meetings are streamed live at: *www.fcc.gov/live* and on the FCC's YouTube channel.

Item No.	Bureau	Subject
1	Space	*Title:* Space Modernization for the 21st Century (SB Docket No. 25–306). *Summary:* The Commission will consider a Notice of Proposed Rulemaking that would propose overhauling the Commission's rules for licensing space and earth stations to increase speed, predictability, and flexibility in order to support the American space economy. The Notice would propose replacing part 25 with a new rule part—part 100—that would create a ''licensing assembly line'' to process applications.
2	Space	*Title:* Upper Microwave Flexible Use Service (SB Docket No. 25–305). *Summary:* The Commission will consider a Notice of Proposed Rulemaking that solicits comment on a variety of ways to encourage more intensive use of spectrum bands above 24 GHz that are shared between the terrestrial Upper Microwave Flexible Use Service (UMFUS) and the Fixed-Satellite Service (FSS).
3	Engineering and Technology	*Title:* Protecting Against National Security Threats through the Equipment Authorization Program (ET Docket No. 21–232). *Summary:* The Commission will consider a Second Report and Order and Second Further Notice of Proposed Rulemaking to take the next important steps in modifying our equipment authorization program to protect our networks and communications supply chain against national security threats.
4	Media	*Title:* Fifth Next Gen TV Further Notice (GN Docket No. 16–142). *Summary:* The Commission will consider a Further Notice of Proposed Rulemaking that seeks comment on steps to support and accelerate the nation's ongoing voluntary, market-based broadcast television transition to Next Gen TV by removing regulatory obstacles and giving flexibility to broadcasters.
5	Wireline Competition	*Title:* Advancing IP Interconnection (WC Docket Nos. 25–304); Accelerating Network Modernization (WC Docket Nos. 25–208); and Call Authentication Trust Anchor (WC Docket No. 17–97). *Summary:* The Commission will consider a Notice of Proposed Rulemaking that would examine the interconnection requirements imposed on incumbent local exchange carriers, and seek comment on ways the Commission can facilitate a successful transition to all-IP interconnection for voice services while retaining critical oversight in areas of public safety and consumer protection.
6	Consumer and Governmental Affairs	*Title:* Empowering Broadband Consumers Through Transparency (CG Docket No. 22–2). *Summary:* The Commission will consider a Further Notice of Proposed Rulemaking that would propose to eliminate certain broadband label requirements and seek comment on other ways to streamline the broadband label rules to reduce compliance burdens while preserving their consumer benefit.
7	Consumer and Governmental Affairs	*Title:* Advanced Methods to Target and Eliminate Unlawful Robocalls (CG Docket No. 17–59); Call Authentication Trust Anchor (WC Docket No. 17–97); Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991 (CG Docket No. 02–278); and Dismissal of Outdated or Otherwise Moot Robocalls Petitions (CG Docket No. 25–307). *Summary:* The Commission will consider a Further Notice of Proposed Rulemaking and Public Notice that would propose to give consumers accurate caller name and other information to help them better understand who is calling and whether to answer the call; propose to simplify, streamline, or eliminate outdated robocalls requirements; and provide notice that the Commission intends to dismiss certain older petitions for reconsideration and applications for review related to the Telephone Consumer Protection Act.
8	Wireline Competition	*Title:* Incarcerated People's Communications Services (WC Docket Nos. 23–62); Implementation of the Martha Wright-Reed Act; and Rates for Interstate Inmate Calling Services (WC Docket Nos. 12–375). *Summary:* The Commission will consider a Report and Order, Order on Reconsideration, and Notice of Proposed Rulemaking that would establish new interim audio and video IPCS rate caps and correctional facilities rate additives for correctional facility cost recovery, and seek comment on establishing permanent rate caps, permanent rate additives, and continued prohibitions on site commissions and separate ancillary service charges.
9	Wireless Telecommunications	*Title:* Deleting Obsolete and Duplicative Wireless Rules (GN Docket No. 25–133). *Summary:* The Commission will consider as part of the In re: Delete, Delete, Delete proceeding a Direct Final Rule that would move to delete approximately 400 primarily wireless-related rules and requirements that have sunset by operation of law; govern an expired event; regulate an obsolete technology; are no longer used in practice by the FCC or licensees; or are otherwise duplicative, outdated, or unnecessary. These rules pertain to a wide variety of now-defunct topics including regulatory reporting requirements, technology that is no longer used, and dates pertaining to transition plans, cost-sharing obligations, pilot programs, equipment requirements, and registration procedures that have long ago passed.

* * * * *

The meeting will be webcast at: *www.fcc.gov/live.* Open captioning will be provided as well as a text only version on the FCC website. Other

reasonable accommodations, including live ASL interpretation, for people with disabilities are available upon request. In your request, include a description of the accommodation you will need and a way we can contact you if we need more information. Last minute requests will be accepted but may be impossible to fill. For reasonable accommodation requests at the October meeting, call 202–418–1463.

Press Access—Members of the news media are welcome to attend the meeting and will be provided reserved seating on a first-come, first-served basis. Following the meeting, the Chairman may hold a news conference in which he will take questions from credentialed members of the press in attendance. Also, senior policy and legal staff will be made available to the press in attendance for questions related to the items on the meeting agenda. Commissioners may also choose to hold press conferences. Press may also direct questions to the Office of Media Relations (OMR): *MediaRelations@fcc.gov.* Questions about credentialing should be directed to OMR.

Additional information concerning this meeting may be obtained from the Office of Media Relations, (202) 418–0500. Audio/Video coverage of the meeting will be broadcast live with open captioning over the internet from the FCC Live web page at *www.fcc.gov/live.*

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2025–20435 Filed 11–18–25; 11:15 am]

BILLING CODE 6712–01–P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Meetings

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 90 FR 42969, September 5, 2025.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: Meeting was originally scheduled for 10 a.m., on Wednesday, October 15, 2025.

CHANGES IN THE MEETING: 10 a.m., on Tuesday, December 2, 2025.

CONTACT PERSON FOR MORE INFORMATION: Rory P. Smith (202) 525–8649/(202) 708–9300 for TDD Relay/1–800–877–8339 for toll free.

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

Dated: November 18, 2025.

Rory P. Smith,

Attorney-Advisor.

[FR Doc. 2025–20468 Filed 11–18–25; 4:15 pm]

BILLING CODE 6735–01–P

FEDERAL RESERVE SYSTEM

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

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington DC 20551–0001, not later than December 22, 2025.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414. Comments can also be sent electronically to *Comments.applications@chi.frb.org:*

1. *First Mid Bancshares, Inc., Mattoon, Illinois;* to merge with Two Rivers Financial Group, Inc., and thereby indirectly acquire Two Rivers Bank & Trust, both of Burlington, Iowa.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2025–20473 Filed 11–19–25; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–10464]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by December 22, 2025.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open

for Public Comments'' or by using the search function.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, please access the CMS PRA website by copying and pasting the following web address into your web browser: *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.*

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment.

1. *Type of Information Collection Request:* Reinstatement without change of a previously approved information collection; *Title of Information Collection:* Agent/Broker Data Collection in Federally-facilitated Health Insurance Exchanges; *Use:* The Patient Protection and Affordable Care Act, Public Law 111–148, enacted on March 23, 2010, and the Health Care and Education Reconciliation Act, Public Law 111–152, enacted on March 30, 2010 (collectively, ''Affordable Care Act''), expands access to health insurance for individuals and employees of small businesses through the establishment of new Affordable Insurance Exchanges (Exchanges), also called Marketplaces, including the Small Business Health Options Program (SHOP).

Section 1312(e) of the Affordable Care Act and 45 CFR 155.220(a)(1) expands the role of agents/brokers by permitting them to enroll qualified individuals or small employers/employees in qualified health plans (QHPs) through the Exchanges, and assist individuals in applying for Advance Premium Tax Credits (APTCs) and Cost Sharing Reductions (CSRs). To participate as facilitators to enrollment, agents/brokers must register with the FFE, complete a training course covering eligibility and enrollment criteria for assisting in QHP enrollment, and sign agreements that formalize their understanding and commitment to adhere to the rules of the program. This requirement is specific to the FFE and does not automatically apply to State-based Exchanges (SBEs). *Form Number:* CMS–10464 (OMB control number: 0938–1204); *Frequency:* Annually; *Affected Public:* Private Sector—Business or other for-profits; *Number of Respondents:* 100,000; *Number of Responses:* 100,000; *Total Annual Hours:* 12,000. (For questions regarding this collection, contact Madeline Pellish at 301–492–4390).

William N. Parham, III,

Director, Division of Information Collections and Regulatory Impacts, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2025–20395 Filed 11–19–25; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–10079, CMS–855S, CMS–10052 and CMS–10495]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by December 22, 2025.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, please access the CMS PRA website by copying and pasting the following web address into your web browser: *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.*

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment.

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title:* Hospital Wage Index Occupational Mix Survey; *Use:* Section 304(c) of Public Law 106–554 amended section 1886(d)(3)(E) of the Social Security Act to require CMS to collect data every 3 years on the occupational mix of employees for each

short-term, acute care hospital participating in the Medicare program, in order to construct an occupational mix adjustment to the wage index, for application beginning October 1, 2004 (the FY 2005 wage index). The purpose of the occupational mix adjustment is to control for the effect of hospitals' employment choices on the wage index. For example, hospitals may choose to employ different combinations of registered nurses, licensed practical nurses, nursing aides, and medical assistants for the purpose of providing nursing care to their patients. The varying labor costs associated with these choices reflect hospital management decisions rather than geographic differences in the costs of labor.

CMS takes the data collected from the approximately 3,200 IPPS providers participating in the Medicare program and runs the data through mathematical formulas to create the occupational mix adjustment to the wage index. CMS informs hospitals of the occupational mix adjusted wage indexes through notice and comment rulemaking each year. *Form Number:* CMS–10079 (OMB control number: 0938–0907); *Frequency:* Annually; *Affected Public:* Private Sector, Business or other for-profit and not-for-profit institutions; *Number of Respondents:* 3,100; *Number of Responses:* 3,100; *Total Annual Hours:* 1,488,000. (For policy questions regarding this collection contact Noel Manlove at 410–786–5161.)

2. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Medicare Enrollment Application—Durable Medical Equipment, Prosthetics, Orthotics and Supplies (DMEPOS) Suppliers; *Use:* The primary function of the Form CMS–855S Medicare enrollment application for suppliers of durable medical equipment, prosthetics, orthotics, and supplies (DMEPOS) is to gather information from the supplier that tells us who the supplier is, whether the supplier meets certain qualifications to be a Medicare DMEPOS supplier, where the supplier practices or renders services, and other information necessary to establish correct claims payments. *Form Number:* CMS–855S (OMB control number: 0938–1056); *Frequency:* Yearly; *Affected Public:* Private Sector, Business or other for-profits and Not-for-profit institutions; *Number of Respondents:* 32,790; *Total Annual Responses:* 32,790; *Total Annual Hours:* 67,886. (For policy questions regarding this collection contact Frank Whelan at 410–786–1302.)

3. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Recognition of Pass-Through Payment for Additional (New) Categories of Devices under the Outpatient Prospective Payment System and Supporting Regulations; *Use:* The transitional pass-through provision provides a way for ensuring appropriate payment for new technologies whose use and costs are not adequately represented in the base year claims data on which the outpatient PPS is constructed as required by law. Categories of medical devices will receive transitional pass-through payments for 2 to 3 years from the date payments are initiated for the category. However, the underlying provision is permanent and provides an on-going mechanism for reflecting timely introduction of new items into the payment structure.

Interested parties such as hospitals, device manufacturers, pharmaceutical companies, and physicians apply for transitional pass-through payment for certain items used with services covered in the outpatient PPS. After we receive all requested information, we evaluate the information to determine if the creation of an additional category of medical devices for transitional pass-through payments is justified. We may request additional information related to the proposed new device category, as needed. We advise the applicant of our decision, and update the outpatient PPS during its next scheduled quarterly payment update cycle to reflect any newly approved device categories. We list below the information that we require from all applicants. The following information is required to process requests for additional categories of medical devices for transitional pass-through payments. *Form Number:* CMS–10052 (OMB control number: 0938–0857); *Frequency:* Annually; Affected Public: Private Sector, Business or other for-profits; *Number of Respondents:* 16; *Number of Responses:* 16; *Total Annual Hours:* 16. (For questions regarding this collection contact Amanda Rhee at 410–786–3888.)

4. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Registration, Attestation, Dispute Resolution and Correction, Assumptions Document and Data Retention Requirements for Open Payments; *Use:* The Patient Protection and Affordable Care Act was enacted on March 23, 2010 (Pub. L. 111–148). This statute amended section 1128 of the Social Security Act (the Act) by adding a new subsection G that requires applicable manufacturers of drugs, devices, biologics, or medical supplies covered under title XVIII of the Act (Medicare) or a State plan under title XIX (Medicaid) or XXI of the Act (the Children's Health Insurance Program, or CHIP) to report annually to the Secretary certain payments or other transfers of value to physicians and teaching hospitals. Section 1128G of the Act also requires applicable manufacturers and applicable group purchasing organizations (GPOs) to report certain information regarding the ownership or investment interests held by physicians or the immediate family members of physicians in such entities, as well as any payments provided to such physicians.

The submitted information facilitates various aspects of the program. The information collected through the registration process is used by CMS to validate registration for applicable manufacturers, applicable GPOs, covered recipients, and physician owners or investors that are registering for Open Payments. Details collected during the dispute resolution and correction process allows CMS to notify applicable manufacturers and applicable GPOs that a covered recipient or physician owner or investor is initiating a dispute regarding data submitted about them and allow CMS to relay the nature of the dispute. The assumptions documents submitted by applicable manufacturers or applicable GPOs assist CMS in providing guidance (for example, determining form and nature of payment categories, calculating the value of a payment, determining the date of payment, and reporting the terms of an ownership or investment interest). *Form Number:* CMS–10495 (OMB control number: 0938–1237); *Frequency:* Annually; Affected Public: State, Local, or Tribal Governments; *Number of Respondents:* 1,788; *Total Annual Responses:* 1,788; *Total Annual Hours:* 1,950,948. (For policy questions regarding this collection contact Kathleen Ott at 410–786–4246.)

William N. Parham, III,

Director, Division of Information Collections and Regulatory Impacts, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2025–20368 Filed 11–19–25; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10142, CMS–10691, CMS–10463, CMS–10493, and CMS–10507]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by January 20, 2026.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. Electronically. You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. By *regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier:____ /OMB Control Number:____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, please access the CMS PRA website by copying and pasting the following web address into your web browser: *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.*

FOR FURTHER INFORMATION CONTACT: William N. Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collections

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Bid Pricing Tool (BPT) for Medicare Advantage (MA) Plans and Prescription Drug Plans (PDP); *Use:* Medicare Advantage organizations (MAO) and Prescription Drug Plans (PDP) are required to submit an actuarial pricing ''bid'' for each plan offered to Medicare beneficiaries for approval by CMS. The MAOs and PDPs use the Bid Pricing Tool (BPT) software to develop their actuarial pricing bid. The competitive bidding process defined by the ''The Medicare Prescription Drug, Improvement, and Modernization Act'' (MMA) applies to both the MA and Part D programs. It is an annual process that encompasses the release of the MA rate book in April, the bid's that plans submit to CMS in June, and the release of the Part D and RPPO benchmarks, which typically occurs in August. *Form Number:* CMS–10142 (OMB control number: 0938–0944); *Frequency:* Annually; *Affected Public:* Private Sector, Business or other for profits, and Not for profits institutions; *Number of Respondents:* 460; *Total Annual Responses:* 11,700; *Total Annual Hours:* 406,000. (For questions regarding this collection contact Rachel Shevland at 410–786–3026 or *Rachel.shevland@cms.hhs.gov.*)

2. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Data Request and Attestation for PDP Sponsors; *Use:* Section 50354 of the BBA requires that the Secretary establish a process for PDP sponsors to submit a request for standardized extracts of claims data for their enrollees. In addition, Section 50354 of the BBA provides for a number of purposes and limitation for the use of the claims data and also permits the Secretary to establish other limitations necessary to protect the identity of individuals entitled to or enrolled in Medicare, and to protect the security of personal health information.

This information collection request allows a PDP sponsor to submit a request to CMS for claims data for its enrollees and to attest that it will adhere to the permitted uses and limitations on the use of the Medicare claims data that are listed in 42 CFR 423.153(g)(3) and After requesting claims data for its enrollees and attesting to the permitted uses and limitations of Medicare claims data, PDP sponsors are required to complete some basic on-boarding activities before gaining access to Medicare claims data using the Part A and B Claims Data to Part D Sponsors (AB2D) API. *Form Number:* CMS–10691 (OMB control number: 0938–1371); *Frequency:* Annually; *Affected Public:* Private Sector, Business or other for profits, and Not for profits institutions; *Number of Respondents:* 200; *Total Annual Responses:* 200; *Total Annual Hours:* 36.83. (For questions regarding this collection contact Kari Gaare at 410–786–8612 or *Kari.gaare@cms.hhs.gov.*)

3. *Type of Information Collection Request:* Reinstatement with change of a previously approved collection; *Title of Information Collection:* Cooperative Agreement to Support Navigators in Federally-facilitated Exchanges and State Partnership Exchanges; *Use:* Section 1311(i) of the ACA requires Exchanges to establish a Navigator program under which it awards grants

to eligible individuals and entities, as described in Section 1311(i)(2) of the ACA and 45 CFR 155.210(a) and (c), to carry out certain Navigator duties in states with an FFE. Entities or individuals that receive a cooperative agreement award must be capable of carrying out, at a minimum, all Navigator duties required by the ACA and HHS regulations. The primary regulations that establish requirements for Navigator grant awardees are 45 CFR 155.210 and 155.215. Under the terms and conditions of the Navigator program cooperative agreements, awardees must provide progress reports on a weekly, monthly, and quarterly basis, and a final report at the end of the five-year period of performance. *Form Number:* CMS–10463 (OMB control number: 0938–1215); *Frequency:* Annually, Monthly, Quarterly, Weekly; *Affected Public:* Private Sector; Businesses or other for-profits, Not-for-profit institutions; *Number of Respondents:* 44; *Total Annual Responses:* 120,236; *Total Annual Hours:* 457,857. (For questions regarding this collection contact Gian Johnson at 301–492–4323.)

4. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Data Collection to Support Eligibility Determinations for Small Businesses in the Small Business Health Options Program; *Use:* On March 23, 2010, the President signed into law H.R. 3590, the Patient Protection and Affordable Care Act, Public Law 111–148, as amended by the Health Care and Education Reconciliation Act of 2010, Public Law 111–152. The Patient Protection and Affordable Care Act (PPACA) expands access to health insurance coverage through improvements to the Medicaid and Children's Health Insurance (CHIP) programs, the establishment of Affordable Insurance Exchanges (Exchanges), and the coordination between Medicaid, CHIP, and Exchanges. Small business employers may participate in and provide health coverage through the Small Business Health Options Program (SHOP), so long as the small business employer obtains a positive eligibility determination from SHOP. Employers will work with SHOP-registered agents/brokers or Issuers offering Qualified Health Plans (QHPs) and Qualified Dental Plans (SADPs), to enroll in SHOP coverage and to select coverage options to offer their employees. SHOP Exchanges became operational on October 1, 2013.

HHS has developed a single, streamlined form that employers use to obtain a SHOP eligibility determination, which is included as an appendix to this Information Collection Request. 45 CFR 155.731 provides more detail about this ''single employer application,'' which is used to determine employer eligibility. Since publication of the last package, no updates have been made in regulation concerning what information should be collected on the single employer application to determine employer eligibility under 45 CFR 155.731. When an employer completes the SHOP Eligibility Determination Form, the form and its results are retained by SHOP for future use, if needed (*e.g.,* reconciliation with issuer records, SHOP employer appeals, etc.). *Form Number:* CMS–10439 (OMB control number: 0938–1193); *Frequency:* Annually; *Affected Public:* Private Sector—Business or other for-profits, Not-for-profit institutions; *Number of Respondents:* 2,100; *Number of Responses:* 2,100; *Total Annual Hours:* 336. (For questions regarding this collection, contact Mary Guy at 410–786–2772).

5. *Type of Information Collection Request:* Reinstatement with change of a previously approved information collection; *Title of Information Collection:* State-based Exchange Annual Reporting Tool (SMART); *Use:* The ACA § 1313(a)(1) and its implementing regulations require State Exchanges to keep an accurate accounting of all activities, receipts, and expenditures, and to submit a report annually to CMS concerning such accounting. Instructions governing specific facets of the activities covered by the report are contained both in the ACA and 45 CFR 155.1200, 155.1210. CMS uses the SMART as the reporting tool to ensure compliance with regulatory requirements.

CMS uses the information collected from the SMART to determine if a state is maintaining a compliant, operational Exchange. It also provides a mechanism to collect innovative approaches to meeting challenges encountered by states during the preceding year, as well as to provide information to CMS regarding potential changes in priorities and approaches for the upcoming year. If CMS determines a state to be non-compliant through the review of required documentation, it will issue a formal letter asking the state to develop and submit a Corrective Action Plan (CAP). CMS may also provide technical assistance to help State Exchanges address potential areas of non-compliance, as needed. *Form Number:* CMS–10507 (OMB control number: 0938–1244); *Frequency:* Annually; *Affected Public:* State, Local or Tribal Government; *Number of Respondents:* 23; *Number of Responses:* 23; *Total Annual Hours:* 4,792. (For questions regarding this collection, contact Tiffany Y. Animashaun at *Tiffany.Animashaun@cms.hhs.gov.*)

William N. Parham, III,

Director, Division of Information Collections and Regulatory Impacts, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2025–20367 Filed 11–19–25; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[OMB #: 0970–0338]

Submission for Office of Management and Budget Review; Caseload Reduction Documentation Process

AGENCY: Office of Family Assistance, Administration for Children and Families, U.S. Department of Health and Human Services.

ACTION: Request for Public Comments.

SUMMARY: The Administration for Children and Families (ACF) is requesting a three-year extension of the form ACF–202: Caseload Reduction Report (Office of Management and Budget (OMB) #0970–0338, expiration October 31, 2026). There are substantive changes requested to the instructions and form.

DATES: The public may view and comment on this information collection request at: *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202511-0970-001.* You can also obtain copies of the proposed collection of information by emailing *infocollection@acf.hhs.gov.* Identify all emailed requests by the title of the information collection.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. You can also obtain copies of the proposed collection of information by emailing *infocollection@acf.hhs.gov.* Identify all emailed requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: Section 407(b)(3) of the Social Security Act requires ACF to reduce a state's required work participation rate for a fiscal year (FY)

by the state's caseload reduction credit for that FY. 42 U.S.C. 607(b)(3). The caseload reduction credit gives a state credit for reducing its caseload between a base year and a comparison year. 42 U.S.C. 607(b)(3)(A). States submit data for the calculation of their caseload reduction credit by completing form ACF–202. Section 301 of the Fiscal Responsibility Act of 2023 (FRA) recalibrates the caseload reduction credit by amending Section 407(b)(3) of the Social Security Act (42 U.S.C. 607(b)(3)) and changing the base-year caseload from FY 2005 to FY 2015. The FRA, Public Law 118–15, § 301 (2023), 137 Stat. 34. ACF proposes to revise the Caseload Reduction Documentation Process as required by the FRA by striking ''2005'' and inserting ''2015.'' Fiscal Responsibility Act of 2023, Public Law 118–15, § 301 (2023), 137 Stat. 34. There are additional minor changes to the instructions and form to update the reporting due date for FY 2026, update submission and general instructions, and change 'State' to lowercase, where applicable.

Respondents: State TANF agencies.

Annual Burden Estimates: The following table includes all information collections currently approved under this OMB #. This revision request only proposes changes to the content of the second row: *Caseload Reduction Credit Documentation Process, Form ACF–202 §§ 261.41 & 261.44.* Burden estimates have been revised to reflect that states spend less time on revisions than initial submissions, and that not all states submit each form each year.

Instrument	Total number of respondents	Total number of responses per respondent (over 3 years)	Average burden hours per response	Total burden (over 3 years)	Annual burden hours
Work Verification Plan §§ 261.60–261.63	10	1	30	900	300
Caseload Reduction Credit Documentation Process, ACF–202 §§ 261.41 & 261.44	54	1	40	6,480	2,160
Reasonable Cause/Corrective Compliance Documentation Process §§ 262.4, 262.6, & 262.7; § 261.51	9	1	240	6,480	2,160
TANF Data Report Part 265	54	4	2,100	1,360,800	453,600
SSP–MOE Data Report—Part 265	29	4	714	248,472	82,824
TANF Sampling and Statistical Methods Manual § 265.5	30	4	48	17,280	5,760
Estimated Total Annual Burden Hours					546,804

Authority: 42 U.S.C. 607(b)(3); Fiscal Responsibility Act of 2023, Public Law 118–5, 301, 137 Stat. 34.

Mary C. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2025–20397 Filed 11–19–25; 8:45 am]

BILLING CODE 4184–36–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2011–D–0605]

Scientific Considerations in Demonstrating Biosimilarity to a Reference Product: Updated Recommendations for Assessing the Need for Comparative Efficacy Studies; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA, Agency, or we) is announcing the availability of a draft guidance for industry entitled ''Scientific Considerations in Demonstrating Biosimilarity to a Reference Product: Updated Recommendations for Assessing the Need for Comparative Efficacy Studies.'' This draft guidance describes considerations regarding a comparative clinical study or studies with efficacy endpoints (a comparative efficacy study or CES) intended to support a demonstration that a proposed therapeutic protein product is biosimilar to a reference product for the purpose of submitting a marketing application under the Public Health Service Act (PHS Act).

DATES: Submit either electronic or written comments on the draft guidance by January 20, 2026 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov*. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov*.
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2011–D–0605 for ''Scientific Considerations in Demonstrating Biosimilarity to a Reference Product: Updated Recommendations for Assessing the Need for Comparative Efficacy Studies.'' Received comments

will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov*. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf*.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Mustafa Unlu, Center for Drug Evaluation and Research (HF–22), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 1139, Silver Spring, MD 20993–0001, 301–796–3396, *mustafa.unlu@fda.hhs.gov*; or Philip Kurs, Center for Biologics Evaluation and Research, Food and Drug Administration, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Scientific Considerations in Demonstrating Biosimilarity to a Reference Product: Updated Recommendations for Assessing the Need for Comparative Efficacy Studies.'' The final guidance for industry entitled ''Scientific Considerations in Demonstrating Biosimilarity to a Reference product'' published in April 2015 (Scientific Considerations Guidance) described general considerations for comparative clinical studies intended to support a demonstration that a proposed therapeutic protein product (proposed biosimilar or proposed biosimilar product) is biosimilar to a reference product for the purpose of submitting a marketing application under section 351(k) of the PHS Act (42 U.S.C. 262(k)). Comparative clinical studies typically have been designed to analyze and compare a clinical efficacy outcome or other relevant therapeutic effect between the proposed product and the reference product.

Since publication of the Scientific Considerations Guidance, FDA has gained significant experience in evaluating analytical differences between proposed biosimilar products and their reference products and understanding the impact of those analytical differences on clinical performance. A comparative analytical assessment is generally more sensitive than a CES to detect differences between two products, should any exist, that may preclude a demonstration of biosimilarity. Accordingly, FDA's scientific approach to when a CES may not be necessary to support a demonstration of biosimilarity is evolving. FDA is now issuing this draft guidance to provide an overview of important scientific considerations for determining when a CES may inform a demonstration of biosimilarity. In the future, the Agency intends to consolidate certain recommendations in a new guidance describing scientific considerations in demonstrating biosimilarity to a reference product.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

As we develop final guidance on this topic, FDA will consider comments on costs or cost savings the guidance may generate, relevant for Executive Order 14192. We are specifically seeking comments on potential cost savings for biosimilar development programs that use a streamlined approach as described in this draft guidance.

II. Paperwork Reduction Act of 1995

While this guidance contains no collection of information, it does refer to previously approved FDA collections of information. The previously approved collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). The collections of information relating to the submission of a biologics license application under section 351(k) of the PHS Act, including the submission of data from comparative analytical assessments and a clinical study or studies (including the assessment of immunogenicity and pharmacokinetics or pharmacodynamics) that are sufficient to demonstrate safety, purity, and potency in one or more appropriate conditions of use for which the reference product is licensed, have been approved under OMB control number 0910–0718. The collections of information relating to formal meetings between sponsors or applicants and FDA have been approved under OMB control number 0910–0001.

III. Electronic Access

Persons with access to the internet may obtain the draft guidance at *https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs, https://www.fda.gov/regulatory-information/search-fda-guidance-documents,* or *https://www.regulations.gov,* or *https://www.fda.gov/vaccines-blood-biologics/guidance-compliance-regulatory-information-biologics/biologics-guidances*.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025–20380 Filed 11–19–25; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye Institute; Notice of Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Advisory Eye Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting. The open session will be videocast and can be accessed from the NIH Videocasting and Podcasting website (*https://videocast.nih.gov/watch=56978*).

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Eye Council.

Date: December 9, 2025.

Open: 10:00 a.m. to 12:30 p.m.

Agenda: Presentation of the NEI Director's report, discussion of NEI programs, and concept clearances.

Address: National Eye Institute, 6700B Rockledge Drive, Bethesda, MD 20892, Virtual Meeting.

Closed: 12:30 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Address: National Eye Institute, 6700B Rockledge Drive, Bethesda, MD 20892, Virtual Meeting.

Contact Person: Hyo-Jung Anna Han, Ph.D., Acting Director, Division of Extramural Activities, National Eye Institute, 6700B Rockledge Drive, Bethesda, MD 20892, *anna.han@nih.gov*.

Registration is not required to attend this meeting.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice before the meeting or within 15 days after the meeting. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *https://www.nei.nih.gov/about/advisory-committees/national-advisory-eye-council-naec,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program No. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: November 17, 2025.

Rosalind Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–20365 Filed 11–19–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the information collection plans, call the SAMHSA Reports Clearance Officer on (240) 276–0361.

Comments are invited on: (a) whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project: Program Evaluation for Prevention Contract (PEPC) Evaluation (OMB No. 0930–0377)—Revision

The Substance Abuse and Mental Health Services Administration's (SAMHSA) Center for Substance Abuse Prevention (CSAP) aims to complete a cross-site evaluation of SAMHSA's SPF Rx grant program. SPF Rx is designed to address nonmedical use of prescription drugs as well as opioid overdoses by raising awareness about the dangers of sharing medications and by working with pharmaceutical and medical communities on the risks of overprescribing. The SPF Rx program grantees also raise community awareness and bring activities related to prescription drug misuse prevention and education to schools, communities, parents, prescribers, and their patients. The SPF Rx program aims to promote collaboration between states, tribes, U.S. territories, and pharmaceutical and medical communities to understand the risks of overprescribing to youth ages 12–17 and adults 18 years of age and older. The program also aims to enhance capacity for, and access to, Prescription Drug Monitoring Program (PDMP) data for prevention purposes.

This request for data collection includes a revision to previously approved Office of Management and Budget (OMB) instruments to allow for data collection through the end of the grant period with the FY 2021 and FY 2022 grantees. The FY 2021 cohort of grants focuses on the dangers of sharing medications; the risks of overprescribing, especially to young adults; community awareness and education; and incorporation of PDMP data into grantees' needs assessments and strategic plans. The FY 2022 cohort of grants focused on raising awareness about the risks of sharing medications, taking fake or counterfeit pills, and overprescribing.

The SPF Rx program's indicators of success are reductions in opioid overdoses, reduction in prescription drug misuse and improved use of PDMP data. Data collected through the tools described in this statement will be used for the national cross-site evaluation of SAMHSA's SPF Rx program. The Program Evaluation for Prevention Control (PEPC) team will systematically collect and maintain an Annual Reporting Tool (ART) and Grantee and Community Level Outcomes data modules submitted by SPF Rx grantees through the online Data Management System (DMS), and conduct telephone interviews with SPF Rx grantees.

SAMHSA is requesting approval for data collection for the SPF Rx cross-site evaluation with the following instruments:

Annual Reporting Tool (ART)—The ART is a survey instrument collected yearly to monitor state, territory, tribal entity, and community-level performance, and to evaluate the

effectiveness of the SPF Rx program. This tool is completed by grantees and sub-recipient community project directors and provides process data related to funding use and effectiveness, organizational capacity, collaboration with community partners, data infrastructure, planned intervention targets, evaluation, contextual factors, and sustainability.

Grantee-and Community-Level Outcomes Modules—These modules collect data on key SPF Rx program outcomes, including opioid prescribing patterns and provider use of PDMP. Grantees will provide outcomes data at the grantee level for their state, tribal area, or jurisdiction, as well as at the community level for each of their sub-recipient communities.

Grantee-Level Interview—This qualitative interview will be administered annually to obtain information from the grantee project directors on their programs, staffing, populations of focus, infrastructure, capacity, lessons learned, and collaboration.

AVERAGE ANNUALIZED DATA COLLECTION BURDEN FOR THE PEPC DATA COLLECTION [a]

Instrument	Average number of respondents	Average number of responses per respondent	Average number of responses	Hours per response	Average burden hours	Hourly wage [c d]	Annualized data collection burden
ART	[b] 107	1	107	1.5	161	$30.56	$4,920.16
	[c] 21	1	21	1.5	31	50.85	1,576.35
Total Burden for ART	128		128		192		6,496.51
Grantee-Level PDMP Outcomes Module	[c] 21	1	21	2.5	52	50.85	2,627.25
Community-Level PDMP Outcomes Module	[c] 21	5.2	107	1.25	134.17	50.85	6,822.38
Grantee-Level Interview	[c] 21	1	21	1.5	31	50.85	1,576.35
Total Annualized Burden	191		277		409.17		17,522.49

[a] *Annualized Data Collection Burden* captures the average number of respondents and responses, burden hours, and respondent cost over the 3 years (FY 2026–FY 2028).
[b] Community subrecipient respondent.
[c] Grantee respondent.
[d] *Grantee Project Director or Evaluator hourly wage* is based on the mean hourly wage for state government managers, as reported in the 2023 Occupational Employment (OES) by the Bureau of Labor Statistics (BLS) found at *https://www.bls.gov/oes/current/naics4_999200.htm#11-00000.*
[e] *Subrecipient Staff hourly wage* is based on the mean hourly wage for local government counselors, social workers, and other community and social service specialists, as reported in the 2023 OES by the BLS found at *https://www.bls.gov/oes/current/naics4_999300.htm.*

Send comments to SAMHSA Reports Clearance Officer, 5600 Fishers Lane, Room 15E57–A, Rockville, Maryland 20857, *OR* email a copy to *samhsapra@samhsa.hhs.gov.* Written comments should be received by January 20, 2026.

Alicia Broadus,

Public Health Advisor.

[FR Doc. 2025–20394 Filed 11–19–25; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the information collection plans, email the SAMHSA Reports Clearance Officer at *samhsapra@samhsa.hhs.gov.*

Comments are invited on (a) whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project: SAMHSA Unified Performance Reporting Tool (SUPRT)—Project (P)—(OMB No. 0930–NEW)

SAMHSA is the agency within the U.S. Department of Health and Human Services that leads public health efforts to advance the behavioral health of the nation. SAMHSA is seeking approval for the new SAMHSA Unified Performance Reporting Tool (SUPRT)—Project (P). This tool will replace the Center for Mental Health Services' (CMHS) Infrastructure Development, Prevention, and Mental Health Promotion (IPP) Indicators (included in #0930–0285) and will serve as a single tool to collect grant-level aggregate data on target goals, actual performance, and client demographic characteristics from CMHS, Center for Substance Abuse Treatment (CSAT), and Behavioral Health Coordinating Office (988) grantees. This notice informs the public of SAMHSA's intent to develop and implement the new streamlined performance tool that will allow SAMHSA to continue to meet reporting requirements mandated by the Government Performance Results Act Modernization Act (GPRMA) of 2010, reduce grantee reporting burden, and is projected to enhance the accuracy of the collected performance data from CMHS, CSAT, and 988 grantees.

SAMHSA will use the data collected through the SUPRT–P for annual reporting required by GPRMA, grantee monitoring, and continuous improvement of its discretionary grant programs. The SUPRT–P will also align with and strengthen SAMHSA's complementary evaluation activities of its discretionary grant programs

providing client services. The information collected through this process will allow SAMHSA to (1) monitor and report on implementation and overall performance of the associated grant programs; (2) advance SAMHSA's proposed performance goals; and (3) assess the accountability and performance of its discretionary grant programs, focused on efforts that promote mental health, prevent substance use, and provide treatments and supports to foster recovery.

The new SUPRT–P reflects feedback SAMHSA obtained through multiple listening sessions conducted with key stakeholders, in addition to extensive deliberations conducted by different working groups within SAMHSA. Accordingly, the SUPRT–P retains some prior questions, adds new questions, and deletes other questions from the IPP indicators and client-level performance reporting tools currently in use. The SUPRT–P will reduce client reporting burden and is projected to enhance the accuracy of the collected performance data from CMHS, CSAT, and 988 grantees by streamlining questions; incorporating questions for mental health, substance use treatment, and 988 indicators in one tool; and including indicators to assess the accountability and performance of its discretionary grants. The SUPRT–P will track data associated with the following:

- Awareness
- Demographics
- Outreach
- Partnership/Collaboration
- Prevention and Education
- Representation
- Overdose Prevention
- Screening, Referral, and Access
- Brief Intervention and Services
- Viral Hepatitis Services
- Training and Workforce Development
- Outcomes

Grantees will self-administer the SUPRT–P to provide information quarterly and annually to address certain performance indicators but will not be required to collect data for the full tool. SAMHSA will provide guidance specifying for which indicators each grantee is expected to collect and report data. These indicators represent SAMHSA's focus on the factors that contribute to the success of mental health and treatment for substance use disorders.

Send comments to the SAMHSA Reports Clearance Officer, 5600 Fishers Lane, Room 15E45, Rockville, Maryland 20857, OR email a copy to *samhsapra@samhsa.hhs.gov.* The draft tool can be found at *https://www.samhsa.gov/grants/grants-management/performance-measures.* Written comments should be received by January 20, 2026.

Alicia Broadus,

Public Health Advisor.

[FR Doc. 2025–20393 Filed 11–19–25; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2025–0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities.

DATES: Each LOMR was finalized as in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *https://msc.fema.gov.*

FOR FURTHER INFORMATION CONTACT: David Bascom, Acting Director, Engineering and Modeling Division, Risk Analysis, Planning & Information Directorate, FEMA, 400 C Street SW, Washington, DC 20472, or (email) *david.bascom@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65. The current effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard information is the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

This new or modified flood hazard information, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

This new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *https://msc.fema.gov.*

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Jeffrey Jackson,

Deputy Assistant Administrator, Federal Insurance Directorate, Resilience, Federal Emergency Management Agency, Department of Homeland Security.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Florida:					
Clay (FEMA Docket No.: B–2520).	Unincorporated areas of Clay County (24–04–2893P).	The Honorable Betsy Condon, Chair, Clay County Board of Commissioners, P.O. Box 1366, Green Cove Springs, FL 32043.	Clay County Administration Building, 477 Houston Street, Green Cove Springs, FL 32043.	Aug. 1, 2025	120064
Duval (FEMA Docket No.: B–2527).	City of Jacksonville (25–04–0844P).	The Honorable Donna Deegan, Mayor, City of Jacksonville, 117 West Duval Street, Suite 400, Jacksonville, FL 32202.	City Hall, 117 West Duval Street, Suite 400, Jacksonville, FL 32202.	Aug. 6, 2025	120077
Lee (FEMA Docket No.: B–2527).	Unincorporated areas of Lee County (24–04–6920P).	David Harner, Manager, Lee County, 2115 2nd Street, Fort Myers, FL 33901.	Lee County Building Department, 1500 Monroe Street, Fort Myers, FL 33901.	Aug. 4, 2025	125124
Monroe (FEMA Docket No.: B–2531).	Unincorporated areas of Monroe County (25–04–0148P).	The Honorable Jim Scholl, Mayor, Monroe County Board of Commissioners, 530 Whitehead Street, Key West, FL 33040.	Monroe County Building Department, 2798 Overseas Highway, Suite 300, Marathon, FL 33050.	Jul. 25, 2025	125129
Orange (FEMA Docket No.: B–2520).	City of Orlando (24–04–6249P).	The Honorable Buddy Dyer, Mayor, City of Orlando, 400 South Orange Avenue, Orlando, FL 32801.	Public Works Department, Engineering Division, 400 South Orange Avenue, 8th Floor, Orlando, FL 32801.	Jul. 25, 2025	120186
Orange (FEMA Docket No.: B–2522).	City of Orlando (25–04–1337P).	The Honorable Buddy Dyer, Mayor, City of Orlando, 400 South Orange Avenue, Orlando, FL 32801.	Public Works Department, 400 South Orange Avenue, Orlando, FL 32801.	Aug. 11, 2025	120186
Orange (FEMA Docket No.: B–2522).	Unincorporated areas of Orange County (25–04–0551P).	The Honorable Jerry L. Demings, Mayor, Orange County, 201 South Rosalind Avenue, 5th Floor, Orlando, FL 32801.	Orange County Public Works Department, Stormwater Management Division, 4200 South John Young Parkway, Orlando, FL 32839.	Aug. 11, 2025	120179
Osceola (FEMA Docket No.: B–2534).	Unincorporated areas of Osceola County (24–04–5261P).	Don Fisher, Manager, Osceola County, 1 Courthouse Square, Suite 4700, Kissimmee, FL 34741.	Osceola County Public Works Department, 1 Courthouse Square, Suite 1400, Kissimmee, FL 34741.	Aug. 8, 2025	120189
Palm Beach (FEMA Docket No.: B–2527).	City of Westlake (23–04–4870P).	The Honorable John Paul O'Connor, Mayor, City of Westlake, 4001 Seminole Pratt Whitney Road, Westlake, FL 33470.	City Hall, 4001 Seminole Pratt Whitney Road, Westlake, FL 33470.	Aug. 4, 2025	120018
Pasco (FEMA Docket No.: B–2522).	Unincorporated areas of Pasco County (24–04–2976P).	Kathryn Starkey, Chair, Pasco County Board of Commissioners, 37918 Meridian Avenue, Dade City, FL 33525.	Pasco County Building Construction Services Department, 8661 Citizens Drive, Suite 100, New Port Richey, FL 34654.	Aug. 11, 2025	120230
Pasco (FEMA Docket No.: B–2520).	Unincorporated areas of Pasco County (24–04–3863P).	The Honorable Kathryn Starkey, Chair, Pasco County Board of Commissioners, 37918 Meridian Avenue, Dade City, FL 33525.	Pasco County Building Construction Services Department, 8661 Citizens Drive, Suite 100, New Port Richey, FL 34654.	Aug. 4, 2025	120230
Pasco (FEMA Docket No.: B–2522).	Unincorporated areas of Pasco County (24–04–5989P).	The Honorable Kathryn Starkey, Chair, Pasco County Board of Commissioners, 37918 Meridian Avenue, Dade City, FL 33525.	Pasco County Building Construction Services Department, 8661 Citizens Drive, Suite 100, New Port Richey, FL 34654.	Jul. 24, 2025	120230
Georgia: Columbia (FEMA Docket No.: B–2520).	Unincorporated areas of Columbia County (24–04–1033P).	The Honorable Douglas R. Duncan, Jr., Chair, Columbia County Board of Commissioners, 630 Ronald Reagan Drive, Building B, Evans, GA 30809.	Columbia County Engineering Services Division, Stormwater Compliance Department, 630 Ronald Reagan Drive, Building A, Evans, GA 30809.	Jul. 25, 2025	130059
Indiana:					
Hamilton (FEMA Docket No.: B–2520).	City of Noblesville (24–05–1632P).	The Honorable Chris Jensen, Mayor, City of Noblesville, 16 South 10th Street, Noblesville, IN 46060.	City Hall, 16 South 10th Street, Noblesville, IN 46060.	Jul. 22, 2025	180082
Hamilton (FEMA Docket No.: B–2520).	Unincorporated areas of Hamilton County (24–05–1632P).	Mark Heirbrandt, President, Hamilton County Board of Commissioners, 1 Hamilton County Square, Suite 157, Noblesville, IN 46060.	Hamilton County Administration Building, 1 Hamilton County Square, Suite 13, Noblesville, IN 46060.	Jul. 22, 2025	180080
Porter (FEMA Docket No.: B–2531).	City of Portage (24–05–1233P).	The Honorable Austin Bonta, Mayor, City of Portage, 6070 Central Avenue, Portage, IN 46368.	City Hall, 6070 Central Avenue, Portage, IN 46368.	Jul. 25, 2025	180202
Michigan: Macomb (FEMA Docket No.: B–2522).	City of Sterling Heights (24–05–2340P).	Mark D. Vanderpool, Manager, City of Sterling Heights, 40555 Utica Road, Sterling Heights, MI 48311.	City Hall, 40555 Utica Road, Sterling Heights, MI 48311.	Jul. 23, 2025	260128

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Minnesota: Hennepin (FEMA Docket No.: B–2520).	City of Maple Grove (24–05–2167P).	Heidi Nelson, Administrator, City of Maple Grove, 12800 Arbor Lakes Parkway North, Maple Grove, MN 55369.	City Hall, 12800 Arbor Lakes Parkway North, Maple Grove, MN 55369.	Jul. 18, 2025	270169
Mississippi: Hancock (FEMA Docket No.: B–2522).	City of Bay St. Louis (23–04–6175P).	The Honorable Mike Farve, Mayor, City of Bay St. Louis, 688 Highway 90, Bay St. Louis, MS 39520.	City Hall, 688 Highway 90, Bay St. Louis, MS 39520.	Aug. 1, 2025	285251
Missouri:					
St. Louis (FEMA Docket No.: B–2527).	City of Brentwood (25–07–0359P).	Bola Akande, Administrator, City of Brentwood, 2348 South Brentwood Boulevard, Brentwood, MO 63144.	City Hall, 2348 South Brentwood Boulevard, Brentwood, MO 63144.	Aug. 11, 2025	290338
St. Louis (FEMA Docket No.: B–2527).	City of Maplewood (25–07–0359P).	Amber Withycombe, Manager, City of Maplewood, 7601 Manchester Road, Maplewood, MO 63143.	City Hall, 7601 Manchester Road, Maplewood, MO 63143.	Aug. 11, 2025	295266
St. Louis (FEMA Docket No.: B–2527).	City of Webster Groves (25–07–0359P).	The Honorable Laura Arnold, Mayor, City of Webster Groves, 4 East Lockwood Avenue, Webster Groves, MO 63119.	City Hall, 4 East Lockwood Avenue, Webster Groves, MO 63119.	Aug. 11, 2025	290394
Ohio: Lucas (FEMA Docket No.: B–2520).	Unincorporated areas of Lucas County (24–05–0756P).	Lisa A. Sobecki, President, Lucas County Board of Commissioners, 1 Government Center, Toledo, OH 43604.	Lucas County Government Center, 1 Government Center, Toledo, OH 43604.	Jul. 25, 2025	390359
Tennessee:					
Fayette (FEMA Docket No.: B–2531).	City of Piperton (24–04–2852P).	The Honorable Henry Coats, Mayor, City of Piperton, 3300 Highway 196 South, Piperton, TN 38017.	City Hall, 3575 Highway 196, Piperton, TN 38017.	Jul. 31, 2025	470401
Shelby (FEMA Docket No.: B–2522).	City of Germantown (24–04–1644P).	The Honorable Mike Palazzolo, Mayor, City of Germantown, 1930 South Germantown Road, Germantown, TN 38138.	Economic and Community Development Building, 1920 South Germantown Road, Germantown, TN 38138.	Aug. 11, 2025	470353
Shelby (FEMA Docket No.: B–2522).	Unincorporated areas of Shelby County (24–04–1644P).	The Honorable Lee Harris, Mayor, Shelby County, 160 North Main Street, 11th Floor, Memphis, TN 38103.	Shelby County Engineers Office, 6463 Haley Road, Memphis, TN 38134.	Aug. 11, 2025	470353
Texas:					
Bexar (FEMA Docket No.: B–2534).	City of San Antonio (24–06–0795P).	The Honorable Ron Nirenberg, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	Public Works Department, Storm Water Division, 1901 South Alamo Street, 2nd Floor, San Antonio, TX 78205.	Aug. 11, 2025	480045
Collin (FEMA Docket No.: B–2520).	City of McKinney (24–06–1188P).	The Honorable George Fuller, Mayor, City of McKinney, 401 East Virginia Street, McKinney, TX 75069.	Public Works Department, 3501 North Central Parkway, McKinney, TX 75071.	Aug. 4, 2025	480135
Montgomery (FEMA Docket No.: B–2534).	City of Conroe (24–06–1194P).	The Honorable Duke W. Coon, Mayor, City of Conroe, P.O. Box 3066, Conroe, TX 77301.	City Hall, 300 West Davis Street, Conroe, TX 77301.	Aug. 11, 2025	480484
Montgomery (FEMA Docket No.: B–2534).	Unincorporated areas of Montgomery County (24–06–1194P).	The Honorable Mark J. Keough, Montgomery County Judge, 501 North Thompson Street, Suite 401, Conroe, TX 77301.	Montgomery County Alan B. Sadler Commissioners Court Building, 501 North Thompson Street, Suite 100, Conroe, TX 77301.	Aug. 11, 2025	480483
Rockwall (FEMA Docket No.: B–2522).	City of Royse City (24–06–1001P).	The Honorable Clay Ellis, Mayor, City of Royse City, P.O. Box 638, Royse City, TX 75189.	City Hall, 100 West Main Street, Royse City, TX 75189.	Aug. 1, 2025	480548
Tarrant (FEMA Docket No.: B–2522).	City of Haltom City (24–06–2022P).	The Honorable An Truong, Mayor, City of Haltom City, 4801 Haltom Road, Haltom City, TX 76117.	Public Works Department, 4200 Hollis Street, Haltom City, TX 76111.	Aug. 7, 2025	480599
Tarrant (FEMA Docket No.: B–2522).	City of Haslet (24–06–0031P).	The Honorable Gary Hulsey, Mayor, City of Haslet, 101 Main Street, Haslet, TX 76052.	City Hall, 101 Main Street, Haslet, TX 76052.	Aug. 11, 2025	480600
Tarrant (FEMA Docket No.: B–2522).	City of Richland Hills (24–06–2022P).	The Honorable Curtis Bergthold, Mayor, City of Richland Hills, 3200 Diana Drive, Richland Hills, TX 76118.	City Hall, 3200 Diana Drive, Richland Hills, TX 76118.	Aug. 7, 2025	480608
Texas: Tarrant (FEMA Docket No.: B–2522).	Unincorporated areas of Tarrant County (24–06–0031P).	The Honorable Tim O'Hare, Tarrant County Judge, 100 East Weatherford Street, Suite 501, Fort Worth, TX 76196.	Tarrant County Transportation Services Department, 200 Taylor Street, Suite 305, Fort Worth, TX 76196.	Aug. 11, 2025	480582

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Travis (FEMA Docket No.: B–2522).	City of Austin (24–06–1484P).	T.C. Broadnax, Manager, City of Austin, P.O. Box 1088, Austin, TX 78767.	Watershed Protection Department, 505 Barton Springs Road, 11th Floor, Austin, TX 78704.	Aug. 11, 2025	480624
Virginia: Loudoun (FEMA Docket No.: B–2534).	Town of Leesburg (24–03–0821P).	Kaj Dentler, Manager, Town of Leesburg, 25 West Market Street, Leesburg, VA 20176.	Department of Community Development, Engineering Division, 222 Catoctin Circle, Suite 200, Leesburg, VA 20175.	Aug. 4, 2025	510091
Wisconsin:					
Kenosha (FEMA Docket No.: B–2531).	City of Kenosha (23–05–0545P).	The Honorable David Bogdala, Mayor, City of Kenosha, 625 52nd Street, Room 300, Kenosha, WI 53140.	City Hall, 625 52nd Street, Room 308, Kenosha, WI 53140.	Jul. 25, 2025	550209
Kenosha (FEMA Docket No.: B–2534).	Village of Bristol (24–05–0361P).	Mike Farrell, President, Village of Bristol Board, 19801 83rd Street, Bristol, WI 53104.	Village Hall, 19801 83rd Street, Bristol, WI 53104.	Aug. 7, 2025	550595
Kenosha (FEMA Docket No.: B–2531).	Village of Pleasant Prairie (23–05–0545P).	John P. Steinbrink, President, Village of Pleasant Prairie, 9915 39th Avenue, Pleasant Prairie, WI 53158.	Village Hall, 9915 39th Avenue, Pleasant Prairie, WI 53158.	Jul. 25, 2025	550613
Kenosha (FEMA Docket No.: B–2534).	Village of Pleasant Prairie (24–05–0361P).	John P. Steinbrink, President, Village of Pleasant Prairie Board, 9915 39th Avenue, Pleasant Prairie, WI 53158.	Village Hall, 9915 39th Avenue, Pleasant Prairie, WI 53158.	Aug. 7, 2025	550613
Kenosha (FEMA Docket No.: B–2531).	Unincorporated areas of Kenosha County (23–05–0545P).	Samantha Kerkman, Kenosha County Executive, 1010 56th Street, Kenosha, WI 53140.	Kenosha County Center, 19600 75th Street, Bristol, WI 53104.	Jul. 25, 2025	550523
Kenosha (FEMA Docket No.: B–2531).	Village of Somers (23–05–0545P).	George Stoner, President, Village of Somers, P.O. Box 197, Somers, WI 53171.	Village Hall, 7511 12th Street, Somers, WI 53144.	Jul. 25, 2025	550406

[FR Doc. 2025–20377 Filed 11–19–25; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2025–0002; Internal Agency Docket No. FEMA–B–2565]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: Comments are to be submitted on or before February 18, 2026.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–2565, to David Bascom, Acting Director, Engineering and Modeling Division, Risk Analysis, Planning & Information Directorate, FEMA, 400 C Street SW, Washington, DC 20472, or (email) *david.bascom@fema.dhs.gov*.

FOR FURTHER INFORMATION CONTACT: David Bascom, Acting Director, Engineering and Modeling Division, Risk Analysis, Planning & Information Directorate, FEMA, 400 C Street SW, Washington, DC 20472, or (email) *david.bascom@fema.dhs.gov*; or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html*.

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and

other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://www.floodsrp.org/pdfs/srp_overview.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Jeffrey Jackson,

Deputy Assistant Administrator, Federal Insurance Directorate, Resilience, Federal Emergency Management Agency, Department of Homeland Security.

Community	Community map repository address
Strafford County, New Hampshire (All Jurisdictions) Project: 16–01–1139S Preliminary Date: September 27, 2024	
City of Dover	City Office, 288 Central Avenue, Dover, NH 03820.
City of Rochester	City Hall Annex, 33 Wakefield Street, Rochester, NH 03867.
City of Somersworth	Planning Office, 1 Government Way, Somersworth, NH 03878.
Town of Barrington	Town Hall, 4 Signature Drive, Barrington, NH 03825.
Town of Durham	Town Hall, 8 Newmarket Road, Durham, NH 03824.
Town of Farmington	Town Hall, 356 Main Street, Farmington, NH 03835.
Town of Lee	Town Office, 249 Calef Highway, Lee, NH 03861.
Town of Madbury	Town Hall, 13 Town Hall Road, Madbury, NH 03823.
Town of Middleton	Town Office, 182 Kings Highway, Middleton, NH 03887.
Town of Milton	Town Office, 424 White Mountain Highway, Milton, NH 03851.
Town of New Durham	Town Office, 4 Main Street, New Durham, NH 03855.
Town of Rollinsford	Town Office, 667 Main Street, Rollinsford, NH 03869.
Town of Strafford	Town Hall, 12 Mountain View Drive, Strafford, NH 03884.

[FR Doc. 2025–20378 Filed 11–19–25; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2025–0002; Internal Agency Docket No. FEMA–B–2557]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: Comments are to be submitted on or before February 18, 2026.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–2557, to David Bascom, Acting Director, Engineering and Modeling Division, Risk Analysis, Planning & Information Directorate, FEMA, 400 C Street SW, Washington, DC 20472, or (email) *david.bascom@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: David Bascom, Acting Director, Engineering and Modeling Division, Risk Analysis, Planning & Information Directorate, FEMA, 400 C Street SW, Washington, DC 20472, or (email) *david.bascom@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP.

The communities affected by the flood hazard determinations are provided in the tables below. Any

request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://www.floodsrp.org/pdfs/srp_overview.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Jeffrey Jackson,

Deputy Assistant Administrator, Federal Insurance Directorate, Resilience, Federal Emergency Management Agency, Department of Homeland Security.

Community	Community map repository address
Lane County, Oregon and Incorporated Areas Project: 17–10–0923S Preliminary Date: February 28, 2020 and January 28, 2022 and April 18, 2025	
City of Cottage Grove	City Hall, 400 East Main Street, Cottage Grove, OR 97424.
City of Creswell	City Hall, 13 South 1st Street, Creswell, OR 97426.
City of Eugene	Public Works Department, 99 West 10th Avenue, Eugene, OR 97401.
City of Springfield	Planning Department, 225 5th Street, Springfield, OR 97477.
Unincorporated Areas of Lane County	Lane County Public Works Building, 3050 North Delta Highway, Eugene, OR 97408.

[FR Doc. 2025–20375 Filed 11–19–25; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2025–0002; Internal Agency Docket No. FEMA–B–2558]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Federal Regulations. The current effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will be finalized on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Deputy Associate Administrator for Insurance and Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: David Bascom, Acting Director, Engineering and Modeling Division, Risk Analysis, Planning & Information Directorate, FEMA, 400 C Street SW, Washington, DC 20472, or (email) *david.bascom@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in

effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Jeffrey Jackson,

Deputy Assistant Administrator, Federal Insurance Directorate, Resilience, Federal Emergency Management Agency, Department of Homeland Security.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Alabama:						
Limestone	City of Huntsville (25–04–2051P).	The Honorable Thomas Battle, Jr., Mayor, City of Huntsville, P.O. Box 308, Huntsville, AL 35804.	City Hall, P.O. Box 308, Huntsville, AL 35804.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 30, 2025	010153
Limestone	Unincorporated areas of Limestone County (25–04–2051P).	The Honorable Collin Daly, Chair, Limestone County Commission, 310 West Washington Street, Athens, AL 35611.	Washington Street, Courthouse Annex, 310 West Washington Street, Athens, AL 35611.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 30, 2025	010307
Mobile	Unincorporated areas of Mobile County (25–04–4360X).	The Honorable Merceria Ludgood, Chair, Mobile County Commission, 205 Government Street, Mobile, AL 36644.	Mobile County Health Department, 1110 Schillinger Road North, Suite 100, Mobile, AL 36644.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 2, 2025	015008
Florida:						
Charlotte	Unincorporated areas of Charlotte County (24–04–2314P).	The Honorable Joe Tiseo, Chair, Charlotte County Board of Commissioners, 18500 Murdock Circle, Suite 536, Port Charlotte, FL 33948.	Charlotte County Building Department, 18400 Murdock Circle, Port Charlotte, FL 33948.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 4, 2025	120061
Duval	City of Jacksonville (24–04–2896P).	The Honorable Donna Deegan, Mayor, City of Jacksonville, 117 West Duval Street, Suite 400, Jacksonville, FL 32202.	City Hall, 117 West Duval Street, Jacksonville, FL 32202.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 5, 2025	120077
Duval	City of Jacksonville (24–04–4935P).	The Honorable Donna Deegan, Mayor, City of Jacksonville, 117 West Duval Street, Suite 400, Jacksonville, FL 32202.	City Hall, 117 West Duval Street, Jacksonville, FL 32202.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 3, 2025	12 120077
Duval	City of Jacksonville (24–04–7028P).	The Honorable Donna Deegan, Mayor, City of Jacksonville, 117 West Duval Street, Suite 400, Jacksonville, FL 32202.	City Hall, 117 West Duval Street, Jacksonville, FL 32202.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 12, 2025	120077
Miami-Dade	Unincorporated areas of Miami-Dade County (25–04–2591P).	The Honorable Daniella Levine Cava, Mayor, Miami-Dade County, 111 Northwest 1st Street, 29th Floor Miami, FL 33128.	Miami-Dade Regulatory and Economic Resources, 701 Northwest 1st Court, 5th Floor, Miami, FL 33136.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 4, 2025	120635
Nassau	Unincorporated areas of Nassau County (24–04–6682P).	Taco E. Pope, Manager, Nassau County, 96135 Nassau Place, Suite 1, Yulee, FL 32097.	Nassau County Public Services Building, 96161 Nassau Place, Yulee, FL 32097.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 28, 2025	120170
Palm Beach ...	Unincorporated areas of Palm Beach County (24–04–5577P).	The Honorable Todd C. Bonlarron, Interim Administrator, Palm Beach County, 301 North Olive Avenue, Suite 1101, West Palm Beach, FL 33401.	Palm Beach County Vista Center, Building Division 2300, North Jog Road, West Palm Beach, FL 33411.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 24, 2025	120192
Pasco	Unincorporated areas of Pasco County (24–04–3074P).	The Honorable Mike Carballa, Pasco County Administrator, 8731 Citizens Drive, Suite 340, New Port Richey, FL 34654.	Pasco County Government Center, 8731 Citizens Drive, New Port Richey, FL 34654.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 11, 2025	120230

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
St. Johns	Unincorporated areas of St. Johns County (25–04–3671P).	The Honorable Joy Andrews, St. Johns County Administrator, 500 San Sebastian View St., Augustine, FL 32084.	St. Johns County Administration Building, 500 San Sebastian View St., Augustine, FL 32084.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 3, 2025	125147
Sumter	City of Wildwood (25–04–2922P).	The Honorable Ed Wolf, Mayor, City of Wildwood, 100 North Main Street, Wildwood, FL 34785.	City Hall, 100 North Main Street, Wildwood, FL 34785.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 12, 2025	120299
Sumter	Unincorporated areas of Sumter County (25–04–2922P).	The Honorable Bradley Arnold, Sumter County Administrator, 7375 Powell Road, Wildwood, FL 34785.	Sumter County Service Center, 7375 Powell Road, Wildwood, FL 34785.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 12, 2025	120296
Indiana:						
Boone	Town of Whitestown (25–05–0293P).	The Honorable Dan Patterson, President, Town of Whitestown Council, 6210 Veterans Drive, Whitestown, IN 46075.	Town Hall, 3 South Main Street, Whitestown, IN 46075.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 5, 2025	180015
Johnson	City of Greenwood (24–05–0658P).	The Honorable Mark Meyers, Mayor, City of Greenwood, 300 South Madison Avenue, Greenwood, IN 46142.	City Hall, 300 South Madison Avenue, Greenwood, IN 46142.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 15, 2025	180115
Marion	City of Indianapolis (24–05–0915P).	The Honorable Joe Hogsett, Mayor, City of Indianapolis, 200 East Washington Street, Suite 2501, Indianapolis, IN 46204.	City-County Building, 200 East Washington Street, Suite 2501, Indianapolis, IN 46204.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 24, 2025	180159
Massachusetts:						
Essex	Town of Andover (25–01–0731P).	Andrew P. Flanagan Manager, Town of Andover, 36 Bartlet Street, Andover, MA 01810.	Town Hall, 36 Bartlet Street, Andover, MA 01810.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 21, 2025	250076
Middlesex	City of Woburn (25–01–0728P).	The Honorable Michael Concannon, Mayor, City of Woburn, 10 Common Street, Woburn, MA 01801.	City Hall, 6 Common Street, Woburn, MA 01801.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 26, 2025	250229
Minnesota: Anoka	City of Andover (24–05–0578P).	The Honorable Jamie Barthel, Mayor, City of Andover, 1685 Crosstown Boulevard, Northwest Andover, MN 55304.	City Hall, 1685 Crosstown Boulevard, Northwest Andover, MN 55304.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 1, 2025	270689
North Carolina:						
Brunswick	Town of Calabash (23–04–1192P).	The Honorable Donna Long, Mayor, Town of Calabash, 882 Persimmon Road, Calabash, NC 28467.	Planning and Zoning Department, 882 Persimmon Road, Calabash, NC 28467.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 19, 2025	370395
Brunswick	Town of Carolina Shores (23–04–1192P).	The Honorable Daniel Conte, Mayor, Town of Carolina Shores, 200 Persimmon Road, Carolina Shores, NC 28467.	Planning and Zoning Division, 200 Persimmon Road, Carolina Shores, NC 28467.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 19, 2025	370517
Brunswick	Unincorporated areas of Brunswick County (23–04–1192P).	The Honorable Mike Forte, Chair, Brunswick County Board of Commissioners, P.O. Box 249, Bolivia, NC 28422.	Brunswick County Planning Department, 75 Courthouse Drive, Building 1, Bolivia, NC 28422.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 19, 2025	370295
Mecklenburg	Town of Pineville (24–04–6398P).	The Honorable David Phillips, Mayor, Town of Pineville, P.O. Box 249, Pineville, NC 28134.	Mecklenburg County Stormwater Services, 2145 Suttle Avenue, Charlotte, NC 28208.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 8, 2025	370160
Wake	City of Raleigh (24–04–7419P).	The Honorable Janet Cowell, Mayor, City of Raleigh, P.O. Box 590, Raleigh, NC 27602.	Planning and Development, 219 Fayetteville Street, Raleigh, NC 27601.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 15, 2025	370243
Oklahoma: Oklahoma.	City of Oklahoma City (24–06–1117P).	The Honorable David Holt, Mayor, City of Oklahoma City, 200 North Walker Avenue, 3rd Floor, Oklahoma City, OK 73102.	Publick Works Department, 420 West Main Street, Suite 700, Oklahoma City, OK 73102.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 3, 2025	405378
South Carolina:						

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Richland	Unincorporated areas of Richland County (24–04–0706P).	The Honorable Leonard Brown, Richland County Administrator, P.O. Box 192, Columbia, SC 29204.	Richland County Administration Building, 2020 Hampton Street, 1st Floor, Columbia, SC 29204.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 15, 2025	450170
Richland	Unincorporated areas of Richland County (24–04–7825P).	The Honorable Leonard Brown, Richland County Administrator, P.O. Box 192, Columbia, SC 29204.	Richland County Administration Building, 2020 Hampton Street, 1st Floor, Columbia, SC 29204.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 17, 2025	450170
Texas:						
Collin	Town of Prosper (25–06–1026P).	The Honorable David F. Bristol, Mayor, Town of Prosper, 250 West 1st Street, Prosper, TX 75078.	Town Hall, 250 West 1st Street, Prosper, TX 75078.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 1, 2025	480141
Denton	City of Carrollton (24–06–1309P).	The Honorable Steve Babick, Mayor, City of Carrollton, 1945 East Jackson Road, Carrollton, TX 75006.	City Hall, 1945 East Jackson Road, Carrollton, TX 75006.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 1, 2025	480167
Denton	City of Lewisville (24–06–1309P).	The Honorable T.J. Gilmore, Mayor, City of Lewisville, P.O. Box 299002, Lewisville, TX 75029.	City Hall, 151 West Church Street, Lewisville, TX 75057.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 1, 2025	480195
Harris	City of Houston (24–06–1406P).	The Honorable John Whitmire, Mayor, City of Houston, P.O. Box 1562, Houston, TX 77251.	Floodplain Management Office, 1002 Washington Avenue, Houston, TX 77002.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 1, 2025	480296
Harris	Unincorporated areas of Harris County (24–04–1406P).	The Honorable Lina Hidalgo, Harris County Judge, 1001 Preston Street, Suite 911, Houston, TX 77002.	Harris County Permit Office, 1111 Fannin Street, 8th Floor Houston, TX 77002.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 1, 2025	480287
Tarrant	City of Arlington (24–06–2405P).	The Honorable Jim Ross, Mayor, City of Arlington, P.O. Box 90231, Arlington, TX 76010.	City Hall, 101 West Abram Street, Arlington, TX 76010.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 17, 2025	485454
Tarrant	City of Fort Worth (25–06–0122P).	The Honorable Mattie Parker, Mayor, City of Fort Worth, 100 Fort Worth Trail, Fort Worth, TX 76102.	Department of Transportation and Public Works, Stormwater Management Division, Fort Worth, TX 76102.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 17, 2025	480596
Tarrant	City of Watauga (25–06–0706P).	The Honorable Arthur L. Miner, Mayor, City of Watauga, 7105 Whitley Road, Watauga, TX 76148.	Public Works Department, 7800 Virgil Anthony Boulevard, Watauga, TX 76148.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 11, 2025	480613
Virginia:						
Chesterfield	Unincorporated areas of Chesterfield County (25–03–0079P).	The Honorable Joseph P. Casey, Chesterfield County Administrator, 9901 Lori Road, Chesterfield, VA 23832.	Chesterfield County Planning Department, 9800 Government Center Parkway, Chesterfield, VA 23832.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 3, 2025	510035
Fairfax	Unincorporated areas of Fairfax County (24–03–0807P).	The Honorable Jeffrey McKay, Chair At-Large, Fairfax County Board of Supervisors, 12000 Government Center Parkway, Suite 530, Fairfax, VA 22035.	Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, VA 22035.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 8, 2025	515525
Loudoun	Unincorporated areas of Loudoun County (24–03–0807P).	The Honorable Tim Hemstreet, Loudoun, County Administrator, 1 Harrison Street Southeast, 5th Floor, Leesburg, VA 20175.	Loudoun County Government Center, 1 Harrison Street Southeast, 3rd Floor, MSC #60, Leesburg, VA 20175.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 8, 2025	510090

[FR Doc. 2025–20374 Filed 11–19–25; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2025–0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities.

DATES: Each LOMR was finalized as in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *https://msc.fema.gov.*

FOR FURTHER INFORMATION CONTACT: David Bascom, Acting Director, Engineering and Modeling Division, Risk Analysis, Planning & Information Directorate, FEMA, 400 C Street SW, Washington, DC 20472, or (email) *david.bascom@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65. The current effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard information is the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

This new or modified flood hazard information, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

This new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *https://msc.fema.gov.*

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Jeffrey Jackson,

Deputy Assistant Administrator, Federal Insurance Directorate, Resilience, Federal Emergency Management Agency, Department of Homeland Security.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Connecticut: Hartford (FEMA Docket No.: B–2542).	Town of Manchester (24–01–0625P).	Steve Stephanou, Manager, Town of Manchester, 41 Center Street, Manchester, CT 06040.	Planning and Economic Development Department, 494 Main Street, Manchester, CT 06045.	Aug. 28, 2025	090031
Florida:					
Bay (FEMA Docket No.: B–2534).	Unincorporated areas of Bay County(24–04–7348P).	Robert Majka, Bay County Manager, 840 West 11th Street, Panama City, FL 32401.	Bay County Planning and Zoning Department, 840 West 11th Street, Panama City, FL 32401.	Aug. 25, 2025	120004
Collier (FEMA Docket No.: B–2534).	Unincorporated areas of Collier County (25–04–1234P).	Amy Patterson, Manager, Collier County, 3299 Tamiami Trail East, Suite 202, Naples, FL 34112.	Collier County Growth Management Community Development Department, Naples, FL 34104.	Sep. 2, 2025	120067
Hillsborough (FEMA Docket No.: B–2538).	City of Tampa (24–04–1192P).	The Honorable Jane Castor, Mayor, City of Tampa, 306 East Jackson Street, Tampa, FL 33602.	City Hall, 306 East Jackson Street, Tampa, FL 33602.	Sep. 15, 2025	120114
Lake (FEMA Docket No.: B–2534).	City of Leesburg (24–04–2701P).	The Honorable Alan Reisman, Mayor, City of Leesburg, 501 West Meadow Street, Leesburg, FL 34748.	City Hall, 501 West Meadow Street, Leesburg, FL 34748.	Aug. 25, 2025	120136
Leon (FEMA Docket No.: B–2538).	City of Tallahassee (24–04–2135P).	The Honorable John E. Dailey, Mayor, City of Tallahassee, 300 South Adams Street, Tallahassee, FL 32301.	Growth Management Department, 435 North Macomb Street, Tallahassee, FL 32301.	Sep. 12, 2025	120144
Orange (FEMA Docket No.: B–2534).	City of Orlando (24–04–4619P).	The Honorable Buddy Dyer, Mayor, City of Orlando, 400 South Orange Avenue, Orlando, FL 32801.	Public Works Department, Engineering Services Division, 400 South Orange Avenue, 8th Floor, Orlando, FL 32801.	Sep. 8, 2025	120186
Orange (FEMA Docket No.: B–2534).	Unincorporated areas of Orange County (24–04–2048P).	The Honorable Jerry L. Demings, Mayor, Orange County, 201 South Rosalind Avenue, 5th Floor, Orlando, FL 32801.	Public Works Department, Stormwater Management Division, 4200 South John Young Parkway, Orlando, FL 32839.	Sep. 5, 2025	120179
Pasco (FEMA Docket No.: B–2538).	Unincorporated areas of Pasco County (24–04–2841P).	Kathryn Starkey, Chair, Pasco County Board of Commissioners, 8731 Citizens Drive, New Port Richey, FL 34654.	Pasco County Building Construction Services Department, 8661 Citizens Drive, Suite 100, New Port Richey, FL 34654.	Sep. 15, 2025	120230

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Volusia (FEMA Docket No.: B–2534).	City of Ormond Beach (24–04–1515P).	Joyce Shanahan, Manager, City of Ormond Beach, 22 South Beach Street, Ormond Beach, FL 32174.	City Hall, 22 South Beach Street, Ormond Beach, FL 32174.	Aug. 26, 2025	125136
Volusia (FEMA Docket No.: B–2534).	Unincorporated areas of Volusia County (24–04–1515P).	George Recktenwald, Manager, Volusia County, 123 West Indiana Avenue, DeLand, FL 32720.	Volusia County Thomas C. Kelly Administration Center, 123 West Indiana Avenue, DeLand, FL 32720.	Aug. 26, 2025	125155
Georgia:					
Forsyth (FEMA Docket No.: B–2534).	Unincorporated areas of Forsyth County (24–04–4810P).	David McKee, Manager, Forsyth County, 110 East Main Street, Suite 210, Cumming, GA 30040.	Forsyth County, Administration Center, 110 East Main Street, Suite 130, Cumming, GA 30040.	Sep. 4, 2025	130312
Gwinnett (FEMA Docket No.: B–2531).	Unincorporated areas of Gwinnett County (24–04–1735P).	Glenn Stephens, Administrator, Gwinnett County, 75 Langley Drive, Lawrenceville, GA 30046.	Gwinnett County Information Technology Services, 446 West Crogan Street, Suite 200, Lawrenceville, GA 30046.	Sep. 2, 2025	130322
Indiana:					
Allen (FEMA Docket No.: B–2531).	City of Fort Wayne (25–05–0718X).	The Honorable Sharon Tucker, Mayor, City of Fort Wayne, 200 East Berry Street, Suite 425, Fort Wayne, IN 46802.	City Hall, 200 East Berry Street, Fort Wayne, IN 46802.	Aug. 28, 2025	180003
Hancock (FEMA Docket No.: B–2534).	City of Greenfield (22–05–2944P).	The Honorable Guy Titus, Mayor, City of Greenfield, 10 South State Street, Greenfield, IN 46140.	City Hall, 10 South State Street, Greenfield, IN 46140.	Sep. 11, 2025	180084
Hancock (FEMA Docket No.: B–2534).	Unincorporated areas of Hancock County (22–05–2944P).	Bill Spalding, President, Hancock County Board of Commissioners, 111 South American Legion Place, Suite 217, Greenfield, IN 46140.	Hancock County Annex Building, 111 South American Legion Place, Suite 171, Greenfield, IN 46140.	Sep. 11, 2025	180419
Kentucky: Jefferson (FEMA Docket No.: B–2542).	Metropolitan Government of Louisville and Jefferson County (25–04–2107X).	The Honorable Craig Greenberg, Mayor, Metropolitan Government of Louisville and Jefferson County, 527 West Jefferson Street, Louisville, KY 40202.	Louisville/Jefferson County Metropolitan Sewer District, 700 West Liberty Street, Louisville, KY 40203.	Sep. 2, 2025	210120
Minnesota:					
Dakota (FEMA Docket No.: B–2534).	City of Apple Valley (23–05–1985P).	The Honorable Clint Hooppaw, Mayor, City of Apple Valley, 7100 147th Street West, Apple Valley, MN 55124.	City Hall, 7100 147th Street West, Apple Valley, MN 55124.	Sep. 2, 2025	270050
Dakota (FEMA Docket No.: B–2534).	City of Burnsville (23–05–1985P).	The Honorable Elizabeth Kautz, Mayor, City of Burnsville, 100 Civic Center Parkway, Burnsville, MN 55337.	City Hall, 100 Civic Center Parkway, Burnsville, MN 55337.	Sep. 2, 2025	270102
Dakota (FEMA Docket No.: B–2534).	City of Lakeville (23–05–1985P).	The Honorable Luke Hellier, Mayor, City of Lakeville, 20195 Holyoke Avenue, Lakeville, MN 55044.	City Hall, 20195 Holyoke Avenue, Lakeville, MN 55044.	Sep. 2, 2025	270107
Mississippi: Harrison (FEMA Docket No.: B–2534).	City of Pass Christian (25–04–0868P).	The Honorable Jimmy Rafferty, Mayor, City of Pass Christian, 200 West Scenic Drive, Pass Christian, MS 39571.	Building Department, 200 West Scenic Drive, Pass Christian, MS 39571.	Sep. 11, 2025	285261
New Jersey: Somerset (FEMA Docket No.: B–2534).	Borough of Manville (24–02–0606P).	The Honorable Richard M. Onderko, Mayor, Borough of Manville, 325 North Main Street, Manville, NJ 08835.	Building Department, 325 North Main Street, Manville, NJ 08835.	Sep. 4, 2025	340437
North Carolina:					
Brunswick (FEMA Docket No.: B–2555).	Town of Calabash (23–04–1192P).	The Honorable Donna Long, Mayor, Town of Calabash, 882 Persimmon Road Calabash, NC 28467.	Planning and Zoning Department, 882 Persimmon Road Calabash, NC 28467.	Sep. 19, 2025	370395
Brunswick (FEMA Docket No.: B–2555).	Town of Carolina Shores (23–04–1192P).	The Honorable Daniel Conte, Mayor, Town of Carolina Shores 200 Persimmon Road Carolina Shores, NC 28467.	Planning and Zoning Division, 200 Persimmon Road Carolina Shores, NC 28467.	Sep. 19, 2025	370517
Brunswick (FEMA Docket No.: B–2555).	Unincorporated areas of Brunswick County (23–04–1192P).	Mike Forte, Chair, Brunswick County Board of Commissioners, P.O. Box 249, Bolivia, NC 28422.	Brunswick County Planning Department, 75 Courthouse Drive, Building 1, Bolivia, NC 28422.	Sep. 19, 2025	370295
Ohio: Lorain (FEMA Docket No.: B–2538).	Unincorporated areas of Lorain County (25–05–0332P).	Jeff Riddell, President, Lorain County Board of Commissioners, 226 Middle Avenue, Elyria, OH 44035.	Lorain County Community Development Department, 226 Middle Avenue, Elyria, OH 44035.	Sep. 15, 2025	390346
Pennsylvania:					
Montgomery (FEMA Docket No.: B–2534).	Borough of Conshohocken (24–03–0897P).	Tina Sokolowski, President, Borough of Conshohocken Council, 400 Fayette Street, Conshohocken, PA 19428.	Borough Hall, 400 Fayette Street, Suite 200, Conshohocken, PA 19428.	Sep. 2, 2025	420949
Montgomery. (FEMA Docket No.: B–2534).	Borough of West Conshohocken (24–03–0897P).	The Honorable Danelle Fournier, Mayor, Borough of West Conshohocken, 112 Ford Street, West Conshohocken, PA 19428.	Borough Hall, 112 Ford Street, West Conshohocken, PA 19428.	Sep. 2, 2025	420710
Montgomery. (FEMA Docket No.: B–2534).	Township of Plymouth (24–03–0897P).	Matt West, Manager, Township of Plymouth, 700 Belvoir Road, Plymouth Meeting, PA 19462.	Township Hall, 700 Belvoir Road, Plymouth Meeting, PA 19462.	Sep. 2, 2025	420955
South Carolina: Berkeley (FEMA Docket No.: B–2542).	Unincorporated areas of Berkeley County (23–04–6045P).	Johnny Cribb, Supervisor, Berkeley County Council, 1003 North Highway 52, Moncks Corner, SC 29461.	Berkeley County Building and Codes Enforcement, 1003 North Highway 52, Moncks Corner, SC 29461.	Sep. 11, 2025	450029
Tennessee: Shelby (FEMA Docket No.: B–2534).	City of Lakeland (24–04–1254P).	The Honorable Josh Roman, Mayor, City of Lakeland, 10001 Highway 70, Lakeland, TN 38002.	City Hall, 10001 Highway 70, Lakeland, TN 38002.	Sep. 4, 2025	470402
Texas:					

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Bexar (FEMA Docket No.: B–2546).	City of Castle Hills (24–06–1858P).	The Honorable J.R. Trevino, Mayor, City of Castle Hills, 209 Lemonwood Drive, San Antonio, TX 78213.	City Hall, 209 Lemonwood Drive, San Antonio, TX 78213.	Sep. 15, 2025	480037
Bexar (FEMA Docket No.: B–2546).	City of San Antonio (24–06–1858P).	The Honorable Ron Nirenberg, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	Public Works Department, Storm Water Division, 1901 South Alamo Street, 2nd Floor, San Antonio, TX 78204.	Sep. 15, 2025	480045
Collin (FEMA Docket No.: B–2534).	City of McKinney (24–06–2290P).	The Honorable George Fuller, Mayor, City of McKinney, P O. Box 517, McKinney, TX 75070.	Engineering Department, 401 East Virginia Street, McKinney, TX 75069.	Sep. 2, 2025	480135
Collin and Denton (FEMA Docket No.: B–2534).	City of Plano (24–06–0941P).	The Honorable John B. Muns, Mayor, City of Plano, 1520 K Avenue, Plano, TX 75074.	City Hall, 1520 K Avenue, Plano, TX 75074.	Sep. 2, 2025	480140
Collin (FEMA Docket No.: B–2542).	Unincorporated areas of Collin County (25–06–0230P).	The Honorable Chris Hill, Collin County Judge, 2300 Bloomdale Road, 1st Floor, McKinney, TX 75071.	Collin County Engineering Building, 4690 Community Avenue, Suite 200, McKinney, TX 75071.	Sep. 2, 2025	480130
Gillespie (FEMA Docket No.: B–2534).	City of Fredericksburg (24–06–1853P).	The Honorable Jeryl Hoover, Mayor, City of Fredericksburg, 126 West Main Street, Fredericksburg, TX 78624.	City Hall, 126 West Main Street, Fredericksburg, TX 78624.	Sep. 11, 2025	480252
Hays (FEMA Docket No.: B–2534).	Unincorporated areas of Hays County (25–06–0011X).	The Honorable Ruben Becerra, Hays County Judge, 111 East San Antonio Street, Suite 300, San Marcos, TX 78666.	Hays County Development Services Department, 2171 Yarrington Road, Kyle, TX 78640.	Sep. 11, 2025	480321
Medina (FEMA Docket No.: B–2538).	Unincorporated areas of Medina County (24–06–2238P).	The Honorable Keith Lutz, Medina County Judge, 1300 Avenue M, Room 250, Hondo, TX 78861.	Old Medina County Jail, 1502 Avenue K, 2nd Floor, Hondo, TX 78861.	Sep. 12, 2025	480472
Williamson (FEMA Docket No.: B–2538).	Unincorporated areas of Williamson County (25–06–0227P).	The Honorable Steven Snell, Williamson County Judge, 710 South Main Street, Suite 101, Georgetown, TX 78626.	Williamson County Central Maintenance Facility, 3151 Southeast Inner Loop, Georgetown, TX 78626.	Sep. 15, 2025	481079
Wise (FEMA Docket No.: B–2534).	City of Chico (24–06–1613P).	The Honorable Colleen Self, Mayor, City of Chico, P.O. Box 37, Chico, TX 76431.	City Hall, 400 South Hovey Street, Chico, TX 76431.	Sep. 12, 2025	481053
Virginia:					
Loudoun (FEMA Docket No.: B–2534).	Town of Leesburg (24–03–0775P).	Kaj Dentler, Manager, Town of Leesburg, 25 West Market Street, Leesburg, VA 20176.	Department of Community Development, Engineering Division, 222 Catoctin Circle, Suite 200, Leesburg, VA 20175.	Sep. 8, 2025	510091
Loudoun (FEMA Docket No.: B–2534).	Unincorporated areas of Loudoun County (24–03–0775P).	Tim Hemstreet, Administrator, Loudoun County, 1 Harrison Street, Southeast, 5th Floor, Leesburg, VA 20175.	Loudoun County Government Center, 1 Harrison Street Southeast, 3rd Floor, MSC #60, Leesburg, VA 20175.	Sep. 8, 2025	510090

[FR Doc. 2025–20376 Filed 11–19–25; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Immigration and Customs Enforcement

Certain Immigration Enforcement-Related Fees Required by HR–1 Reconciliation Bill: Fiscal Year 2026 Adjustments for Inflation

AGENCY: U.S. Immigration and Customs Enforcement, U.S. Department of Homeland Security.

ACTION: Notice of inflationary fee adjustment.

SUMMARY: The Department of Homeland Security (DHS) is announcing a new fee amount for Fiscal Year (FY) 2026 for two of the immigration enforcement-related fees that were established by the One Big Beautiful Bill Act (HR–1). HR–1 requires that DHS annually adjust the immigration enforcement-related fees for inflation. The adjusted fee amounts for FY 2026 for the aliens ordered removed in absentia and inadmissible alien apprehension fees are $5,130. On December 1, 2025, DHS will begin assessing and collecting these new amounts.

DATES: The fees announced in this notice are effective on December 1, 2025.

FOR FURTHER INFORMATION CONTACT: Office of Regulatory Affairs and Policy, U.S. Immigration and Customs Enforcement, Department of Homeland Security, 500 12th Street SW, Washington, DC 20536; telephone (202) 732–6960 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

I. Background and Authority

On July 4, 2025, the President signed into law the One Big Beautiful Bill Act, Public Law 119–21, 139 Stat. 72 (HR–1), which amended and added new laws that applied to different areas of the United States Government.[1] Relevant to this notice, HR–1 established two immigration enforcement fees applicable to the following: (1) aliens who are ordered removed in absentia pursuant to section 240(b)(5) of the Immigration and Nationality Act (INA), 8 U.S.C. 1229a(b)(5) and are subsequently arrested by U.S. Immigration and Customs Enforcement (ICE); and (2) inadmissible aliens at the time such aliens are apprehended between ports of entry.[2] Accordingly, on September 8, 2025, DHS provided notice to the public announcing that DHS would begin assessing and collecting these fees in the amount of $5,000 for FY 2025 for both fees, as authorized under the statute.[3] DHS also indicated it will individually notify aliens to whom these fees apply and,

[1] *See* HR–1, Title X, Subtitle A, Part I, sections 100001 through 100018.

[2] *See* Public Law 119–21, 139 Stat. 72, secs. 100016, 100017 (codified at 8 U.S.C. 1814, 1815).

[3] Certain DHS Immigration Enforcement-Related Fees Required by HR–1 Reconciliation Bill, 90 FR 43223 (Sept. 8, 2025).

upon notification, provide instructions on how to pay the fees levied as of September 8, 2025.[4]

Under HR–1, these fees are subject to annual adjustments for inflation during FY 2026, and thereafter, each subsequent fiscal year.[5] Specifically, both fees provide that the annual adjustment for inflation will be calculated as follows:

> [T]he sum of—
> (A) the amount of the fee required under this subsection for the most recently concluded fiscal year; and
> (B) the product resulting from the multiplication of the amount referred to in subparagraph (A) by the percentage (if any) by which the Consumer Price Index for All Urban Consumers for the month of July preceding the date on which such adjustment takes effect exceeds the Consumer Price Index for All Urban Consumers for the same month of the preceding calendar year, rounded to the next lowest multiple of $10.

Accordingly, DHS has calculated the adjustments for inflation for these fees and sets forth the applicable new amounts below in this notice.

II. FY 2026 Fee Amounts Adjusted for Inflation

A. Adjustments for Immigration Enforcement-Related Fees Under HR–1

Consistent with the current process, DHS will individually notify aliens to whom these adjusted fees apply and provide instructions on how to pay the fees levied on December 1, 2025. DHS is setting the date of December 1, 2025, to allow for system updates and to address accounting and budget timelines. The new FY 2026 fees are as follows:

100016(b)(2), 10017(b)(2), the annual adjustment for FY2026 is calculated as the sum of the amount of the fee required under this subsection for the most recently concluded fiscal year; and the product resulting from the multiplication of the amount referred to in subparagraph (A) by the percentage by which the Consumer Price Index of All Urban Consumers (CPI–U) (323.048) for the month of July 2025 exceeds the CPI–U for July 2024 (314.540), rounded to the next lowest multiple of $10. This results in a multiplier of 1.02705. *See* Bureau of Labor Statistics, Consumer Price Index for All Urban Consumers, *https://data.bls.gov/timeseries/CUUR0000SAU?years_option=all_years* (last visited Sept. 17, 2025).

Fee description	Citation	FY 2025 fee amount	Multiplier[6]	FY 2026 fee amount as adjusted by this notice[7]
Aliens subject to removal orders in absentia and subsequently arrested by ICE.	HR–1, Public Law 119–21, 139 Stat. 72, sec. 100016. (codified at 8 U.S.C. 1814).	$5,000	1.02705	$5,130
Inadmissible aliens arrested between ports of entry.	HR–1, Public Law 119–21, 139 Stat. 72, sec. 100017. (codified at 8 U.S.C. 1815).	5,000	1.02705	5,130

B. Section 100016. Aliens Ordered Removed in Absentia Pursuant to INA Section 240(b)(5) and Subsequently Arrested by ICE

Based on the calculation for inflation adjustments for FY 2026, as set forth under HR–1 section 100016(b)(2), DHS will collect and assess a fee in the amount of $5,130 for aliens subject to the fee under HR–1, section 100016, *Fee for aliens ordered removed in absentia.* This fee is applicable to aliens who have been ordered removed in absentia by an immigration judge pursuant to INA section 240(b)(5) for failure to attend removal proceedings and are subsequently arrested by ICE.[8] HR–1 provides an exception to this fee for aliens whose removal order in absentia is rescinded pursuant to INA section 240(b)(5)(C), 8 U.S.C. 1229a(b)(5)(C).[9] *See* Public Law 119–21 sec. 100016(c). HR–1 also provides that no waivers are available for this enforcement fee. *See* Public Law 119–21 sec. 100016(e).

C. Section 100017. Inadmissible Aliens Apprehended Between Ports of Entry Into the United States

Based on the calculation for inflation adjustments for FY 2026, as set forth under HR–1 section 100017(b)(2), DHS will collect and assess a fee in the amount of $5,130 for aliens subject to the fee under HR–1, section 100017, *Inadmissible alien apprehension fee.* This fee is applicable to aliens who are inadmissible under INA section 212, 8 U.S.C. 1182, and are apprehended by DHS between ports of entry. Aliens who are apprehended by DHS between ports of entry are often subject to the ground of inadmissibility under INA section 212(a)(6), 8 U.S.C. 1182(a)(6), which provides that any alien ''present in the United States without being admitted or paroled, or who arrives in the United States at any time or place other than as designated by the Attorney General, is inadmissible.'' [10] However, an alien could also be inadmissible based on additional grounds of inadmissibility listed under INA section 212, 8 U.S.C. 1182.

Kristi Noem,

Secretary, U.S. Department of Homeland Security.

[FR Doc. 2025–20401 Filed 11–19–25; 8:45 am]

BILLING CODE 9111–CB–P

[4] *Id.*

[5] *See* Public Law 119–21, 139 Stat. 72, secs. 100016(b)(2) and 100017(b)(2), 8 U.S.C. 1814(b)(2), 1815(b)(2).

[6] In accordance with HR–1 secs. 100016(b)(2), 100017(b)(2), the annual adjustment for FY 2026 is calculated as the sum of the amount of the fee required under this subsection for the most recently concluded fiscal year; and the product resulting from the multiplication of the amount referred to in subparagraph (A) by the percentage by which the Consumer Price Index of All Urban Consumers (CPI–U) (323.048) for the month of July 2025 exceeds the CPI–U for July 2024 (314.540), rounded to the next lowest multiple of $10. This results in a multiplier of 1.02705. *See* Bureau of Labor Statistics, Consumer Price Index for All Urban Consumers, *https://data.bls.gov/timeseries/CUUR0000SA0?years_option=all_years* (last visited Sept. 17, 2025).

[7] The current $5,000 fee multiplied by the 1.02705 multiplier results in a fee of $5,135.25. In accordance with HR–1 secs. 100016(b)(2), 100017(b)(2), this number is rounded to the next lowest multiple of $10, for a FY 2026 fee of $5,130.

[8] An alien is ''ordered removed in absentia'' under section 240(b)(5) of the INA, 8 U.S.C. 1229a(b)(5), when the alien fails to attend removal proceedings after receiving written notice of the proceedings and DHS has established ''by clear, unequivocal, and convincing evidence that the written notice was so provided and that the alien is removable.''

[9] INA section 240(b)(5)(C), 8 U.S.C. 1229a(b)(5)(C) (''Such an order may be rescinded only-(i) upon a motion to reopen filed within 180 days after the date of the order of removal if the alien demonstrates that the failure to appear was because of exceptional circumstances (as defined in subsection (e)(1)), or (ii) upon a motion to reopen filed at any time if the alien demonstrates that the alien did not receive notice in accordance with paragraph (1) or (2) of section 1229(a) of this title or the alien demonstrates that the alien was in Federal or State custody and the failure to appear was through no fault of the alien'').

[10] INA section 212(a)(6), 8 U.S.C. 1182(a)(6).

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

TSA Modernized Alternative Identity Verification User Fee

AGENCY: Transportation Security Administration, DHS.

ACTION: Notice.

SUMMARY: The Transportation Security Administration (TSA) is launching a modernized alternative identity verification program for individuals who present at the TSA checkpoint without the required acceptable form of identification (AFOID), such as a REAL ID or passport. This modernized program provides an alternative that may allow these individuals to gain access to the sterile area of an airport if TSA is able to establish their identity. To address the government-incurred costs, individuals who choose to use TSA's modernized alternative identity verification program will be required to pay an $18 fee. Participation in the modernized alternative identity verification program is optional and does not guarantee an individual will be granted access to the sterile area of an airport.

DATES: This notice is effective November 20, 2025.

FOR FURTHER INFORMATION CONTACT: ORCA Comms, TSA/RCA, Identity Management, Transportation Security Administration, 6595 Springfield Center Drive, Springfield, VA 20598–6047; 866–289–9673; or email at *ORCACommunications@tsa.dhs.gov.*

SUPPLEMENTARY INFORMATION: You can find an electronic copy of this Notice using the internet by accessing the Government Publishing Office's web page at *https://www.govinfo.gov/app/collection/FR* to view the daily published **Federal Register** edition or accessing the Office of the Federal Register's web page at *https://www.federalregister.gov.* Copies are also available by writing or contacting the individual in the **FOR FURTHER INFORMATION CONTACT** section, or by email at *ORCACommunications@tsa.dhs.gov.*

Abbreviations and Terms Used in This Document

AFOID—Acceptable Form of Identification
TDC—Travel Document Checker
TSA—Transportation Security Administration

I. Background

A. Current TSA Identity Verification

The TSA Administrator has broad statutory authority under the Aviation and Transportation Security Act to carry out security-related responsibilities in all modes of transportation, including civil aviation.[1] Among other duties and powers, the Administrator is responsible for federal security screening operations of passenger air transportation and intrastate air transportation.[2] Identity verification is the first step in the physical screening process at a TSA security checkpoint and the last link in intelligence-based traveler prescreening, ensuring that high-risk travelers are identified, and all individuals are directed to the appropriate level of physical screening designated by Secure Flight, TSA's passenger prescreening program.

TSA's primary method of identity verification is matching the information on an individual's travel documentation with a TSA AFOID [3] that the individual presents at the checkpoint. TSA expects individuals to present a TSA AFOID at the Travel Document Checker (TDC). For individuals who do not present an AFOID, TSA may provide the individual with an opportunity to participate in an alternative identification process to access the sterile area of the airport.[4]

Use of TSA's alternative identity verification processes neither guarantees that an individual's identity will be verified nor that the individual will successfully be provided access to the sterile area of the airport. Individuals who verify their identity using TSA's alternative identity verification process also may be subject to additional screening or experience delays. Those individuals who do not have an AFOID and who choose not to use alternative identity verification or cooperate with the identity verification process will not be allowed to enter the sterile area of the airport. The current alternative identity verification process is time and resource intensive, limiting the number of individuals for whom TSA can provide the service.

B. Modernized Alternative Identity Verification

TSA is replacing the prior alternative identity verification process with a modernized alternative identity verification program that offers technology-enabled alternative for individuals who do not have an AFOID available to present at the TDC. If an individual chooses to use the program and submit the required information, TSA will use the individual's biographic and/or biometric information to verify identity and match the individual to their Secure Flight watch list result. TSA anticipates that this modernized program will increase efficiency for each individual by streamlining steps taken to verify an individual's identity and substantially increase the number of individuals for whom TSA can provide alternative identity verification by leveraging technology to significantly expand program capacity.

Similar to the current process, this modernized alternative identity verification program does not guarantee that an individual's identity will be verified or that the individual will be provided access to the sterile area of the airport. Individuals who verify their identity using the modernized alternative identity verification program may still be subject to additional screening or experience delays. Individuals who do not have an AFOID and who choose not to use the alternative identity verification program or cooperate with TSA's identity verification process will not be allowed to enter the sterile area of the airport. This modernized, technology-enabled program will provide additional methods of alternative identity verification beyond what TSA currently provides and reduce the time required to verify identities using the existing methods.

II. Authority To Collect Fee for Use of Alternative Identity Verification Program

Congress directed TSA to collect a non-refundable fee to cover the costs of

[1] Public Law 107–71, sec. 101 (115 Stat. 597 (Nov. 19, 2001)) (codified at 49 U.S.C. 114(d)).

[2] 49 U.S.C. 114(e)(1).

[3] TSA provides a list of acceptable IDs on its website (*https://www.tsa.gov/travel/security-screening/identification*).

[4] The most common alternative identity verification service previously provided for individuals without an AFOID was establishing identity through the National Transportation Vetting Center, a TSA call-center that conducted knowledge-based identity verification. As part of the modernized alternative identity verification program, TSA is replacing this call-center with an automated, technology-supported service that's costs will be included in a fee borne by individuals benefiting from the service. Consistent with the Office of Management and Budget Circular A–4, ''Regulatory Analysis,'' this Fee Notice involves a transfer payment from one group (taxpayers paying for an individual's identity verification services provided by TSA) to another group (the beneficiary individual). Although it is difficult to precisely monetize and quantify social costs and benefits resulting from this transfer, the qualitative cost and benefit would be transferring the burden of identity verification for individuals without acceptable ID from taxpayers to the individuals seeking entry into the sterile area.

any registered traveler program.[5] This provision requires TSA to ''impose a fee for any registered traveler program undertaken by the Department of Homeland Security by notice in the **Federal Register**'' as long as the fees do not ''exceed the aggregate costs associated with the program.'' [6] TSA may also modify the fee through notice published in the **Federal Register**.[7]

TSA has determined that the modernized alternative identity verification program, where travelers seeking access to the sterile area of an airport register for the purpose of attempting alternative identity verification when they do not present an AFOID, and where the reliability of the alternative means used to establish identity allow TSA to set required screening based on reliability of those means, is a registered traveler program. Therefore, TSA must collect fees from individuals who do not present an AFOID at the security checkpoint, and who use TSA's modernized alternative identity verification program.[8]

Consistent with the statutory mandate, TSA is establishing a fee for users of the modernized alternative identity verification program to recover TSA's costs of providing this unique security service. The fee described in this notice is designed to fully recover TSA's costs of providing the modernized alternative identity verification program—including the initial development and deployment of the program—to individuals who choose to participate. The cost of the modernized program includes information technology infrastructure and services, software development, identity verification and validation, mobile computing costs, data infrastructure, integration, security and compliance, program management, as well as customer service and administrative costs. Requiring a fee for the modernized alternative identity verification program will ensure that the cost to administer this program is recovered from the users who benefit from it.

TSA will impose and collect a non-refundable fee of $18.00 per person at the time an individual registers and requests alternative identity verification using TSA-approved payment methods, which may include collection by third parties. TSA will not refund the fee, in whole or in part, to individuals whose identities are not verified or who are unable to enter the sterile area based upon the results of the identity verification process.

TSA anticipates that some individuals may use the program and pay the corresponding fee more than once. In addition, TSA may decide in certain scenarios to limit the number of times an individual may use the program if he or she repeatedly fails to present an AFOID when attempting to enter the sterile area.

III. Methodology To Calculate Fee

When setting fees for services, TSA adheres to Federal policy, including policy outlined in the Office of Management and Budget Circular A–25, dated July 8, 1993, regarding user charges. In summary, the circular provides information regarding the basis upon which user charges are to be established and implemented.

TSA has compiled a fee development report that provides a detailed discussion of the modernized alternative identity verification program's expected costs, expected population, and fee determination. A copy of the fee development report can be accessed at *TSA.gov*.

IV. Fee Announcement

The fee to use the modernized alternative identity verification program is $18.00 per individual, per 10-day use (provided the individual can successfully verify their identity for each use during the 10-day period), for the purpose of TSA using modernized alternative identity verification methods to verify a person's identity so he/she can be granted access to the sterile area of an airport. In addition to this notice, TSA will publish these fees on the TSA website *TSA.gov*. TSA may update this fee and availability of the program in the future through publication of a notice in the **Federal Register**.

Collection of the fee will begin when TSA announces that individuals may register for the modernized alternative identity verification program on the TSA website *TSA.gov*.

Dated: November 18, 2025

Ha Nguyen McNeill,

Senior Official Performing the Duties of the Administrator, Transportation Security Administration.

[FR Doc. 2025–20474 Filed 11–19–25; 8:45 am]

BILLING CODE 9110–05–P

[5] *See* Department of Homeland Security Appropriations Act, 2006, Public Law 109–90, sec. 540, (119 Stat. 2064, 2088–89 (Oct. 18, 2005)) (codified at 49 U.S.C. 114 note).

[6] *Id.*

[7] *Id.*

[8] *See supra* n.4.

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–HQ–IA–2024–0033; FXIA16710900000–267–FF09A10000267]

Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); Twentieth Regular Meeting; Tentative U.S. Negotiating Positions for Agenda Items and Species Proposals Submitted by Foreign Governments, the Permanent CITES Committees, and the CITES Secretariat

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The United States, as a party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), will attend the twentieth regular conference of the parties to CITES (CoP20) in Samarkand, Uzbekistan, from November 24–December 5, 2025. This notice announces the availability of tentative U.S. negotiating positions on proposed resolutions, decisions, and amendments to the CITES appendices (species proposals), as well as other agenda items that have been submitted by other parties, the permanent CITES committees, and the CITES Secretariat for consideration at CoP20. With this notice, the U.S. Fish and Wildlife Service (FWS, we) announces that it will publish a summary of the U.S. proposed negotiating positions and supporting rationales no later than November 18, 2025, at *https://www.fws.gov/international-affairs/cites/cop20.*

ADDRESSES: Information on tentative U.S. negotiating positions on amendments to the CITES appendices (species proposals), draft resolutions and decisions, and agenda items submitted by other countries, the permanent CITES committees, and the CITES Secretariat for consideration at CoP20 will be available on our website, *https://www.fws.gov/international-affairs/cites/cop20,* on or before November 18, 2025, and electronically using the Federal eRulemaking Portal: *http://www.regulations.gov* in Docket No. FWS–HQ–IA–2024–0033.

FOR FURTHER INFORMATION CONTACT: For information pertaining to resolutions, decisions, and other agenda items, contact: Naimah Aziz, Chief, Division of Management Authority; telephone 703–358–2095 (telephone); 703–358–2276 (fax) or *managementauthority@fws.gov*

(email). For information pertaining to species proposals, contact: Thomas E. Leuteritz, Acting Chief, Division of Scientific Authority, at 703–358–1708 (telephone); 703–358–2276 (fax); or *scientificauthority@fws.gov* (email).

SUPPLEMENTARY INFORMATION:

Background

CITES is an international treaty designed to control and regulate international trade in certain animal and plant species that are or may be affected by trade and are now, or potentially may become, threatened with extinction. These species are included in appendices to CITES, which can be found on the CITES Secretariat's website at *https://cites.org/eng/app/appendices.php.*

Currently there are 185 parties to CITES—184 countries, including the United States, and one regional economic integration organization, the European Union. CITES calls for regular biennial conferences of the parties, unless a conference decides otherwise. At these conferences, the parties review the implementation of CITES, make provisions enabling the CITES Secretariat in Switzerland to carry out its functions, consider amendments to the list of species in appendices I and II, consider reports presented by the Secretariat and the permanent CITES committees (Standing, Animals, and Plants Committees), and make recommendations to improve the effectiveness of CITES. Any country that is a party to CITES may propose amendments to appendices I and II, as well as resolutions, decisions, and agenda items for consideration by all the parties at the meetings.

This is our fourth and final in a series of **Federal Register** notices on the development of U.S. submissions and tentative negotiating positions for CoP20. In this notice, we announce the availability of tentative U.S. negotiating positions on species proposals, draft resolutions and decisions, and agenda items submitted by other parties, the permanent CITES committees, and the Secretariat for consideration at CoP20.

We published our first CoP20-related **Federal Register** notice on March 22, 2024 (89 FR 20489), in which we requested information and recommendations on animal and plant species proposals and proposed resolutions, decisions, and agenda items for the United States to consider submitting for consideration at CoP20. We published our second CoP20-related **Federal Register** notice on December 26, 2024 (89 FR 105074); where we responded to recommendations received from the public concerning proposed amendments to the CITES appendices (species proposals) and proposed resolutions, decisions, and agenda items that the United States might submit for consideration at CoP20; invited your comments and information on these potential proposals and working documents; and provided information on how U.S. nongovernmental organizations can attend CoP20 as observers. In our third CoP20-related **Federal Register** notice, published on August 18, 2025 (90 FR 40075), we announced the provisional agenda for CoP20, solicited comments on the items on the provisional agenda, and announced a public meeting on September 10, 2025.

A link to the complete list of those **Federal Register** notices, along with information on U.S. preparations for CoP20, can be found at *https://www.fws.gov/international-affairs/cites/cop20.* The notices and public comments received can be viewed at *http://www.regulations.gov* in Docket No. FWS–HQ–IA–2024–0033.

Our regulations governing this public process are found in title 50 of the Code of Federal Regulations (CFR) at 50 CFR 23.87. Pursuant to 50 CFR 23.87(a)(3)(iii), with this notice we are announcing that on or before November 18, 2025, we will post on *http://www.regulations.gov* (see Docket No. FWS–HQ–IA–2024–0033) and on our website (*https://www.fws.gov/international-affairs/cites/cop20*) a summary of the U.S. tentative negotiating positions on the items included on the CoP20 agenda and proposed amendments to the appendices, and the reasons for our tentative positions.

Announcement of Provisional Agenda for CoP20

The provisional agenda for CoP20 and the working documents associated with the items on the provisional agenda, including proposed resolutions, proposed decisions, and discussion documents are available and can be accessed on the CITES Secretariat's website at *https://cites.org/eng/cop/20/agenda-documents.* The species proposals that will be considered at CoP20 are also available on the Secretariat's website. Proposals for amendment of appendices I and II can be accessed at *https://cites.org/eng/cop/20/amendment-proposals.*

Tentative Negotiating Positions

On or before November 18, 2025, we will post on *http://www.regulations.gov* (see Docket No. FWS–HQ–IA–2024–0033) and on our website (*https://www.fws.gov/international-affairs/cites/cop20*) a summary of the U.S. tentative negotiating positions, with supporting rationales, on the items included on the CoP20 agenda and proposed amendments to the appendices.

Documents submitted by the United States either alone or as a co-proponent for consideration at CoP20 can be found on the Secretariat's website at: *https://cites.org/eng/meetings/cop.* Those documents are: Documents CoP20 Docs. 64.3 (co-sponsored by Nigeria), 67.2 (co-sponsored by Mexico and the United Kingdom of Great Britain and Northern Ireland), 90, and 105.2. The United States also submitted or co-sponsored the following proposals: CoP20 Props. 7, 8 (co-sponsored by Mexico), 17 (co-sponsored by Canada), and 40. We will not provide any additional explanation of the U.S. negotiating positions for documents and proposals that the United States submitted or co-sponsored. The introduction in the text of each of those documents includes a discussion of the background of the issue and the rationale for submitting the document.

New information that may become available prior to or at CoP20 could lead to modifications of tentative U.S. positions. The U.S. delegation will disclose changes in our negotiating positions and the explanations for those changes during public briefings at CoP20. Species proposals are considered pursuant to 50 CFR 23.89. The United States is concerned about the budgetary implications and workload burden that will be placed upon the parties, the committees, and the Secretariat, and intends to evaluate all proposed resolutions, decisions, and other agenda items for CoP20 in view of these concerns.

Available Information on CoP20

Information concerning the outcomes of CoP20 will be available after the close of the meeting on the Secretariat's website at *http://www.cites.org,* or upon request from the Division of Management Authority (see **FOR FURTHER INFORMATION CONTACT**, above), or on our website *https://www.fws.gov/international-affairs/cites/cop20*).

Author

The primary author of this notice is Robin Sawyer, Division of Scientific Authority, U.S. Fish and Wildlife Service.

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Brian Nesvik,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 2025–20364 Filed 11–19–25; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[Docket No. BOEM–2025–0516]

Notice of Availability of the Proposed Notice of Sale for Gulf of America Outer Continental Shelf Oil and Gas One Big Beautiful Bill Act Lease Sale 2

AGENCY: Bureau of Ocean Energy Management, Interior.

ACTION: Notice of availability.

SUMMARY: The Bureau of Ocean Energy Management (BOEM) announces the availability of the Proposed Notice of Sale (NOS) for the Gulf of America (GOA) Outer Continental Shelf (OCS) Oil and Gas One Big Beautiful Bill Act (OBBBA) Lease Sale 2 (Lease Sale BBG2). BOEM is publishing this Notice pursuant to its regulatory authority under 30 CFR part 556. Pursuant to Section 19 of the OCS Lands Act, the Secretary of the Interior provides the Governors of affected States and the executive of any affected local government with the opportunity to review and comment on the Proposed NOS. The Proposed NOS describes the proposed size, timing, and location of the sale, including lease stipulations, terms and conditions, minimum bids, royalty rates, and rental rates which are required by Section 50102 of the OBBBA for this sale.

DATES: Comments received from the Governors and the executive of any affected local government on the size, timing, and location of this sale must be submitted to BOEM no later than January 20, 2026. BOEM will publish the Final NOS in the **Federal Register** at least 30 days prior to the date of bid opening. Bid opening is currently scheduled for March 11, 2026.

ADDRESSES: The Proposed NOS for Lease Sale BBG2 and Proposed NOS Package containing information essential to potential bidders may be obtained from the Gulf of America Region Public Affairs Office, Bureau of Ocean Energy Management, 1201 Elmwood Park Boulevard, New Orleans, Louisiana, 70123–2394; telephone: (504) 736–2519. The Proposed NOS and Proposed NOS Package also are available for downloading or viewing on BOEM's website at *http://www.boem.gov/Sale-BBG2/.*

FOR FURTHER INFORMATION CONTACT: Bridgette Duplantis, Section Supervisor, Leasing and Financial Responsibility, Office of Leasing and Plans, 504–736–7502, *bridgette.duplantis@boem.gov* or Benjamin Burnett, Division Manager, Leasing Policy and Management Division, Office of Strategic Resources, 703–787–1782, *Benjamin.Burnett@boem.gov.*

Authority: This sale will be held pursuant to the requirements of the OBBBA. This notice of sale is published pursuant to 43 U.S.C. 1331 *et seq.* (Outer Continental Shelf Lands Act, as amended) and 30 CFR 556.304.

Matthew N. Giacona,

Acting Director, Bureau of Ocean Energy Management.

[FR Doc. 2025–20447 Filed 11–19–25; 8:45 am]

BILLING CODE 4340–98–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Open-Ear Earpiece Devices, DN 3851;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.*

General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf Bose Corporation on September 23, 2025. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain open-ear earpiece devices. The complaint names as respondents: Dongguan Yuanyu Electronic Co., Ltd. d/b/a Ituoray of China; Liu, Yiming d/b/a Yomdud of China; King Lucky Co., Ltd. of Hong Kong; Jiaxing Yuejia Trading Co., Ltd. d/b/a Xmenha of China; Shenzhen Zhichuang All Technology Co., Ltd. and/or Abbott Sanag (UK) Group Co., Ltd. d/b/a Sanag Lingzhong Zhao d/b/a Jzones of China; Shenzhen Mengmengwei Electronic Commerce Co., Ltd. d/b/a Lytmi of China; Shenzhen Maosong Tech. Co., Ltd., d/b/a Ansten of China; U2O Global Co., Ltd. d/b/a IWalk of China; Shenzhen Meichi Electronics Co., Ltd. d/b/a HOMSCAM of China; Shenzhen Shixinhe Dianzi Shangwu Co., Ltd. d/b/a XINHESHUMA of China; Shenzhen Landscape Art Co., Ltd. d/b/a Piluyaa of China; Shenzhen Zhiquhui Technology Co., Ltd. d/b/a Yeabomy of China; Shenzhen Carnival Digital Technology Co., Ltd. and/or Shenzhen Lida Tech. Communication Co., Ltd. d/b/a Shijiaet of China; Shenzhen Shibaishi Dianzi Shangwu Co., Ltd. d/b/a Jiayuu and/or YouDaxing of China; Buy Worry-Free Trade Co., Ltd. d/b/a BST Supply I of China; Hong Kong Shihui Technology Co., Ltd. d/b/a Wdingxing of China; Hong Kong Chuanboyao Technology Ltd. d/b/a Mmanage and/or Ffaithful of China; Hong Kong Dora Cross-Border Trading Co., Ltd. d/b/a Doraomi of China; Hong Kong Santaizi Technology Co., Ltd d/b/a STZ Sport of China; Shenzhen Shiyi Gian Maoyi Co., Ltd. d/b/a Classic Innovation of China; and Shenzhen Yanyin Technology Co., Ltd. of China. The complainant requests that the Commission issue a general exclusion order or in the alternative a limited exclusion order, cease and desist orders, and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Notice of Receipt of Complaint was published on September 26, 2025 (90 FR

46415 (2025)). Due to the lapse in appropriations, the Commission was unable to accept written submissions on the date specified in the notice. Given these circumstances, the notice is amended to permit public interest comments in this matter as indicated below.

Proposed respondents, other interested parties, members of the public, and interested government agencies are invited to file comments on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues must also be filed by no later than the close of business, eight calendar days after publication of this notice in the **Federal Register**. Complainant may file replies to any written submissions no later than three calendar days after the date on which any initial submissions were due, notwithstanding § 201.14(a) of the Commission's Rules of Practice and Procedure. No other submissions will be accepted, unless requested by the Commission. Any submissions and replies filed in response to this Notice are limited to five (5) pages in length, inclusive of attachments.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. Submissions should refer to the docket number (''Docket No. 3851'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures [1]). Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov*.) No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice. Persons with questions regarding filing should contact the Secretary at *EDIS3Help@usitc.gov*.

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,[2] solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[3]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: November 17, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025–20342 Filed 11–19–25; 8:45 am]

BILLING CODE P

[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf*.

[2] All contract personnel will sign appropriate nondisclosure agreements.

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov*.

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1430]

Certain Urine Splash Guards and Components Thereof; Second Notice of Request for Submissions on the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that on September 17, 2025, the presiding administrative law judge (''ALJ'') issued an initial determination (Order No. 16) granting in part a summary determination of a violation of section 337 against respondents Hezeyunjiang jixieshebeiyouxiangongsi (d/b/a Maomaohouse) of Shenzhen, China (''Maomaohouse''), Hefeiweifeng shidaishidaimaoyiyouxiangongsi (d/b/a HealthSTEC) of Hefei City, China (''HealthSTEC''), ShenzhenShi Julonghui Trading Co., Ltd. (d/b/a Edermurs) of Shenzhen, China, Shenzhenshi Lishian Keji Youxian gongsi (d/b/a Lishian) of Shenzhen, China (''Lishian''), and Guangzhou Lesenyu Dianzishangwu Youxiangongsi (d/b/a Le Sengyu) of Guangzhou, China (''Le Sengyu''). The ALJ also issued a Preliminary Recommended Determination recommending that the Commission issue a general exclusion order (''GEO'') and cease and desist orders (''CDOs'') against Maomaohouse, Le Sengyu, HealthSTEC, and Lishian, but not Edermurs. The Commission is soliciting submissions on public interest issues raised by the recommended relief should the Commission find a violation. This notice is soliciting comments from the public and interested government agencies only.

FOR FURTHER INFORMATION CONTACT: Houda Morad, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW, Washington, DC 20436, telephone (202) 708–4716. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS)

at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: Section 337 of the Tariff Act of 1930 provides that, if the Commission finds a violation, it shall exclude the articles concerned from the United States unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry. (19 U.S.C. 1337(d)(1)). A similar provision applies to cease and desist orders. (19 U.S.C. 1337(f)(1)).

The Commission is soliciting submissions on public interest issues raised by the recommended relief should the Commission find a violation, specifically: a GEO directed to certain urine splash guards and components thereof; and CDOs directed to Maomaohouse, HealthSTEC, Lishian, and Le Sengyu. Parties are to file public interest submissions pursuant to 19 CFR 210.50(a)(4).

The Commission is interested in further development of the record on the public interest in this investigation. Accordingly, members of the public and interested government agencies are invited to file submissions of no more than five (5) pages, inclusive of attachments, concerning the public interest in light of the ALJ's Preliminary Recommended Determination on Remedy and Bonding issued in this investigation on September 17, 2025. Comments should address whether issuance of the recommended remedial orders in this investigation, should the Commission find a violation, would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) explain how the articles potentially subject to the recommended remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the recommended orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third-party suppliers have the capacity to replace the volume of articles potentially subject to the recommended orders within a commercially reasonable time; and

(v) explain how the recommended orders would impact consumers in the United States.

A notice soliciting public interest submissions was published on September 22, 2025. Due to the lapse in appropriations, the Commission was unable to accept written submissions on the date specified in the notice. Given these circumstances, the notice is amended to permit public interest comments in this matter by December 12, 2025.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above pursuant to 19 CFR 210.4(f). Submissions should refer to the investigation number (''Inv. No. 337–TA–1430'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *https://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf*). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment by marking each document with a header indicating that the document contains confidential information. This marking will be deemed to satisfy the request procedure set forth in Rules 201.6(b) and 210.5(e)(2) (19 CFR 201.6(b) & 210.5(e)(2)). Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. Any non-party wishing to submit comments containing confidential information must serve those comments on the parties to the investigation pursuant to the applicable Administrative Protective Order. A redacted non-confidential version of the document must also be filed simultaneously with any confidential filing and must be served in accordance with Commission Rule 210.4(f)(7)(ii)(A) (19 CFR 210.4(f)(7)(ii)(A)). All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All nonconfidential written submissions will be available for public inspection on EDIS.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: November 17, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025–20382 Filed 11–19–25; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1408]

Certain Hydrodermabrasion Systems and Components Thereof; Second Notice of Request for Submission on the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that on August 26, 2025, the presiding administrative law judge (''ALJ'') issued an Initial Determination on Violation of Section 337. The ALJ also issued a Recommended Determination on remedy and bonding should a violation be found in the above-captioned investigation. The Commission is soliciting submissions on public interest issues raised by the recommended relief should the Commission find a violation. This notice is soliciting comments from the public and interested government agencies only.

FOR FURTHER INFORMATION CONTACT: Jonathan D. Link, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW,

Washington, DC 20436, telephone (202) 205–3103. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: Section 337 of the Tariff Act of 1930 provides that, if the Commission finds a violation, it shall exclude the articles concerned from the United States unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry. (19 U.S.C. 1337(d)(1)). A similar provision applies to cease and desist orders. (19 U.S.C. 1337(f)(1)).

The Commission is soliciting submissions on public interest issues raised by the recommended relief should the Commission find a violation, specifically: a limited exclusion order directed to certain hydrodermabrasion systems and components thereof imported, sold for importation, and/or sold after importation by Cartessa Aesthetics, LLC (''Cartessa''); and a cease and desist order directed to Cartessa. Parties are to file public interest submissions pursuant to 19 CFR 210.50(a)(4).

The Commission is interested in further development of the record on the public interest in this investigation. Accordingly, members of the public and interested government agencies are invited to file submissions of no more than five (5) pages, inclusive of attachments, concerning the public interest in light of the ALJ's Recommended Determination on Remedy and Bonding issued in this investigation on August 26, 2025. Comments should address whether issuance of the recommended remedial orders in this investigation, should the Commission find a violation, would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) explain how the articles potentially subject to the recommended remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the recommended orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third-party suppliers have the capacity to replace the volume of articles potentially subject to the recommended orders within a commercially reasonable time; and

(v) explain how the recommended orders would impact consumers in the United States.

A notice soliciting public interest submissions was published on September 4, 2025 (FR 2025–16964). Due to the lapse in appropriations, the Commission was unable to accept written submissions on the date specified in the notice. Given these circumstances, the notice is amended to permit public interest comments in this matter by November 25, 2025.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above pursuant to 19 CFR 210.4(f). Submissions should refer to the investigation number (''Inv. No. 337–TA–1408'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *https://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf*). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment by marking each document with a header indicating that the document contains confidential information. This marking will be deemed to satisfy the request procedure set forth in Rules 201.6(b) and 210.5(e)(2) (19 CFR 201.6(b) & 210.5(e)(2)). Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. Any non-party wishing to submit comments containing confidential information must serve those comments on the parties to the investigation pursuant to the applicable Administrative Protective Order. A redacted non-confidential version of the document must also be filed simultaneously with any confidential filing and must be served in accordance with Commission Rule 210.4(f)(7)(ii)(A) (19 CFR 210.4(f)(7)(ii)(A)). All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All nonconfidential written submissions will be available for public inspection on EDIS.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: November 17, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025–20370 Filed 11–19–25; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1435]

Certain Electrolyte Containing Beverages and Labeling and Packaging Thereof (II); Second Notice of Request for Submissions on the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that on September 10, 2025, the presiding administrative law judge (''ALJ'') issued an Initial Determination granting a motion for summary determination on violation of section 337. The ALJ also issued a Recommended Determination on remedy and bonding should a violation be found in the above-captioned investigation. The Commission is soliciting submissions

on public interest issues raised by the recommended relief should the Commission find a violation. This notice is soliciting comments from the public and interested government agencies only.

FOR FURTHER INFORMATION CONTACT: Edward S. Jou, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–3316. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: Section 337 of the Tariff Act of 1930 provides that, if the Commission finds a violation, it shall exclude the articles concerned from the United States unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry. (19 U.S.C. 1337(d)(1)). A similar provision applies to cease and desist orders. (19 U.S.C. 1337(f)(1)).

The Commission is soliciting submissions on public interest issues raised by the recommended relief should the Commission find a violation, specifically: a general exclusion order directed to certain electrolyte containing beverages and labeling and packaging thereof; a limited exclusion order directed to such products imported, sold for importation, and/or sold after importation by respondents Empacadora Torres Mora, S. de R.L. de C.V. of Monterrey, Mexico; Mabed Distribuciones, S.A. de C.V. of Matamoros, Mexico; Centro de Distribucion de Carbon Allende, S.A. de C.V. of Allende, Mexico; and Version Expotaciones, S.R.L. de C.V. of Tijuana, Mexico; and cease and desist orders directed to those respondents. Parties are to file public interest submissions pursuant to 19 CFR 210.50(a)(4).

The Commission is interested in further development of the record on the public interest in this investigation. Accordingly, members of the public and interested government agencies are invited to file submissions of no more than five (5) pages, inclusive of attachments, concerning the public interest in light of the ALJ's Recommended Determination on Remedy and Bonding issued in this investigation on September 10, 2025. Comments should address whether issuance of the recommended remedial orders in this investigation, should the Commission find a violation, would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) explain how the articles potentially subject to the recommended remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the recommended orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third-party suppliers have the capacity to replace the volume of articles potentially subject to the recommended orders within a commercially reasonable time; and

(v) explain how the recommended orders would impact consumers in the United States.

A notice soliciting public interest submissions was published September 16, 2025 (90 FR 44712–13). Due to the lapse in appropriations, the Commission was unable to accept written submissions on the date specified in the notice. Given these circumstances, the notice is amended to permit public interest comments in this matter by November 26, 2025.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above pursuant to 19 CFR 210.4(f). Submissions should refer to the investigation number (''Inv. No. 337–TA–1435'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *https://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf*). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment by marking each document with a header indicating that the document contains confidential information. This marking will be deemed to satisfy the request procedure set forth in Rules 201.6(b) and 210.5(e)(2) (19 CFR 201.6(b) & 210.5(e)(2)). Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. Any non-party wishing to submit comments containing confidential information must serve those comments on the parties to the investigation pursuant to the applicable Administrative Protective Order. A redacted non-confidential version of the document must also be filed simultaneously with any confidential filing and must be served in accordance with Commission Rule 210.4(f)(7)(ii)(A) (19 CFR 210.4(f)(7)(ii)(A)). All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All nonconfidential written submissions will be available for public inspection on EDIS.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: November 18, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025–20408 Filed 11–19–25; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1411]

Certain Photodynamic Therapy Systems, Components Thereof, and Pharmaceutical Products Used in Combination With the Same; Second Notice of Request for Submissions on the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that on September 30, 2025, the presiding administrative law judge (''ALJ'') issued an Initial Determination on Violation of Section 337. The ALJ also issued a Recommended Determination on remedy and bonding should a violation be found in the above-captioned investigation. The Commission is soliciting submissions on public interest issues raised by the recommended relief should the Commission find a violation. This notice is soliciting comments from the public and interested government agencies only.

FOR FURTHER INFORMATION CONTACT: B. Rashmi Borah, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2518. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: Section 337 of the Tariff Act of 1930 provides that, if the Commission finds a violation, it shall exclude the articles concerned from the United States unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry. (19 U.S.C. 1337(d)(1)). A similar provision applies to cease and desist orders. (19 U.S.C. 1337(f)(1)).

The Commission is soliciting submissions on public interest issues raised by the recommended relief should the Commission find a violation, specifically: a limited exclusion order directed to certain photodynamic therapy systems, components thereof, and pharmaceutical products used in combination with the same imported, sold for importation, and/or sold after importation by respondents Biofrontera Inc. of Woburn, Massachusetts; Biofrontera Pharma GmbH of Leverkusen, Germany; Biofrontera Bioscience GmbH of Leverkusen, Germany; and Biofrontera AG of Leverkusen, Germany (collectively, ''Respondents''); and cease and desist orders directed to Respondents. Parties are to file public interest submissions pursuant to 19 CFR 210.50(a)(4).

The Commission is interested in further development of the record on the public interest in this investigation. Accordingly, members of the public and interested government agencies are invited to file submissions of no more than five (5) pages, inclusive of attachments, concerning the public interest in light of the ALJ's Recommended Determination on Remedy and Bonding issued in this investigation on September 30, 2025. Comments should address whether issuance of the recommended remedial orders in this investigation, should the Commission find a violation, would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) explain how the articles potentially subject to the recommended remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the recommended orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third-party suppliers have the capacity to replace the volume of articles potentially subject to the recommended orders within a commercially reasonable time; and

(v) explain how the recommended orders would impact consumers in the United States.

A notice soliciting public interest submissions was published on September 30, 2025. Comm'n Notice (Sept. 30, 2025). Due to the lapse in appropriations, the Commission was unable to accept written submissions on the date specified in the notice. Given these circumstances, the notice is amended to permit public interest comments in this matter by December 16, 2025.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above pursuant to 19 CFR 210.4(f). Submissions should refer to the investigation number (''Inv. No. 337–TA–1411'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *https://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf*). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment by marking each document with a header indicating that the document contains confidential information. This marking will be deemed to satisfy the request procedure set forth in Rules 201.6(b) and 210.5(e)(2) (19 CFR 201.6(b) & 210.5(e)(2)). Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. Any non-party wishing to submit comments containing confidential information must serve those comments on the parties to the investigation pursuant to the applicable Administrative Protective Order. A redacted non-confidential version of the document must also be filed simultaneously with any confidential filing and must be served in accordance with Commission Rule 210.4(f)(7)(ii)(A) (19 CFR 210.4(f)(7)(ii)(A)). All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All nonconfidential written

submissions will be available for public inspection on EDIS.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: November 17, 2025

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025–20371 Filed 11–19–25; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–738 and 731–TA–1713–1715 (Final)]

Hexamine from Germany, India, and Saudi Arabia; Revised Schedule for the Subject Proceeding

AGENCY: United States International Trade Commission.

ACTION: Notice.

DATES: November 17, 2025.

FOR FURTHER INFORMATION CONTACT: Charles Cummings (202–708–1666), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov*.

SUPPLEMENTARY INFORMATION: Effective September 23, 2025, the Commission established a schedule for the conduct of the subject proceeding (90 FR 47327, October 1, 2025). Due to the lapse in appropriations and ensuing cessation of Commission operations, the Commission is revising its schedule as follows: the deadline for filing supplemental party comments on Commerce's final countervailing duty and antidumping duty determinations is 5:15 p.m. on November 19, 2025. Supplemental party comments may address only Commerce's final countervailing duty determinations regarding imports of hexamine from India (90 FR 45720, September 23, 2025) and Commerce's final antidumping duty determinations regarding imports of hexamine from Germany, India, and Saudi Arabia (90 FR 45728, 45725, and 45723, September 23, 2025). These supplemental final comments may not contain new factual information and may not exceed five (5) pages in length. The supplemental staff report in the final phase of the current investigations will be placed in the nonpublic record on December 2, 2025, and a public version will be issued thereafter.

For further information concerning this proceeding, see the Commission's notice cited above and the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

Authority: This proceeding is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.21 of the Commission's rules.

By order of the Commission.

Issued: November 17, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025–20341 Filed 11–19–25; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1393]

Certain Vehicle Telematics, Fleet Management, and Video-Based Safety Systems, Devices, and Components Thereof; Second Notice of Request for Submissions on the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that on September 8, 2025, the presiding administrative law judge (''ALJ'') issued a Final Initial Determination on Violation (''FID'') of Section 337. The FID includes a Recommended Determination on remedy and bonding should a violation be found in the above-captioned investigation. The Commission is soliciting submissions on public interest issues raised by the recommended relief should the Commission find a violation. This notice is soliciting comments from the public and interested government agencies only.

FOR FURTHER INFORMATION CONTACT: Paul Lall, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2043. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov*. For help accessing EDIS, please email *EDIS3Help@usitc.gov*. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov*. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: Section 337 of the Tariff Act of 1930 provides that, if the Commission finds a violation, it shall exclude the articles concerned from the United States unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry. (19 U.S.C. 1337(d)(1)). A similar provision applies to cease and desist orders. (19 U.S.C. 1337(f)(1)).

The Commission is soliciting submissions on public interest issues raised by the recommended relief should the Commission find a violation, specifically: a limited exclusion order and cease and desist order directed to certain vehicle telematics, fleet management, and video-based safety systems, devices, and components thereof imported, sold for importation, and/or sold after importation by respondent Motive Technologies Inc. Parties are to file public interest submissions pursuant to 19 CFR 210.50(a)(4).

The Commission is interested in further development of the record on the public interest in this investigation. Accordingly, members of the public and interested government agencies are invited to file submissions of no more than five (5) pages, inclusive of attachments, concerning the public interest in light of the ALJ's Recommended Determination on Remedy and Bonding issued in this investigation on September 8, 2025. Comments should address whether issuance of the recommended remedial orders in this investigation, should the Commission find a violation, would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the

United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) explain how the articles potentially subject to the recommended remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the recommended orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third-party suppliers have the capacity to replace the volume of articles potentially subject to the recommended orders within a commercially reasonable time; and

(v) explain how the recommended orders would impact consumers in the United States.

A notice soliciting public interest submissions was published on September 12, 2025. 90 FR 44237 (Sept. 12, 2025). Due to the lapse in appropriations, the Commission was unable to accept written submissions on the date specified in the notice. Given these circumstances, the notice is amended to permit public interest comments in this matter by November 25, 2025.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above pursuant to 19 CFR 210.4(f). Submissions should refer to the investigation number (''Inv. No. 337–TA–1393'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *https://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf*). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment by marking each document with a header indicating that the document contains confidential information. This marking will be deemed to satisfy the request procedure set forth in Rules 201.6(b) and 210.5(e)(2) (19 CFR 201.6(b) & 210.5(e)(2)). Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. Any non-party wishing to submit comments containing confidential information must serve those comments on the parties to the investigation pursuant to the applicable Administrative Protective Order. A redacted non-confidential version of the document must also be filed simultaneously with any confidential filing and must be served in accordance with Commission Rule 210.4(f)(7)(ii)(A) (19 CFR 210.4(f)(7)(ii)(A)). All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All nonconfidential written submissions will be available for public inspection on EDIS.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: November 17, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025–20373 Filed 11–19–25; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1020 (Fourth Review)]

Barium Carbonate From China; Termination of Five-Year Review

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission instituted the subject five-year review on July 1, 2025 to determine whether revocation of the antidumping duty order on barium carbonate from China would be likely to lead to continuation or recurrence of material injury. On October 3, 2025, the Department of Commerce published notice in the **Federal Register** that it was revoking the order effective August 20, 2025, because no domestic interested party filed a timely notice of intent to participate. Accordingly, the subject review is terminated.

DATES: August 20, 2025 (effective date of revocation of the order).

FOR FURTHER INFORMATION CONTACT: Camille Bryan (202–205–2811), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this investigation(s) may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

Authority: This review is being terminated under authority of title VII of the Tariff Act of 1930 and pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)). This notice is published pursuant to section 207.69 of the Commission's rules (19 CFR 207.69).

By order of the Commission.

Issued: November 17, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025–20369 Filed 11–19–25; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1110–0011]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of a Previously Approved Collection; Title—ViCAP National Crime Database

AGENCY: Federal Bureau of Investigation, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Federal Bureau of Investigation (FBI), Critical Incident Response Group (CIRG), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 30 days until December 22, 2025.

FOR FURTHER INFORMATION CONTACT: If you have additional comments

especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Nathan Graham, Program Manager, Federal Bureau of Investigation, Critical Incident Response Group, FBI Academy, Quantico, VA 22135, (703) 632–4309, *nsgraham@fbi.gov.*

SUPPLEMENTARY INFORMATION: The proposed information collection was previously published in the **Federal Register** on September 17, 2025, allowing a 60-day comment period. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and/or

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Written comments and recommendations for this information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the information collection or the OMB Control Number 1110–0011. This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view Department of Justice, information collections currently under review by OMB.

DOJ seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOJ notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Abstract: ViCAP is a unit of the Federal Bureau of Investigation (FBI) responsible for the analysis of serial violent and sexual crimes. The ViCAP National Crime Database maintains the largest investigative repository of major violent crime cases in the U.S. It is designed to collect and analyze information about Homicides (and attempts) that are known or suspected to be part of a series and/or are apparently random or sexually oriented; Sexual Assaults that are known or suspected to be part of a series and/or are committed by a stranger; Missing Persons where the circumstances indicate a strong possibility of foul play and the victim is still missing; and Unidentified Human Remains where the manner of death is known or suspected to be homicide.

Overview of This Information Collection

1. *Type of Information Collection:* Revision of a previously approved collection.

2. *Title of the Form/Collection:* ViCAP National Crime Database.

3. *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* N/A.

4. *Affected public who will be asked or required to respond:*

Affected Public: State, local and tribal governments.

5. *Obligation to Respond:* Voluntary.

6. *Total Estimated Number of Respondents:* 5,700 respondents.

7. *Estimated Time per Respondent:* 20 minutes.

8. *Frequency:* Users decide how often to respond, for the purposes of calculating burden hours: once annually.

9. *Total Estimated Annual Time Burden:* The total annual burden hours for this collection is approximately 1,900 burden hours (5,700 × 20 min/60 = 1,900).

10. *Total Estimated Annual Other Costs Burden:* $0.

If additional information is required, contact: Darwin Arceo, Department Clearance Officer, Enterprise Portfolio Management, Justice Management Division, United States Department of Justice, Two Constitution Square, 145 N Street NE, 4W–218 Washington, DC 20530.

Dated: November 17, 2025.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2025–20353 Filed 11–19–25; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

Notice of Proposed Settlement Under the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that the United States, on behalf of the Department of the Interior (''DOI''), through the United States Fish and Wildlife Service, and the State of Indiana, on behalf of the Indiana Department of Natural Resources and the Indiana Department of Environmental Management, (collectively ''Trustees''), are providing an opportunity for public comment on a proposed Settlement Agreement among the United States, Indiana, and Northern Indiana Public Service Company LLC (''NIPSCO'').

This Settlement Agreement relates to potential natural resource damages at the Stateline Reach Site in Lake County, Indiana, pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA''). The Settlement Agreement resolves natural resource damages claims on behalf of the United States and the State of Indiana based on remediation and restoration work performed by NIPSCO and its commitment to continue performing needed operation and maintenance at the site.

The publication of this notice opens a period for public comment on the Settlement Agreement. Comments should be addressed to Daniel W. Sparks, and should refer to NIPSCO Settlement Agreement. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*daniel_sparks@fws.gov.*
By mail	Daniel W. Sparks, Senior Fish and Wildlife Biologist, US Fish and Wildlife Service, 620 S. Walker St., Bloomington, IN 47403.

During the public comment period, the Settlement Agreement may be examined and downloaded at this Justice Department website: *https://www.justice.gov/enrd/consent-decrees.* If you require assistance accessing the Settlement Agreement, you may request

assistance by email or by mail to the addresses provided above for submitting comments.

Eric Albert,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2025–20340 Filed 11–19–25; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

[OMB 1140–0107]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of a Previously Approved Collection; NFA Responsible Person Questionnaire, ATF Form 5320.23

AGENCY: Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: ATF encourages comments on this information collection. You may submit written comments for 30 days, until midnight on December 22, 2025.

ADDRESSES: Submit written comments and recommendations for this information collection to the following website: *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the information collection or the OMB control number: 1140–0107.

FOR FURTHER INFORMATION CONTACT: If you have questions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact: Meghan Tisserand, Division Staff, National Firearms Act Division, either by mail at National Firearms Act Division; Division Staff Office; 244 Needy Road; Martinsburg, WV 25405, by email at *meghan.tisserand@atf.gov,* or by telephone at 304–616–3219.

SUPPLEMENTARY INFORMATION: The proposed information collection was previously published in the **Federal Register**, 90 FR 39425, on Friday, August 15, 2025, allowing a 60-day comment period. We encourage written comments and suggestions from the public and affected agencies concerning the proposed information collection. Your comments should address one or more of the following four points:

—Evaluate whether the proposed information collection is necessary to properly perform ATF's functions, including whether the information will have practical utility;

—Evaluate the agency's estimate of the proposed information collection's burden for accuracy, including validity of the methodology and assumptions used;

—Evaluate whether, and if so, how, the quality, utility, and clarity of the collected information can be enhanced; and

—Minimize the information collection's burden on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting people to submit electronic responses.

You may view this information collection request at *www.reginfo.gov.* Follow the instructions to view Department of Justice information collections currently under review by OMB and look for 1140–0107.

DOJ seeks PRA authorization for this information collection for three years. OMB authorization for an ICR cannot be for more than three years without renewal. DOJ notes that information collection requirements submitted to OMB for existing ICRs receive a month-to-month extension while they undergo review.

Overview of This Information Collection

1. *Type of information collection:* Revision of a previously approved collection.

2. *Title of the form/collection:* NFA Responsible Person Questionnaire.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form number: ATF Form 5320.23.

Component: Bureau of Alcohol, Tobacco, Firearms, and Explosives; U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as the obligation to respond:* Affected Public: State, local and tribal governments, private sector for- or not-for-profit institutions, federal government.

Abstract: When a trust or other legal entity (including corporations, married couples jointly registering a firearm, etc) must submit ATF Form 5320.1 (''Form 1''), Application to Make and Register NFA Firearm, as the maker, or is identified as the transferee on ATF Form 5320.4 (''Form 4''), Application to Transfer and Register NFA Firearm (Tax-Paid), or ATF Form 5320.5 (''Form 5''), Application to Transfer and Register NFA Firearm (Tax-Exempt), they are not able to submit individualy identifying information for purposes of a background check. As a result, ATF Form 5320.23 is required for any responsible person (as defined in 27 CFR 479.11) who is part of such trust or other legal entity. Forms 1, 4, and 5 are required under the National Firearms Act (NFA).

5. *Obligation to respond:* required to obtain/retain a benefit, comply with law.

6. *Total estimated number of respondents:* 749,242 respondents.

7. *Estimated time per respondent:* 12 minutes.

8. *Frequency:* once annually.

9. *Total estimated annual time burden:* 149,848 total hours.

10. *Total estimated annual other costs burden:* 0.

Revisions to This Information Collection

Information Collection (IC) OMB 1140–0107 is being revised to reflect an increase in the number of applicant responsible persons per year, rising from 115,829 applicants during the last renewal to 749,242, an increase of 633,413 responsible persons. However, there has been a decrease in the time burden due to changes in technology allowing electronic forms, reducing the number of respondents who must provide fingerprints and reducing the number of copies, allowing electronic fingerprints on-site, reducing respondents who must provide photographs, and substituting photocopied identification cards instead, all submitted electronically. As a result, there has been a corresponding decrease in the burden hours per respondent, from .5 hours to .2 hours each. These combined changes have resulted in resulting in an increase in total annual burden hours from 57,915 to 149,848 (an increase of 91,933 hours).

In addition, the Department is making the following changes to Form 5320.23 in anticipation of upcoming regulatory changes, and to make the form easier to read, correct minor errors, and adjust for updated technology:

- revising the title to be shorter
- removing the photo box on the form and revising the instructions to reflect anticipated regulatory change to who must submit fingerprints or photographs and to shift from a

passport-style photo to a copy of a photo identification card
- combining race/ethnicity items
- allowing additional types of electronic/digital signatures
- adding references to eForms
- adding instructions for married couples jointly making, transferring, and registering a firearm, as an 'other legal entity'
- correcting typographical/grammar items
- removing specific firearm information other than the type of firearm

Public Comments

ATF received three public comments on this ICR during the 60-day comment period, one from a licensed dealer in NFA firearms, and two from industry trade organizations, one of which represents retailers in the farm store industry, which includes federally licensed firearms dealers, and the other of which represents the firearms industry and recreational shooting and hunting. ATF appreciates the feedback from these commenters on the proposed changes. It is helpful to receive feedback, positive or negative, from persons impacted by our processes so we can make them more user-friendly and efficient.

Comment Summaries

Topic 1

One commenter approved of ATF's proposed change to remove the Chief Law Enforcement Officer (CLEO) notification requirement and the corresponding extra copy in ATF Forms 5320.4 for that purpose. The commenter then suggested that the next step would be to retire ATF Form 5320.23 (''Form 23''), which is the responsible person (''RP'') questionnaire that accompanies some Forms 4, along with some ATF Forms 5320.1 (''Form 1'') and 5320.5 (''Form 5''). To clarify, Forms 1, 4, and 5 are application forms to make, transfer, and register NFA firearms for individual persons or companies, government organizations, and other legal entities. When an individual completes these forms, they enter the necessary personal identity information so that NICS can complete the required background check. However, when a legal entity completes these forms, it cannot provide the personal identity information for all of that entity's responsible persons on the same form, which is designed for one person's information (and which already has the entity's information in some of those fields). So, ATF uses Form 23 for responsible persons to submit their personal identity information along with the primary form. Each responsible person completes their own Form 23.

The commenter stated that Form 23 duplicates the data that is entered on Forms 1, 4, or 5, raises mismatch risk, and leads to unnecessary RFCs and disapprovals. The commenter also pointed out that, on the eForms version of these forms, the transferee eligibility questions are presented for individual submissions. They stated that moving, and thus capturing, these same questions at the RP module for individual and trust/entity filings would create a single, uniform workflow across individual and trust submissions, thereby reducing duplication and errors. They also added that doing this would make the non-eForm version of Form 23 unnecessary for persons who submit an eForm version of Form 1, 4, or 5. Using ATF's burden information in the notice for this ICR, the commenter estimated that eliminating Form 23 for eForm filings of Forms 1, 4, and 5 would save the public approximately 144,000 hours/year and roughly $3.3 million in respondent time (at $23/hour), while also saving ATF processing time.

ATF response

ATF agrees with the commenter that using an eForm instead of having to complete a paper form would save time and reduce hassles for respondents. Because of the significant programming cost and time necessary to migrate a form to the eForms platform and ensure it is fully integrated with other systems that process and account for the forms, it isn't possible to do all the forms at the same time. So ATF is working through forms in a queue, as budget permits, and expects the Form 23 to be added to eForms soon. In the interim, as part of this ICR renewal, ATF is making the Form 23 into an electronically fillable and digitally signable form. This will save respondents substantial time and inconvenience until the Form 23 is in the eForms system.

We note, however, that the information being requested of each RP—even though it is the same personal identity information and qualification questions that are asked of individual persons—does not duplicate the information that would be included on a Form 1, 4, or 5 in such cases. If there is a need for a Form 23, that means there is a trust, company, or other legal entity completing the Form 1, 4, or 5, and therefore entering entity information into the required fields. Entities, however, can't enter personal identity information, and an RP can't enter their personal information into the same fields with entity information in them. Likewise, if there is more than one RP for the applying entity, each RP can't enter their personal information into the same fields with other RP information in them. So each RP must complete those fields by submitting a separate form (a Form 23), even though it requests the same information for each RP as the Form 1, 4, or 5 requests for individual persons (when individuals apply, they do not also do a Form 23).

Topic 2

All three commenters expressed support for the changes ATF is making to streamline and revise Form 23. One industry trade organization stated that they strongly encourage and support these efforts, and specifically cited eForms and electronic signature, correcting typographical/grammar items, removing specific firearm information other than the type of firearm, and adding instructions for married couples to jointly make, transfer, and register NFA firearms. The other industry trade group stated the proposed changes reflect a clear commitment to modernizing regulatory processes while strengthening both public safety and operational efficiency. They specifically stated they appreciate the form's clearer design and improved instructions, including the streamlined title and simplified formatting, removing the photo box and allowing ID cards in place of passport photos, consolidating race/ethnicity fields, and updating instructions for trusts, corporations, and married couples acting as joint applicants or transferees. They also stated the move to electronic filing, signatures, and fingerprints will significantly cut administrative burdens, streamline submissions, and reduce delays, allowing FFLs more time to focus on business and compliance needs.

ATF response

In response to the first commenter's suggestion that ATF should make all efforts to modernize these NFA forms, and the other two commenters' emphasis on how the current revisions are a strong step in that direction, we think the following information will be helpful. The proposed changes to these forms reflect larger corresponding changes the agency is proposing to its NFA regulations and across other NFA forms, as well. These changes have been developing for some time and are projected to take effect during the next year. In addition to allowing electronic signatures, ATF is also making its NFA forms electronically fillable as the ICRs come up for renewal, and expects to move to solely electronic forms in 2026. In addition, NFA is continuing to build

the rest of its forms into its eForms platform, so applicants can complete and submit the forms online.

If you need additional information, contact: Darwin Arceo, Department Clearance Officer, Enterprise Portfolio Management; Justice Management Division; United States Department of Justice; Two Constitution Square; 145 N Street NE, 4W–218, Washington, DC 20530.

Dated: November 17, 2025.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2025–20339 Filed 11–19–25; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

[OMB Number 1122–0023]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Previously Approved Collection; Semi-Annual Progress Report for Grantees From the Sexual Assault Services Program—Grants to Culturally Specific Programs

AGENCY: Office on Violence Against Women, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Office on Violence Against Women, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 30 days until December 22, 2025.

FOR FURTHER INFORMATION CONTACT: If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact: Tiffany Watson, Office on Violence Against Women, at 202–307–6026 or *Tiffany.Watson@usdoj.gov.*

SUPPLEMENTARY INFORMATION:

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and/or

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Written comments and recommendations for this information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the information collection or the OMB Control Number 1122–0023. This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view Department of Justice, information collections currently under review by OMB.

DOJ seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOJ notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a currently approved collection.

2. *Title of the Form/Collection:* Semi-Annual Progress Report for Grantees from the Sexual Assault Services Program—Grants to Culturally Specific Programs (SASP–CSP).

3. *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: 1122–0023. U.S. Department of Justice, Office on Violence Against Women

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* The affected public includes the approximately 23 grantees of the SASP Culturally Specific Program. This program supports projects that create, maintain and expand sustainable sexual assault services provided by culturally specific organizations, which are uniquely situated to respond to the needs of sexual assault victims within culturally specific populations.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that it will take the approximately 23 respondents (SASP–CSP grantees) approximately one hour to complete a semi-annual progress report. The semi-annual progress report is divided into sections that pertain to the different types of activities in which grantees may engage. A SASP–CSP grantee will only be required to complete the sections of the form that pertain to its own specific activities.

6. *An estimate of the total public burden (in hours) associated with the collection:* The total annual hour burden to complete the data collection forms is 46 hours, that is 23 grantees completing a form twice a year with an estimated completion time for the form being one hour.

7. *An estimate of the total annual cost burden associated with the collection, if applicable:* The annualized costs to the Federal Government resulting from the OVW staff review of the progress reports submitted by grantees are estimated to be $2,667.

8. Total Burden Hours

Activity	Number of respondents	Frequency	Total annual responses	Time per response (hours)	Total annual burden (hours)
Progress Report Form	23	2/annually	46	1	46 hrs.
Unduplicated Totals	*23*		*46*		*46 hrs.*

If additional information is required contact: Darwin Arceo, Department Clearance Officer, United States Department of Justice, Enterprise Portfolio Management. Two Constitution Square, 145 N Street NE, 4W–218, Washington, DC.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2025–20348 Filed 11–19–25; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Water Act (CWA)

On November 17, 2025, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Northern District of Iowa in the lawsuit entitled *United States* v. *Wynja Feedlot, Inc.* Civil Action No. 5:25–cv–4066.

The United States filed this lawsuit under Section 301 of the Clean Water Act, 33 U.S.C. 1311. The United States' Complaint seeks injunctive relief and civil penalties for violations of the regulations that govern discharges of pollutants into waters of the United States from the defendant's cattle-feeding operation in Orange City, Iowa. The Consent Decree requires the defendant to perform injunctive relief and pay a $20,000 civil penalty.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *Wynja Feedlot, Inc.,* D.J. Ref. No. 90–5–2–1–12816. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Any comments submitted in writing may be filed by the United States in whole or in part on the public court docket without notice to the commenter.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department website: *https://www.justice.gov/enrd/consent-decrees.* If you require assistance accessing the Consent Decree, you may request assistance by email or by mail to the addresses provided above for submitting comments.

Eric D. Albert,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2025–20383 Filed 11–19–25; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

[OMB 1140–0043]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of a Previously Approved Collection; Title—National Tracing Center (NTC) Trace Request/Solicitud de Rastreo del Centro Nacional de Rastreo (NTC) (ATF Form 3312.1/3312.1(S))

AGENCY: Bureau of Alcohol, Tobacco, Firearms, and Explosives; Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 30 days until December 22, 2025.

FOR FURTHER INFORMATION CONTACT: If you have comments, especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact: Carrie Robertson, National Tracing Center Division, either by mail at 244 Needy Road, Suite 1500, Martinsburg, WV 25405, by email at *carrie.robertson@atf.gov,* or by telephone at 304–260–1695.

SUPPLEMENTARY INFORMATION: The proposed information collection was previously published in the **Federal Register**, volume 90, page 37565, on Tuesday, August 5, 2025, allowing a 60-day comment period. We encourage written comments and suggestions from the public and affected agencies concerning the proposed information collection. Your comments should address one or more of the following four points:

—Evaluate whether the proposed information collection is necessary to properly perform ATF's functions, including whether the information will have practical utility;

—Evaluate the agency's estimate of the proposed information collection's burden for accuracy, including validity of the methodology and assumptions used;

—Evaluate whether, and if so, how, the quality, utility, and clarity of the collected information can be enhanced; and

—Minimize the information collection's burden on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting people to submit electronic responses.

Written comments and recommendations for this information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the information collection or the OMB Control Number 1140–0043. This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view Department of Justice, information collections currently under review by OMB.

DOJ seeks PRA authorization for this information collection for three years. OMB authorization for an ICR cannot be for more than three years without renewal. DOJ notes that information collection requirements submitted to OMB for existing ICRs receive a month-to-month extension while they undergo review.

Overview of This Information Collection

1. *Type of information collection:* Revision of a previously approved collection.

2. *Title of the form/collection:* National Tracing Center (NTC) Trace Request/Solicitud de Rastreo del Centro Nacional de Rastreo (NTC).

3. *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* ATF Form 3312.1/3312.1 (S)).

Component: Bureau of Alcohol, Tobacco, Firearms, and Explosives; U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Affected public: state, local, and tribal governments. The trace requests are voluntary or as required by the state (not ATF); however, if the respondent wants the trace to be conducted, they must provide the requested information to obtain/retain that benefit.

Abstract: law enforcement agencies (LEAs) at all levels submit requests to ATF to trace guns used in crimes. So that ATF may swiftly and accurately provide responsive information on these crime guns, ATF requests LEAs to submit certain information on Form 3312.1 that will aid ATF in tracing the firearm. ATF reports the resulting information only to the requesting LEA and does not create a registry of firearms in the process.

Information Collection (IC) OMB 1140–0043 is being revised to include an increase in respondents from 1,153 annually to 17,000 since the last renewal period, a difference of 15,847 per year. This is due to more law enforcement agencies submitting more trace requests each year. The adjustments therefore also include an increase in the total number of trace requests from 24,490 during the last renewal to 640,000 now. Consequently, the total burden hours have also increased from 2,449 to 64,000, resulting in a difference since the last renewal of 61,551 total annual hours.

5. *Obligation to respond:* the obligation to respond is required to obtain/retain a benefit.

6. *Total estimated number of respondents:* 17,000 respondents.

7. *Estimated time per respondent:* 6 minutes.

8. *Frequency:* 30 requests per LEA.

9. *Total estimated annual time burden:* 51,000 hours.

10. *Total estimated annual other costs burden:* $0.

Public Comment Summaries and ATF Responses

ATF received two sets of comments during the 60-day public comment period for this ICR. Both sets of comments were from industry trade organizations, one of which represents retailers in the farm store industry, which includes federally licensed firearms dealers, and the other of which represents the firearms industry and recreational shooting and hunting. ATF acknowledges and appreciates the comments and collaborative suggestions submitted by both organizations.

One set of comments expressed support for ATF's mission to enhance public safety through efficient firearms tracing. While they applauded ATF's efforts to keep pace with the increased numbers of firearms trace requests over the past ten years (as reflected in the 60-day notice), they also noted that the continuing increase in trace requests over time and in the future presents an increasing burden for dealers, and strains staffing resources and elevates costs. To this end, the organization outlined two suggestions oriented toward streamlining and making more efficient the process for dealer responses to trace requests.

The commenting organization suggested that ATF should request each licensee to identify a primary point of contact responsible for receiving and coordinating responses to all trace requests. Entities holding multiple licenses could designate a centralized compliance office as the POC, provided they can coordinate timely access to required acquisition and disposition records for each licensee. ATF would then direct trace requests to this designated POC, and licensees could notify NTC in writing if they need to change the POC. The commenting organization's experience has been that trace requests often go to different locations, and a primary POC would strengthen compliance, improve response times, and reduce the chance of dealers missing requests.

ATF agrees with the commenter that the number of trace requests has steadily increased over time and is expected to continue rising. As the data in the 60-day notice cited by the commenter illustrated, over the past ten fiscal years, the number of incoming trace requests has grown by nearly 70%.

The NTC Division provides an internal dealer profile module that permits multiple licensees associated with the same business entity to link with each other and to designate a centralized tracing POC, where applicable. Licensees can also use the dealer profile to document primary and alternate POCs and their contact information (name, preferred contact method, email, fax, phone, contact hours, after-hours contact, etc).

The commenter also recommended that ATF should require law enforcement agencies (LEAs) to explicitly classify their trace requests as ''urgent'' (*e.g.,* assaults, kidnappings, homicides, etc.) or ''routine,'' based on ATF's existing categories, convey the category to the dealer with the request, and base the dealer's required response time on the request's urgency. So, for example, instead of being required to respond within 24 hours to all trace requests, dealers would respond within 24 hours to urgent requests. But, the commenter said that, because ATF has a five-day window for responding to LEAs on routine requests, ATF should allow dealers up to five business days in which to respond to ATF on such requests. This would retain rapid investigative support for urgent traces while allowing dealers to plan their resources and responses more effectively for the bulk of routine requests, the commenter added. The commenter also suggested that ATF consider simplified communication for routine trace requests, such as standardized electronic notices or batching, so dealers could respond in a single consolidated effort, which would also help reduce burden, as would encouraging dealers to use NTC Connect or an eTrace Direct API for faster responses.

ATF agrees that classifying requests as routine or urgent is helpful and requires submitting LEAs to classify incoming trace requests as either routine or urgent. We also provide guidance, so submitters know which requests fall into each group.

NTC strives to complete urgent trace requests within 24 hours and routine trace requests within seven days. In response to the commenter's suggestion that ATF allow a longer response time for routine trace requests, we can't consider changing response times in the context of this information collection because the response time is set by statute. 18 U.S.C. 923(g)(7) states that ''Each licensee shall respond immediately to, and in no event later than 24 hours after the receipt of, a request by the Attorney General for information contained in the records . . . .'' ATF does not have authority to supersede statutory requirements. Aside from the statutory considerations, we note that, on average, each successful trace to an individual purchaser involves 3.5 licensees in the chain of distribution. Allowing each of them up to five days to respond instead of the current 24 hours would have a significant impact on overall completion time, potentially taking up to five times longer than NTC's current average trace processing time of 9.3 days. Given the importance of these traces to law enforcement in apprehending criminals who use firearms in crimes, and the impact that has on public safety, ATF would have reservations about lengthening the licensee response time even in routine cases because of this cumulative effect.

In response to the recommendation to simplify communication methods for routine trace requests, ATF agrees these kinds of changes help reduce burden on responding to licensees. NTC

continuously strives to make it as easy as possible for licensees to respond to trace requests by improving efficiency and work processes, and has incorporated practices such as standardized electronic notices, batching, and permitting dealers to respond to multiple requests in one response. NTC consolidates trace requests to the same licensee whenever possible to reduce unnecessary contacts. Additionally, NTC is implementing a new dealer contact service component within the Firearms Tracing System, which will provide standardized electronic notifications to licensees, along with fillable templates they can use to respond to a trace request.

ATF encourages manufacturers, importers, and wholesalers to voluntarily participate in the NTC Connect program and is actively working to implement a more robust solution, known as FFL DIRECT. FFL DIRECT is a secure, asynchronous API service that will enable participating licensees to receive and respond to fully automated firearm trace requests. This service provides licensees the autonomy to conduct automated serial number searches against their electronic records in response to a trace request and electronically transmit disposition information to NTC without relying on inefficient manual methods such as email, phone, or fax. NTC encourages licensees to utilize NTC Connect and has already started promoting the new FFL DIRECT service. Services such as NTC Connect and FFL DIRECT are designed to reduce the burden on licensees and make the trace response process more efficient and secure. By using these tools, licensees can respond to trace requests more quickly and accurately, reducing the burden on the licensee, while also increasing public safety through more timely crime-gun tracing.

The second organization's comments were oriented toward protecting information obtained during trace requests. The commenter suggested that ATF include a clear reminder and explicit statement on ATF Form 3312.1 and its electronic equivalents that ATF may only provide a response for a bona fide criminal investigation by federal, state, local, or tribal law enforcement agencies or prosecutors, and that trace data obtained from such requests may not be knowingly and publicly disclosed pursuant to the restrictions in 18 U.S.C. 923 and 926 and the Tiahrt Amendment. The organization further requested assurance that NTC properly safeguards firearms trace and Firearms Tracing System (FTS) data once provided.

ATF agrees with the commenter that it is important to notify respondents of the disclosure restrictions and to protect the information provided. Supporting law enforcement agencies in carrying out their public safety missions while ensuring the integrity, security, and responsible use of trace data remains a top priority, as protecting public safety and supporting our law enforcement partners are central to ATF's mission. To this end, ATF has planned enhancements already in progress that align with the commenting organization's input. Specifically, the modernized version of eTrace launched in September 2025, and is now available to LEAs. The updated system incorporates a mandatory acknowledgement banner that reinforces these statutory restrictions and requirements, ensuring that users are reminded of the appropriate use and protection of trace data before accessing the system. Additionally, under this new rollout, users are now required to again acknowledge these restrictions each time they retrieve trace results, confirming that such information is restricted to law enforcement use only.

In addition, ATF is adding a statement directly to Form 3312.1, as suggested by the commenter (and a Spanish version of the same statement on the Spanish form, Form 3312.1S). The banner is being added to the forms as part of this ICR renewal and is on the forms being reviewed by OMB.

If you need additional information, contact: Darwin Arceo, Department Clearance Officer, Enterprise Portfolio Management; United States Department of Justice; Two Constitution Square; 145 N Street NE, 4W–218, Washington, DC 20530.

Dated: November 17, 2025.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2025–20338 Filed 11–19–25; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

[OMB Number 1110–0043]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Voluntary Appeal File (VAF) Application Form

AGENCY: Criminal Justice Information Services Division, Federal Bureau of Investigation, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Criminal Justice Information Services Division, Federal Bureau of Investigation, Department of Justice (DOJ), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 30 days until December 22, 2025.

FOR FURTHER INFORMATION CONTACT: If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact: Jill Montgomery, FBI NICS Section, 1000 Custer Hollow Road, Clarksburg, WV 26306, *jamontgomery@fbi.gov* or 304–709–1476.

SUPPLEMENTARY INFORMATION: The proposed information collection was previously published in the **Federal Register** on September 17, 2025, allowing a 60-day comment period. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and/or

—Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Written comments and recommendations for this information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the information collection or the OMB

Control Number 1110–0043. This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view Department of Justice, information collections currently under review by OMB.

DOJ seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOJ notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Abstract: If a potential purchaser is delayed or denied a firearm and successfully appeals the decision, the NICS Section cannot retain a record of the overturned appeal or the supporting documentation. If the record is not able to be updated or the appeal was overturned because fingerprint submissions determined the prohibiting record did not match the, the purchaser may continue to be delayed or denied for future transactions, and if that individual appeals the decision, the documentation/information (*e.g.,* fingerprint cards, court records, pardons, etc.) must be resubmitted for every subsequent appeal. The VAF was established per 28 CFR, Part 25.10(g), for this reason. By this process, applicants can voluntarily request the NICS Section maintain information about themselves in the VAF to prevent future extended delays or denials of a firearm transfer. Those approved for entry into the VAF will be issued a unique personal identification number or ''UPIN''. The applicant must then provide their VAF UPIN to the FFL during future NICS checks. The VAF UPIN can also prevent similar results in other contexts where the NICS may be queried, such as when applying to receive a National Firearms Act firearm (*see* 28 CFR 25.6(j)(2)) or soon, during a ''firearm handler background check'' (*see* 89 FR 100424). The VAF is also open to persons that have never been the subject of a NICS check to preemptively prevent erroneous denials or extended delays.

Overview of This Information Collection

1. *Type of Information Collection:* Revision of a previously approved collection.

2. *Title of the Form/Collection:* Voluntary Appeal File (VAF) Application Form.

3. *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Voluntary Appeal File (VAF) Application Form, 1110–0043. The applicable component within the Department of Justice is the Federal Bureau of Investigation, Criminal Justice Information Services Division.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Affected Public: Individuals. By this process, applicants can voluntarily request the NICS Section maintain information about themselves in the VAF to prevent future extended delays or denials of a firearm transfer. Those approved for entry into the VAF will be issued a unique personal identification number or ''UPIN''. The applicant must then provide their VAF UPIN to the FFL during future NICS checks. The VAF is also open to persons that have never been the subject of a NICS check to preemptively prevent erroneous denials or extended delays.

5. *Obligation to Respond:* Voluntary.

6. *Total Estimated Number of Respondents:* 11,073 respondents.

7. *Estimated Time per Respondent:* 30 minutes.

8. *Frequency:* One time.

9. *Total Estimated Annual Time Burden:* Ex: 20 hours. With 11,073 applicants (6,542 submitted electronically and 4,531 submitted hard copy) responding, the formula for applicant burden hours would be as follows: 11,073 respondents × .5 hours) = 5,536.50 hours.

10. *Total Estimated Annual Other Costs Burden:* The VAF application process is performed on average by 54 GS 11 Step 5 Criminal History Challenge Analysts. The 2024 Office of Personnel Management Grade Scale Salary Table (for the locality pay area of rest of US) indicates a GS 11 Step 5 employee makes $82,226 per year. As a standard when calculating cost, thirty-one percent is added for benefits. This brings the annual cost per employee to $107,716.06. Fifty-four employees at this rate would total $5,816,667.24 in salaries.

If additional information is required, contact: Darwin Arceo, Department Clearance Officer, Enterprise Portfolio Management, Justice Management Division, United States Department of Justice, Two Constitution Square, 145 N Street NE, 4W–218 Washington, DC 20530.

Dated: November 17, 2025.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2025–20350 Filed 11–19–25; 8:45 am]

BILLING CODE 4410–02–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 030–35486; License No. 11–27680–01MD; EAF–RIV–2025–0022; NRC–2025–1732]

In the Matter of International Isotopes, Inc.; Confirmatory Order Modifying License

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) issued a Confirmatory Order to International Isotopes (INIS) to document commitments made as part of a settlement agreement made between the NRC and INIS following an alternative dispute resolution mediation session held on August 6, 2025. The mediation addressed seven apparent violations involving INIS' organization and management of the licensee's broad scope license, control of licensed material, and evaluation of radiation levels. INIS has committed to various measures intended to improve the effectiveness of its Radiation Safety Committee (ALARA Committee), evaluate the range of radiological conditions at its facility during authorized activities, and ensure adequate control of radiological conditions. The Confirmatory Order is effective upon issuance.

DATES: The Confirmatory Order was issued on September 30, 2025.

ADDRESSES: Please refer to Docket ID NRC–2025–1732 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2025–1732. Address questions about Docket IDs in *Regulations.gov* to Bridget Curran; telephone: 301–415–1003; email: *Bridget.Curran@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin ADAMS Public Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at

301–415–4737, or by email to *PDR.Resource@nrc.gov.* The Confirmatory Order to INIS is available in ADAMS under Accession No. ML25227A262.

• *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Beth Alferink, Region IV, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 817–200–1182; email: *Beth.Alferink@nrc.gov.*

SUPPLEMENTARY INFORMATION: The text of the Order is attached.

Dated: November 17, 2025.

For the Nuclear Regulatory Commission.

John Monninger,

Regional Administrator, NRC Region IV.

Attachment—In the Matter of International Isotopes, Inc.; Confirmatory Order Modifying License

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

In the Matter of: INTERNATIONAL ISOTOPES, INC., Docket No. 030–35486, License No. 11–27680–01MD, EAF–RIV–2025–0022

Confirmatory Order Modifying License (Effective Upon Issuance)

I

International Isotopes, Inc. (INIS or the licensee) is the holder of Materials License No. 11–27680–01MD, issued by the U.S. Nuclear Regulatory Commission (NRC or Commission) pursuant to Part 30 of Title 10 of the *Code of Federal Regulations* (10 CFR). The license authorizes operations at the licensee's facilities in Idaho Falls, Idaho.

This Confirmatory Order (CO) is the result of an agreement reached during an Alternative Dispute Resolution (ADR) mediation session conducted on August 6, 2025.

II

On April 29, 2025, the NRC issued Inspection Report 030–35486/2023–002, Agencywide Documents Access and Management System (ADAMS) Accession No. ML25094A089, to INIS which documented the identification of seven apparent violations that were being considered for escalated enforcement action in accordance with the NRC Enforcement Policy. The violations involved the failure to: (1) establish administrative controls and provisions relating to organization and management, procedures, record keeping, material control, and accounting and management review that are necessary to assure safe operations; (2) make or cause to be made, surveys of areas that may be necessary for the licensee to comply with the regulations in 10 CFR part 20, and are reasonable under the circumstances to evaluate the magnitude and extent of radiation levels; (3) conduct operations so that the total effective dose equivalent to individual members of the public from the licensed operation does not exceed 0.1 rem in a year, and the dose in any unrestricted area from external sources does not exceed 0.002 rem in any one hour; (4) submit a written report within 30 days of learning of the occurrence of doses in excess of the limits for an individual member of the public; (5) control and maintain constant surveillance of licensed material that is in a controlled or unrestricted area and that is not in storage; (6) conduct a physical inventory every 6 months to account for all sealed sources and/or devices received and possessed under the license; and (7) secure from unauthorized removal or access licensed materials that are stored in controlled or unrestricted areas.

By letter dated April 29, 2025, the NRC notified INIS of the results of the inspection and provided INIS with an opportunity to: (1) attend a predecisional enforcement conference or (2) participate in an ADR mediation session in an effort to resolve these concerns.

In response to the NRC's offer, INIS requested the use of the NRC ADR process to resolve differences it had with the NRC. On August 6, 2025, the NRC and INIS met in an ADR session mediated by a professional mediator, arranged through Cornell University's Institute on Conflict Resolution. The ADR process is one in which a neutral mediator, with no decision-making authority, assists the parties in reaching an agreement to resolve any differences regarding the dispute. This Confirmatory Order is issued pursuant to the agreement reached during the August 6, 2025, ADR process.

III

During the ADR mediation session, INIS and the NRC reached a preliminary settlement agreement.

The NRC recognizes the corrective actions that INIS has already implemented associated with the apparent violations, including making extensive procedural and training enhancements, installing additional shielding, and formalizing communication and coordination with the sublessee occupying part of the INIS facilities. INIS sent a detailed list of corrective actions completed or planned prior to the ADR mediation session on August 1, 2025 (ADAMS Accession No. ML25237A102). INIS does not necessarily agree with the apparent violations as described in NRC Inspection Report 030–35486/2023–002; for the purposes of amicably resolving this matter, the NRC and INIS agree to the terms and conditions in the preliminary settlement agreement.

''Contractors'' refers to individuals performing activities regulated under the INIS license (License 11–27680–01MD).

Additional commitments made in the preliminary settlement agreement, as signed by both parties, consist of the following:

A. INIS will identify a qualified, independent consultant for nomination and appointment to the Radiation Safety Committee (ALARA Committee). The consultant should have expertise as a health physicist, specifically qualified as a certified health physicist (CHP), with an understanding of manufacturing and distribution facilities, radiation shielding, external dosimetry, and public dose assessment.

1. Within 120 days after the issuance date of the Confirmatory Order, and prior to entering into a contract with an independent consultant, INIS will provide the consultant's qualifications to the NRC for review to verify independence and qualifications. Within 30 days of receiving the proposed consultant's qualifications, the NRC will either communicate to INIS its approval of the consultant or reasons for its disapproval. If the NRC does not approve the proposed consultant, INIS will propose a different consultant within 180 days after the issuance date of the Confirmatory Order.

2. The independent consultant will participate as a quorum member of the INIS ALARA Committee through December 31, 2028.

3. The licensee will not remove the independent consultant from the ALARA Committee without providing written notification to the NRC within 10 business days. The licensee will propose a replacement independent consultant to the NRC within 120 days of the previous consultant's removal.

4. For periods during which the independent consultant is not available to participate on the INIS ALARA Committee, the ALARA Committee may convene and issue decisions, provided that the consultant shall review all Committee decisions upon returning.

B. Within 120 days of the issuance date of the Confirmatory Order, INIS will review and revise the Radiation Safety Manual as necessary to ensure that its ALARA Committee Charter includes provisions to:

1. Reassess the thresholds defining what types of issues shall be brought to the ALARA Committee for approval. The intent is to ensure the ALARA Committee reviews and approves changes with the potential to decrease the effectiveness of the radiation safety program or alter facility radiological conditions. The criteria should include (for example):

a. Adding new activities under the license.

b. Changes to the facility, procedures or processes that may alter the radiological hazard within or adjacent to the facility, including transient or short-term operations.

c. Changes that create new or alter current radiological conditions.

d. Preparation and completion of radiological safety evaluations.

e. Changes to operations that may require an amendment to the license.

2. Require quarterly all-hands ALARA meetings.

3. Require that meeting agenda topics are specifically listed.

4. Require that minutes are created and maintained available for inspection documenting ALARA Committee decisions

and supporting decision-making documents are also retained, consistent with regulatory requirements.

The requirements of this Condition will remain in effect through December 31, 2028.

C. INIS will perform a comprehensive radiological assessment of its facilities, including impact to tenants, sublessees, and members of the public, that addresses routine and infrequent licensed activities, and takes into consideration various combinations of authorized activities that could occur at the same time. This assessment shall consider potential doses to occupants of the subleased spaces or tenants in addition to the publicly accessible boundaries of INIS facilities. This shall include recommendations that address establishing administrative limits and their technical bases to ensure that operations do not result in exceeding the limits of 10 CFR 20.1301. This will include the following actions:

1. Within 180 days of the issuance date of the Confirmatory Order, or within 30 days of appointing the independent ALARA Committee member referenced in Condition A, whichever occurs later, INIS will submit a copy of the radiological assessment report to the independent ALARA Committee member.

2. Within 90 days of receiving the radiological assessment report, the independent ALARA Committee member will complete a comprehensive technical review of the report and communicate the results of their review to the ALARA Committee.

3. Within 30 days of the independent ALARA Committee member communicating the results of their review to the ALARA Committee, the ALARA Committee will meet to review and approve the recommendations in the radiological assessment report or describe appropriate alternatives.

4. Within 30 days of the ALARA Committee decision in C.3, the licensee will provide a report to the NRC with the ALARA Committee's decisions regarding the radiological assessment, to include a schedule and plan for implementation.

D. Within 180 days of the issuance date of the Confirmatory Order, INIS will:

1. Develop or revise (i) documentation that describes the current use and storage of licensed materials, and (ii) a facilities drawing that indicates the radiation shielding installed (materials used, dimensions, location of installation, photographs, drawings); and

2. Develop or revise and implement a procedure(s) requiring the following:

a. Any changes/modifications/revisions of the shielding as described in the documentation must first be approved by the full ALARA Committee prior to any change to the shielding. The ALARA Committee review must include whether the proposed change will decrease the effectiveness of the shielding. Documentation of ALARA Committee reviews must be retained consistent with regulatory requirements.

b. Documentation of use and storage of licensed material, and facility shielding drawings, will be updated when changes are made.

c. Documentation of use and storage of licensed material, drawings, and changes will be retained consistent with regulatory requirements and made available to NRC inspectors upon request.

E. Within 60 days of the issuance date of the Confirmatory Order, INIS will develop and implement a comprehensive process or procedure to track sealed sources containing licensed materials that are manufactured by the licensee. The process or procedure will track and provide accountability for all sources manufactured by the licensee until they are transferred to authorized recipients. Sources that are manufactured but are pending transfer to an authorized recipient shall be entered into the licensee's inventory, in order to ensure the inventory record accounts for all licensed material possessed by the licensee.

F. INIS will develop and implement training on this Confirmatory Order as specified below:

1. Within 60 days of the effective date of the Confirmatory Order, INIS will develop a 30- to 45-minute in-depth causal lessons learned presentation related to NRC Inspection Report 030–35486/2023–002, and this Confirmatory Order, and deliver that presentation to all INIS employees and Contractors.

2. INIS will train employees and Contractors on the Confirmatory Order at least once in each calendar year 2026, 2027, and 2028. INIS will maintain a record of the individuals receiving the training, a summary of the feedback on the training, the instructor providing the training (if applicable) and the date of the training.

3. Until December 31, 2028, for all new INIS employees and Contractors that are hired by INIS subsequent to the effective date of this CO, INIS will provide the training as described in F.2 no later than 30 days after they are hired.

G. Until December 31, 2028, or as consistent with regulatory requirements, INIS will retain a copy of all documentation and records necessary to demonstrate compliance with the conditions of the Confirmatory Order.

H. Documents that are required to be sent to the NRC as a result of the Confirmatory Order conditions will be sent to the Director, Division of Radiological Safety and Security, U.S. Nuclear Regulatory Commission, Region IV, and by email to *R4Enforcement@nrc.gov.*

I. In consideration of the Conditions delineated above, the NRC agrees not to issue a notice of violation and not to impose a civil penalty for the apparent violations documented in NRC Inspection Report 030–35486/2023–002 to INIS dated April 29, 2025.

J. With regard to the apparent violations documented in NRC Inspection Report 030–35486/2023–002, the NRC will not require any further response from INIS beyond what is set forth in the Confirmatory Order.

K. In the event of the transfer of the license of INIS to another entity, the terms and conditions set forth hereunder shall continue to apply to the new entity and accordingly survive any transfer of ownership or license.

L. The NRC and INIS agree that the above conditions will be incorporated into a Confirmatory Order.

On September 22, 2025, INIS consented to issuing this Confirmatory Order with the commitments, as described in Section V below. INIS further agreed that this Confirmatory Order is to be effective upon issuance, the agreement memorialized in this Confirmatory Order settles the matter between the parties, and that INIS has waived its right to a hearing.

IV

I find that the corrective actions that INIS has already implemented, as described in Section III above, combined with the commitments as set forth in Section V below are acceptable and necessary, and I conclude that with these commitments the public health and safety are reasonably assured. In view of the foregoing, I have determined that public health and safety require that INIS's commitments be confirmed by this Confirmatory Order. Based on the above and INIS's consent, this Confirmatory Order is effective upon issuance.

V

Accordingly, pursuant to Sections 81, 161b, 161i, 161o, 182, and 187 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR part 30, IT IS HEREBY ORDERED, EFFECTIVE UPON ISSUANCE, THAT LICENSE NO. 11–27680–01MD IS MODIFIED AS FOLLOWS:

A. INIS will identify a qualified, independent consultant for nomination and appointment to the Radiation Safety Committee (ALARA Committee). The consultant should have expertise as a health physicist, specifically qualified as a certified health physicist (CHP), with an understanding of manufacturing and distribution facilities, radiation shielding, external dosimetry, and public dose assessment.

1. Within 120 days after the issuance date of the Confirmatory Order, and prior to entering into a contract with an independent consultant, INIS will provide the consultant's qualifications to the NRC for review to verify independence and qualifications. Within 30 days of receiving the proposed consultant's qualifications, the NRC will either communicate to INIS its approval of the consultant or reasons for its disapproval. If the NRC does not approve the proposed consultant, INIS will propose a different consultant within 180 days after the issuance date of the Confirmatory Order.

2. The independent consultant will participate as a quorum member of the INIS ALARA Committee through December 31, 2028. If the independent consultant is not able to participate on the ALARA Committee in person, he or she may participate remotely via teleconference or videoconference.

3. The licensee will not remove the independent consultant from the ALARA Committee without providing written notification to the NRC within 10 business days. The licensee will propose a replacement independent consultant to the NRC within 120 days of the previous consultant's removal.

4. For periods during which the independent consultant is not available to participate on the INIS ALARA Committee, the ALARA Committee may convene and

issue decisions, provided that the consultant shall review all Committee decisions as soon as practicable. The results of this review will be included in the ALARA Committee meeting minutes.

B. Within 120 days of the issuance date of the Confirmatory Order, INIS will review and revise the Radiation Safety Manual as necessary to ensure that its ALARA Committee Charter includes provisions to:

1. Reassess the thresholds defining what types of issues shall be brought to the ALARA Committee for approval. The intent is to ensure the ALARA Committee reviews and approves changes with the potential to decrease the effectiveness of the radiation safety program or alter facility radiological conditions. The criteria will include, at a minimum:

a. Adding new activities under the license.

b. Changes to the facility, procedures or processes that may alter the radiological hazard within or adjacent to the facility, including transient or short-term operations.

c. Changes that create new or alter current radiological conditions.

d. Preparation and completion of radiological safety evaluations.

e. Changes to operations that may require an amendment to the license.

2. Require quarterly all-hands ALARA meetings.

3. Require that meeting agenda topics are specifically listed in the ALARA Committee meeting minutes.

4. Require that minutes are created and maintained available for inspection documenting ALARA Committee decisions and supporting decision-making documents are also retained, consistent with regulatory requirements.

The requirements of this Condition will remain in effect through December 31, 2028.

C. INIS will perform a comprehensive radiological assessment of its facilities, including impact to tenants, sublessees, and members of the public, that addresses routine and infrequent licensed activities, and takes into consideration various combinations of authorized activities that could occur at the same time. This assessment shall consider potential doses to occupants of the subleased spaces or tenants in addition to the publicly accessible boundaries of INIS facilities. INIS shall prepare a written report describing the assessment, including recommendations that address establishing administrative limits and their technical bases to ensure that operations do not result in exceeding the limits of 10 CFR 20.1301. This will include the following actions:

1. Within 180 days of the issuance date of the Confirmatory Order, or within 30 days of appointing the independent ALARA Committee member referenced in Condition A, whichever occurs later, INIS will submit a copy of the radiological assessment report to the independent ALARA Committee member.

2. Within 90 days of receiving the radiological assessment report, the independent ALARA Committee member will complete a comprehensive technical review of the report and communicate the results of their review to the ALARA Committee.

3. Within 30 days of the independent ALARA Committee member communicating the results of their review to the ALARA Committee, the ALARA Committee will meet to review and approve the recommendations in the radiological assessment report or describe appropriate alternatives.

4. Within 30 days of the ALARA Committee decision in C.3, the licensee will provide a report to the NRC with the ALARA Committee's decisions regarding the radiological assessment, to include a schedule and plan for implementation of approved recommendations.

D. Within 180 days of the issuance date of the Confirmatory Order, INIS will:

1. Develop or revise (i) documentation that describes the current use and storage of licensed materials, and (ii) a facilities drawing or drawings that indicate and describe the radiation shielding installed (materials used, dimensions, location of installation, photographs, drawings); and

2. Develop or revise and implement a procedure or procedures requiring the following:

a. Any changes/modifications/revisions of the shielding as described in the facilities drawing(s) must first be approved by the full ALARA Committee prior to any change to the shielding. The ALARA Committee review must include whether the proposed change will decrease the effectiveness of the shielding. Documentation of ALARA Committee reviews must be retained consistent with regulatory requirements.

b. The documentation and drawing(s) described in paragraph D.1 will be updated when changes in use and storage of licensed material or radiation shielding are made.

c. The documentation and drawing(s) described in paragraph D.1 will be retained consistent with regulatory requirements and made available to NRC inspectors upon request.

E. Within 60 days of the issuance date of the Confirmatory Order, INIS will develop and implement a comprehensive process or procedure to track sealed sources containing licensed materials that are manufactured by INIS. The process or procedure will track and provide accountability for all sources manufactured by INIS until they are transferred to authorized recipients. Sources that are manufactured but are pending transfer to an authorized recipient shall be entered into INIS's inventory, in order to ensure the inventory record accounts for all licensed material possessed by INIS.

F. INIS will develop and implement training on this Confirmatory Order as specified below:

1. Within 60 days of the effective date of the Confirmatory Order, INIS will develop a 30- to 45-minute in-depth causal lessons learned presentation related to NRC Inspection Report 030–35486/2023–002, and this Confirmatory Order, and deliver that presentation to all INIS employees and Contractors.

2. INIS will train employees and Contractors on the Confirmatory Order at least once in each calendar year 2026, 2027, and 2028. INIS will maintain a record of the individuals receiving the training, a summary of the feedback on the training, the instructor(s) providing the training (if applicable) and the date of the training.

3. Until December 31, 2028, for all new INIS employees and Contractors that are hired by INIS subsequent to the effective date of this Confirmatory Order, INIS will provide the training as described in F.2 no later than 30 days after they start employment.

G. Until December 31, 2028, or as consistent with regulatory requirements, INIS will retain a copy of all documentation and records necessary to demonstrate compliance with the conditions of the Confirmatory Order.

H. Documents that are required to be sent to the NRC as a result of the Confirmatory Order conditions will be sent to the Director, Division of Radiological Safety and Security, U.S. Nuclear Regulatory Commission, Region IV, and by email to *R4Enforcement@nrc.gov.*

In the event of transfer of INIS's license to another entity, the terms and conditions set forth hereunder shall continue to apply to the new entity and accordingly survive any transfer of ownership or license. The Regional Administrator, Region IV, may, in writing, relax or rescind any of the above conditions upon demonstration by INIS or its successors of good cause.

VI

In accordance with 10 CFR 2.202 and 10 CFR 2.309, any person adversely affected by this Confirmatory Order, other than INIS, may request a hearing within thirty (30) calendar days of the date of issuance of this Confirmatory Order. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and include a statement of good cause for the extension.

All documents filed in NRC adjudicatory proceedings, including documents filed by an interested State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof that requests to participate under 10 CFR 2.315(c), must be filed in accordance with 10 CFR 2.302. The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases, to mail copies on electronic storage media, unless an exemption permitting an alternative filing method, as further discussed, is granted. Detailed guidance on electronic submissions is located in the ''Guidance for Electronic Submissions to the NRC'' (ADAMS Accession No. ML13031A056) and on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals.html.*

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *Hearing.Docket@nrc.gov,* or by telephone at 301–415–1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant

will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals/getting-started.html.* After a digital ID certificate is obtained and a docket created, the participant must submit adjudicatory documents in Portable Document Format. Guidance on submissions is available on the NRC's public website at *https://www.nrc.gov/site-help/electronic-sub-ref-mat.html.* A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. ET on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email confirming receipt of the document. The E-Filing system also distributes an email that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed to obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., ET, Monday through Friday, except Federal holidays.

Participants who believe that they have good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted in accordance with 10 CFR 2.302(b)-(d). Participants filing adjudicatory documents in this manner are responsible for serving the documents on all other participants. Participants granted an exemption under 10 CFR 2.302(g)(2) must still meet the electronic formatting requirement in 10 CFR 2.302(g)(1), unless the participant also seeks and is granted an exemption from 10 CFR 2.302(g)(1).

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket, which is publicly available at *https://adams.nrc.gov/ehd,* unless excluded pursuant to an order of the presiding officer. If you do not have an NRC-issued digital ID certificate as previously described, click ''cancel'' when the link requests certificates and you will be automatically directed to the NRC's electronic hearing docket where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information such as social security numbers, home addresses, or personal phone numbers in their filings unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants should not include copyrighted materials in their submission.

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the **Federal Register** and served on the parties to the hearing.

If a person (other than INIS) requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Confirmatory Order and shall address the criteria set forth in 10 CFR 2.309(d) and (f).

If a hearing is requested by a person whose interest is adversely affected, the Commission will issue an order designating the time and place of any hearings. If a hearing is held, the issue to be considered at such hearing shall be whether this Confirmatory Order should be sustained.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section V above shall be final 30 days from the date of this Confirmatory Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section V shall be final when the extension expires if a hearing request has not been received.

Dated this 30th day of September 2025.

For the Nuclear Regulatory Commission.

John D. Monninger,

Regional Administrator, NRC Region IV.

[FR Doc. 2025–20396 Filed 11–19–25; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2025–0012]

Information Collection: NRC Form 398, Personal Qualification Statement-Licensee

AGENCY: Nuclear Regulatory Commission.

ACTION: Renewal of existing information collection; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment on the renewal of Office of Management and Budget (OMB) approval for an existing collection of information. The information collection is entitled, NRC Form 398, ''Personal Qualification Statement-Licensee.''

DATES: Submit comments by January 20, 2026. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal rulemaking website:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2025–0012. Address questions about Docket IDs in *Regulations.gov* to Bridget Curran; telephone: 301–415–1003; email: *Bridget.Curran@nrc.gov.* For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* David Cullison, Office of the Chief Information Officer, Mail Stop: T–6 A10M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *Infocollects.Resource@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2025–0012 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2025–0012. A copy of the collection of information and related instructions may be obtained without charge by accessing Docket ID NRC–2025–0012 on this website.
- *NRC's Agencywide Documents Access and Management System*

(ADAMS): You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin ADAMS Public Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to *PDR.Resource@nrc.gov.* A copy of the collection of information may be obtained without charge by accessing ADAMS Accession Nos. ML25014A340 and ML25217A465. The supporting statement is available in ADAMS under Accession No. ML25014A339.

• *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

• *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC's Clearance Officer, David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *Infocollects.Resource@nrc.gov.*

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (*https://www.regulations.gov*). Please include Docket ID NRC–2025–0012, in your comment submission.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at *https://www.regulations.gov* and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC is requesting public comment on its intention to request the OMB's approval for the information collection summarized as follows.

1. *The title of the information collection:* NRC Form 398, Personal Qualification Statement-Licensee.

2. *OMB approval number:* 3150–0090.

3. *Type of submission:* Revision.

4. *The form number, if applicable:* NRC Form 398.

5. *How often the collection is required or requested:* Upon application for an initial or upgrade operator license and every 6 years for the renewal of operator or senior operator licenses.

6. *Who will be required or asked to respond:* Facility licensees who are tasked with certifying that the applicants and renewal operators are qualified to be licensed as reactor operators and senior reactor operators.

7. *The estimated number of annual responses:* 1,062.

8. *The estimated number of annual respondents:* 1,062.

9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 5,613.

10. *Abstract:* NRC Form 398 is used to transmit detailed information required to be submitted to the NRC by a facility licensee on each applicant applying for new and upgraded licenses or license renewals to operate the controls at a nuclear reactor facility. This information is used to determine that each applicant or renewal operator seeking a license or renewal of a license is qualified to be issued a license and that the licensed operator would not be expected to cause operational errors and endanger public health and safety.

III. Specific Requests for Comments

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility? Please explain your answer.

2. Is the estimate of the burden of the information collection accurate? Please explain your answer.

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

Dated: November 17, 2025.

For the Nuclear Regulatory Commission.

David Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2025–20347 Filed 11–19–25; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2024–0001]

Sunshine Act Meetings

TIME AND DATE: Week of November 17, 2025.

PLACE: Via Teleconference.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Week of November 17, 2025

Tuesday, November 18, 2025.

1:00 p.m. Affirmation Session (Public Meeting) (Tentative), Final Rule—Streamlining Select Rules of Practice and Procedure (RIN 3150–AL54) (Contact: Wesley Held: 301–287–3591)

ADDITIONAL INFORMATION: By a vote of 3–0 on November 18, 2025, the Commission determined pursuant to 5 U.S.C. 552b(e)(1) and 10 CFR 9.107 that this item be affirmed with less than one week notice to the public. The item will be affirmed in the meeting being held on November 18, 2025. The public is invited to attend the Commission's meeting live; via teleconference. Details for joining the teleconference in listen only mode at *https://www.nrc.gov/pmns/mtg.*

CONTACT PERSON FOR MORE INFORMATION: For more information or to verify the status of meetings, contact Wesley Held at 301–287–3591 or via email at *Wesley.Held@nrc.gov.* The schedule for Commission meetings is subject to change on short notice.

The NRC Commission Meeting Schedule can be found on the internet at: *https://www.nrc.gov/public-involve/public-meetings/schedule.html.*

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* braille, large print), please notify Anne Silk, NRC Disability Program Specialist, at 301–287–0745, by videophone at 240–428–3217, or by email at *Anne.Silk@nrc.gov.* Determinations on

requests for reasonable accommodation will be made on a case-by-case basis.

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555, at 301–415–1969, or by email at *Betty.Thweatt@nrc.gov* or *Samantha.Miklaszewski@nrc.gov.*

The NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated: November 18, 2025.

For the Nuclear Regulatory Commission.

Yanely Malave Velez,

Technical Coordinator, Office of the Secretary.

[FR Doc. 2025–20454 Filed 11–18–25; 4:15 pm]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2024–0204]

Information Collection: Invoice Submissions by Contractors for NRC Contracts/Orders

AGENCY: Nuclear Regulatory Commission.

ACTION: Renewal of existing information collection; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment on the renewal of Office of Management and Budget (OMB) approval for an existing collection of information. The information collection is entitled, ''Invoice Submissions by Contractors for NRC Contracts/Orders.''

DATES: Submit comments by January 20, 2026. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal rulemaking website:

- *Federal rulemaking website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2024–0204. Address questions about Docket IDs in *Regulations.gov* to Bridget Curran; telephone: 301–415–1003; email: *Bridget.Curran@nrc.gov.* For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* David Cullison, Office of the Chief Information Officer, Mail Stop: T–6 A10M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *Infocollects.Resource@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2024–0204 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2024–0204. A copy of the collection of information and related instructions may be obtained without charge by accessing Docket ID NRC–2024–0204 on this website.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin ADAMS Public Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to *PDR.Resource@nrc.gov.* A template of the collection of information and related instructions may be obtained without charge by accessing ADAMS Accession No. ML25219A720. The supporting statement is available in ADAMS under Accession No. ML25093A113.
- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.
- *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC's Clearance Officer, David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084 email: *Infocollects.Resource@nrc.gov.*

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (*https://www.regulations.gov*). Please include Docket ID NRC–2024–0204, in your comment submission.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at *https://www.regulations.gov* and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC is requesting public comment on its intention to request the OMB's approval for the information collection summarized as follows.

1. *The title of the information collection:* Invoice Submissions by Contractors for NRC Contracts/Orders.
2. *OMB approval number:* 3150–0109.
3. *Type of submission:* Extension.
4. *The form number, if applicable:* Not applicable.
5. *How often the collection is required or requested:* On occasion.
6. *Who will be required or asked to respond:* Contractors.
7. *The estimated number of annual responses:* 717.
8. *The estimated number of annual respondents:* 79.
9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 717.
10. *Abstract:* The Division of Acquisition Management in the Office of Administration at the NRC, provides contractors with an invoice template and instructions on how to properly prepare invoices for all cost

reimbursement contracts/task orders so that they are complete and accurate. Submissions can be provided via the Invoicing Processing Platform.

III. Specific Requests for Comments

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility? Please explain your answer.
2. Is the estimate of the burden of the information collection accurate? Please explain your answer.
3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?
4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

Dated: November 17, 2025.

For the Nuclear Regulatory Commission.

David Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2025–20346 Filed 11–19–25; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket No. MC2026–99; Order No. 9356]

Competitive Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is recognizing a recent filing by the Postal Service concerning a product description change to the Mail Classification Schedule. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* December 5, 2025.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://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. Commission Action
III. Ordering Paragraphs

I. Introduction

On November 14, 2025, pursuant to 39 CFR 3040.190, the Postal Service filed a notice to change Part D, which refers to the Country Price Lists for International Mail, in the *Mail Classification Schedule* section 4000.[1] Effective January 18, 2026, the Postal Service plans to change the country price groups assigned to the Market Dominant product Outbound Single-Piece First-Class Mail International and certain competitive international mail products destined for French Guiana, Guadeloupe, Martinique, and Reunion. Notice at 1–2.

II. Commission Action

The Commission establishes Docket No. MC2026–99 for consideration of matters raised by the Notice.

Pursuant to 39 CFR 3040.191, the Commission has posted the Notice on its website and invites comments on whether the Postal Service's filings are consistent with the policies and applicable criteria of chapter 36 of title 39 of the United States Code, 39 CFR 3040.190–.192, and any applicable Commission directives and orders. Comments are due December 5, 2025. The public portions of the filings can be accessed via the Commission's website (*https://www.prc.gov*).

The Commission appoints Samuel Robinson to represent the interests of the general public (Public Representative) in this docket, pursuant to 39 U.S.C. 505 and 39 CFR 3040.191(d). 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.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. MC2026–99 for consideration of matters raised by the Postal Service's Notice.
2. Pursuant to 39 U.S.C. 505 and 39 CFR 3040.191(d), Samuel Robinson is appointed to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.
3. Comments are due December 5, 2025.
4. The Secretary shall arrange for publication of this order in the **Federal Register**.

[1] Notice of United States Postal Service of Minor Classification Changes, November 14, 2025 (Notice).

By the Commission.

Erica A. Barker,

Secretary.

[FR Doc. 2025–20379 Filed 11–19–25; 8:45 am]

BILLING CODE 7710–FW–P

PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

[Notice–PCLOB–2025–01; Docket No. 2025–0002; Sequence No.13]

Privacy and Civil Liberties Oversight Board Public Forum; Correction

AGENCY: U.S. Privacy and Civil Liberties Oversight Board (PCLOB).

ACTION: Notice; correction.

SUMMARY: The PCLOB published a document in the **Federal Register** of November 17, 2025, concerning a virtual public forum to discuss how financial tools historically used by the government to fight terrorism may now be impacting Americans' privacy and civil liberties. The document contained incorrect information in the **SUMMARY** and **DATES** sections. This document corrects the errors.

FOR FURTHER INFORMATION CONTACT: Alan Silverleib, Director of Legislative and Public Affairs, Privacy and Civil Liberties Oversight Board, at 202–997–7719 and via email at *pao@pclob.gov.*

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 17, 2025, in FR Doc. 2025–198971:

1. On page 51414, in the first column, in the **SUMMARY**, correct ''Eastern Daylight Time (EDT)'' to read ''Eastern Standard Time (EST)''.
2. On page 51414, in the first column, in the **DATES** section, correct ''EDT'' to read ''EST''.

Alan Silverleib,

Legislative and Public Affairs Director, Privacy and Civil Liberties Oversight Board.

[FR Doc. 2025–20446 Filed 11–19–25; 8:45 am]

BILLING CODE 6820–B3–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104183; File Nos. SR–DTC–2025–003; SR–FICC–2025–006; SR–NSCC–2025–003]

Self-Regulatory Organizations; The Depository Trust Company; Fixed Income Clearing Corporation; and National Securities Clearing Corporation; Order Approving Proposed Rule Changes, as Modified by Amendments No. 1, Relating to a Participant System Disruption

November 17, 2025.

On March 14, 2025, The Depository Trust Company (''DTC''), Fixed Income Clearing Corporation (''FICC'') and National Securities Clearing Corporation (''NSCC,'' and together with DTC and FICC, the ''Clearing Agencies,'' or ''Clearing Agency'' when referring to one of the three Clearing Agencies) filed with the Securities and Exchange Commission (''Commission'') the proposed rule changes SR–DTC–2025–003, SR–FICC–2025–006, and SR–NSCC–2025–003 pursuant to Section 19(b) of the Securities Exchange Act of 1934 (''Exchange Act'') [1] and Rule 19b–4 [2] thereunder. The proposed rule changes were published for public comment in the **Federal Register** on March 27, 2025.[3] The Commission has received comments regarding the substance of the changes proposed in the proposed rule changes.[4]

On May 2, 2025, pursuant to Section 19(b)(2) of the Exchange Act,[5] the Commission designated a longer period within which to approve, disapprove, or institute proceedings to determine whether to approve or disapprove the proposed rule changes.[6]

On June 20, 2025, the Clearing Agencies filed an amendment to each of the proposed rule changes (collectively defined as ''Amendment No. 1''). On June 24, 2025, the Commission instituted proceedings to determine whether to approve or disapprove the proposed rule changes, as modified by Amendment No. 1 (hereinafter defined as ''Proposed Rule Changes'').[7] On September 22, 2025, the Commission designated a longer period for Commission action on the Proposed Rule Changes.[8] For the reasons discussed below, the Commission is approving the Proposed Rule Changes.

I. Background

The Proposed Rule Changes seek to amend the Clearing Agencies' Disruption Rules.[9] The Disruption Rules allow the Clearing Agencies to take certain actions to mitigate risk when there is a reasonable basis to conclude that there is a Major Event, which is currently defined as ''one or more System Disruption(s) that is reasonably likely to have a significant impact on [a Clearing Agency]'s operations, including the DTCC Systems, that affect the business, operations, safeguarding of securities or funds, or physical functions of [each Clearing Agency, its respective members or participants as defined in the respective rules of the applicable Clearing Agency (hereinafter, ''Respective Participants'')] and/or other market participants.'' [10]

During a Major Event,[11] the Disruption Rules authorize the Clearing Agencies to (i) disconnect the subject DTCC Systems Participant from DTCC Systems; [12] (ii) suspend the receipt and/or transmission of files or communications to/from the DTCC Systems Participant and DTCC Systems; or (iii) take, or refrain from taking, or require a DTCC Systems Participant to take, or refrain from taking, any actions the Clearing Agencies consider appropriate to prevent, address, correct, alleviate, or mitigate the event and facilitate the continuation of the Clearing Agencies' services as may be practicable.[13]

The Disruption Rules also require the DTCC Systems Participant to immediately notify the Clearing Agencies when they become aware of a Major Event, cooperate with the Clearing Agencies in addressing the Major Event, and require the Clearing Agencies to notify a DTCC Systems Participant of any action that the Clearing Agencies take, or intend to take, against it under the rule.[14]

Finally, the Disruption Rules provide certain indemnities, clarify powers available to the Clearing Agencies under the Disruption Rules, impose confidentiality requirements, and include a conflicts provision noting that the provisions of Disruption Rules will prevail if there is a conflict between them and any other Rules or Procedures.[15]

The Proposed Rule Changes would (i) update and add definitions used throughout the Disruption Rules; (ii) update the provisions and governance for declaring a Major Event (which would be redefined as a Major System

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release Nos. 102712 (Mar. 21, 2025), 90 FR 13919 (Mar. 27, 2025) (File No. SR–DTC–2025–003) (''DTC Notice of Filing''); 102713 (Mar. 21, 2025), 90 FR 13942 (Mar. 27, 2025) (File No. SR–FICC–2025–006) (''FICC Notice of Filing''); and 102711 (Mar. 21, 2025), 90 FR 13926 (Mar. 27, 2025) (File No. SR–NSCC–2025–003) (''NSCC Notice of Filing'').

[4] Comments on the proposed rule changes are available at *https://www.sec.gov/comments/sr-dtc-2025-003/srdtc2025003.htm.*

[5] 15 U.S.C. 78s(b)(2).

[6] Securities Exchange Act Release Nos. 102981 (May 5, 2025), 90 FR 19590 (May 8, 2025) (File Nos. SR–DTC–2025–003; SR–FICC–2025–006; SR–NSCC–2025–003).

[7] Securities Exchange Act Release Nos. 103310 (June 24, 2025), 90 FR 27698 (June 27, 2025) (File No. SR–DTC–2025–003) (''DTC Amendment''); 103311 (June 24, 2025), 90 FR 27712 (June 27, 2025) (File No. SR–FICC–2025–006) (''FICC Amendment''); and 103309 (June 24, 2025), 90 FR 27717 (June 27, 2025) (File No. SR–NSCC–2025–003) (''NSCC Amendment'').

[8] Securities Exchange Act Release No. 104008 (Sept. 22, 2025), 90 FR 46281 (Sept. 25, 2025) (File Nos. SR–DTC–2025–003, SR–FICC–2025–006, and SR–NSCC–2025–003).

[9] The Clearing Agencies are each a subsidiary of The Depository Trust & Clearing Corporation (''DTCC''). DTCC operates on a shared service model with respect to the Clearing Agencies. Most corporate functions are established and managed on an enterprise-wide basis pursuant to intercompany agreements under which it is generally DTCC that provides relevant services to the Clearing Agencies. Here, the Clearing Agencies are seeking to modify Rule 38(A) (Systems Disconnect: Threat of Significant Impact to the Corporation's Systems) of the Rules, By-Laws and Organization Certificate of DTC; Rule 50A of the FICC Government Securities Division (''FICC–GSD'') Rulebook; Rule 40A of the FICC Mortgage-Backed Securities Division (''FICC–MBSD'') Clearing Rules; and Rule 60A of the NSCC Rules & Procedures (collectively with DTC Rule 38(A), FICC–GSD Rule 50A, and FICC–MBSD Rule 40A, the ''Disruption Rules''). The Disruption Rules are publicly available in the respective rules of the applicable Clearing Agency at *https://www.dtcc.com/legal/rules-and-procedures.* Any capitalized terms not otherwise defined herein have the meaning as set forth in the Clearing Agencies' respective rules.

[10] Disruption Rules, *supra* note 9, Section 1. Under the current Disruption Rules, Respective Participants for NSCC are Members and Limited Members; for DTC, Participants; for FICC–GSD and FICC–MBSD, Members. Under the proposed changes to the Disruption Rules, as referenced herein, Respective Participants for NSCC will be Members, Limited Members, and Sponsored Members; for DTC, Participants, Limited Participants, and Pledgees; for FICC–GSD, Netting Members, CCIT Members, Comparison Only Members, and Funds-Only Settling Bank Members; and for FICC–MBSD, Members, Clearing Members, and Cash Settling Bank Members.

[11] Under the current rules, the decision to declare a ''Major Event'' is determined by designated officials listed in the rules and then ratified, modified, or rescinded within five Business Days by the Clearing Agencies' management committees and the Clearing Agencies' Boards of Directors (''Board''). Disruption Rules, *supra* note 9, Section 2.

[12] ''DTCC Systems Participant'' is currently defined in the Disruption Rules as, ''a [Respective Participant], or third party service provider, or service bureau that is connecting with the DTCC Systems.'' ''DTCC Systems'' is currently defined in the Disruption Rules as, ''the systems, equipment and technology networks of DTCC, the Corporation and/or their Affiliates, whether owned, leased, or licensed, software, devices, IP addresses, or other addresses or accounts used in connection with providing the services set forth in the Rules, or used to transact business or to manage the connection with the Corporation.'' Disruption Rules, *supra* note 9, Section 1.

[13] *Id.* at Section 3.

[14] *Id.* at Section 4.

[15] *Id.* at Section 5.

Event); (iii) clarify and enhance the requirements of the DTCC Systems Participant to notify the Clearing Agencies of a Systems Disruption (which would be redefined as a Participant System Disruption); (iv) add provisions incorporating the reporting, testing, and approval requirements, process, legal obligations, and governance necessary for ''reconnection'' (as defined by the Proposed Rule Changes) [16] of a DTCC Systems Participant that was ''disconnected'' from DTCC Systems pursuant to a Disruption Rule; and (v) make technical, ministerial, and other conforming and clarifying changes, including updating the name of the Disruption Rules. The Clearing Agencies state that the Proposed Rule Changes will make the rules more efficient, effective, and clear in their governance, authorities, application, and requirements, so that the Clearing Agencies are better situated to address the events that require action under the rules to protect the Clearing Agencies, and their Respective Participants, Affiliates, and the industry more broadly.[17] In addition, the Clearing Agencies state that the Proposed Rule Changes would enable a DTCC Systems Participant to better understand and prepare for their obligations to the Clearing Agencies in the event of a Participant System Disruption.[18]

II. Description of the Proposed Rule Change

First, the Proposed Rule Changes would rename Section 1 of the Disruption Rules from ''Major Event'' to ''Definitions,'' and update and add definitions to the section. In addition to various technical, ministerial, and other conforming and clarifying changes to existing definitions, the Proposed Rule Changes would change the following items: [19]

- Update the existing definition of ''DTCC Systems'' to include systems, equipment and technology networks of all DTCC Affiliates and expand the types of systems connectivity to include hardware and applications such that, in the event of a Participant System Disruption, all of DTCC's potentially impacted connections, and any means of connectivity, are incorporated into such definition.[20]
- Add the definition ''Third-Party Provider'' to cover Affiliates of Respective Participants, third-party service providers, service bureaus, or other similar entities that connect to DTCC Systems on behalf of or for the benefit of the Respective Participant. The Clearing Agencies state that this definition would help clarify that the Disruption Rules apply to a DTCC Systems Participant's third-party connections to DTCC Systems.[21]
- Change the existing definition of ''DTCC Systems Participant'' to clarify that Respective Participants connected to DTCC Systems either directly or through a Third-Party Provider would be considered DTCC Systems Participants. The Clearing Agencies state that this change better reflects the entities that the definition is intended to cover.[22]
- Add the definition ''Best Practices'' to mean, the ''policies, procedures, practices or similar standards and guidelines that are reasonably designed and consistent with then current financial-sector cybersecurity standards issued by an authoritative body that is a U.S. governmental entity or agency, an association of a U.S. governmental entity or agency, or a widely recognized industry organization.'' The Clearing Agencies state that the purpose of adding this definition is to clearly state the standards that the Clearing Agencies would require a Third-Party Cybersecurity Firm (as defined below) to employ when such firm is engaged, as would be required by the Disruption Rules and discussed further below.[23] The Clearing Agencies state that much of the language of this proposed definition comes directly from Section 1001(a)(4) of the Commission's Regulation Systems Compliance and Integrity (''Reg SCI'').[24]
- Delete the existing definition ''Major Event'' and replace it with the definition ''Major System Event'' to mean, ''a Participant System Disruption that has or is reasonably anticipated to, for example, disrupt, degrade, cause a delay in, interrupt or otherwise alter the normal operation of DTCC Systems; result in unauthorized access to DTCC Systems; result in the loss of control of, disclosure of, or loss of DTCC Confidential Information; or cause a strain on, loss of, or overall threat to the Corporation's resources, functions, security or operations.'' The Clearing Agencies state that, although the new definition is similar to the prior definition, the new definition would more appropriately tie the disruption at issue to the effect on the normal operation of DTCC Systems and less so on any subsequent effect to the Clearing Agencies' operations.[25]
- Add the definition ''Third-Party Cybersecurity Firm'' to mean ''a firm that, in [the Clearing Agencies'] reasonable judgement, (A) (i) is well-known and reputable; (ii) is not the subject DTCC Systems Participant, or an Affiliate or a Third-Party Provider of the subject DTCC Systems Participant; (iii) is experienced in financial-sector cybersecurity; and (iv) employs Best Practices; or (B) is otherwise determined to be a Third-Party Cybersecurity Firm by the [the Clearing Agencies].'' The Clearing Agencies state that the purpose of adding this definition is to clearly describe the type of firm that the Clearing Agencies would require the subject DTCC Systems Participant to engage under the Disruption Rules, as discussed further below.[26]
- Delete the existing definition ''Systems Disruption'' and replace it with the definition ''Participant System Disruption'' to mean, ''an incident resulting from the unintended or unauthorized access to, or the malfunction or corruption (whether partial or total) of one or more systems, of a DTCC Systems Participant or its Third-Party Provider, connected to DTCC Systems.'' The Clearing Agencies state that the new definition is intended to capture only disruptions to systems connected to DTCC Systems, whether via a direct connection from the Respective Participant or through the Respective Participant's third-party service provider, and that it is not intended to capture every disruption to every system of the Respective Participant or its provider.[27]

[16] Under the Proposed Rule Changes, ''Reconnection'' would be defined as the reestablishment of connectivity between DTCC Systems and the DTCC Systems Participant that was the subject of action taken pursuant to a Disruption Rule.

[17] *See* DTC Notice of Filing, *supra* note 3, at 13920; FICC Notice of Filing, *supra* note 3, at 13944; NSCC Notice of Filing, *supra* note 3, at 13928.

[18] *Id.*

[19] Each respective filing was written from the perspective of the Clearing Agencies, collectively, instead of DTC, FICC, and NSCC individually, but application of the proposed rule changes would only apply to the DTCC Systems Participant (as defined below) of the corresponding Clearing Agency or Clearing Agencies.

[20] *Id.*

[21] *See* DTC Amendment, *supra* note 7, at 27700; FICC Amendment, *supra* note 7, at 27714; NSCC Amendment, *supra* note 7, at 27719.

[22] *See* DTC Amendment, *supra* note 7, at 27699; FICC Amendment, *supra* note 7, at 27713–14; NSCC Amendment, *supra* note 7, at 27719.

[23] *See* DTC Notice of Filing, *supra* note 3, at 13921; FICC Notice of Filing, *supra* note 3, at 13944; NSCC Notice of Filing, *supra* note 3, at 13928.

[24] *Id.; see also* 17 CFR 242.1001(a)(4).

[25] *See* DTC Notice of Filing, *supra* note 3, at 13921; FICC Notice of Filing, *supra* note 3, at 13944; NSCC Notice of Filing, *supra* note 3, at 13928.

[26] *Id.*

[27] *See* DTC Amendment, *supra* note 7, at 27700; FICC Amendment, *supra* note 7, at 27714; NSCC Amendment, *supra* note 7, at 27719.

Second, the Proposed Rule Changes would move current Section 4 of the Disruption Rules to create a new Section 2, which would be renamed ''Notifications of a Participant System Disruption.'' The Clearing Agencies state that this move would better align the structure of the Disruption Rules with the expected sequence of events of a Participant System Disruption.[28]

The new Section 2 would delete the notification language of current Section 4 and replace it with more granular notification requirements applicable to any DTCC Systems Participant, not only the Respective Participants of the Clearing Agencies. Specifically, the DTCC Systems Participant would provide the Clearing Agencies with immediate written notice, to include certain DTCC Systems Participant and Participant System Disruption information, if known, but in any event within two hours of experiencing the disruption.[29] The information required in the notice, if known, would include (i) the legal entity names of the subject DTCC Systems Participant and any of its Third-Party Providers experiencing or otherwise affected or potentially affected by the Participant System Disruption; (ii) contact information of persons who are authorized to act on behalf of the DTCC Systems Participant; and (iii) key details about the Participant System Disruption, such as event type, event effect, start date, end date (if applicable), discovery date, scope, and any other notices or information that was made public.

The Clearing Agencies state that the purpose of the proposed changes in the new Section 2 is to (i) enable a DTCC Systems Participant to better understand and prepare for their obligations to the Clearing Agencies in the event that they experience a Participant System Disruption; and (ii) facilitate the Clearing Agencies' timely receipt of key information that could enable a more efficient and effective review and response by the Clearing Agencies to a Participant System Disruption, all in an effort to help mitigate the risk presented by a Participant System Disruption.[30]

Third, the Proposed Rule Changes would redesignate current Section 2 of the Disruption Rules as Section 3 and rename the section from ''Powers of [the Clearing Agencies]'' to ''Declaration of a Major System Event,'' which the Clearing Agencies state would more accurately describe the purpose of the section.[31] In addition to various technical, ministerial, and other conforming and clarifying changes to the new Section 3, the Clearing Agencies would no longer (i) provide a list of specific persons that may determine that the Clearing Agencies have a reasonable basis to conclude that there is a Major System Event; nor (ii) require, within five Business Days, that such determination be reviewed by a management committee on which all of such listed people serve, and the Board. Instead, the Clearing Agencies propose that such determination be made by two or more members of the Clearing Agencies' ''senior most management committee,'' [32] in their reasonable judgement, and then, after such determination is made, the Board, any remaining members of that senior management committee, and the Commission be promptly notified [33] of such determination.

In addition, the Clearing Agencies would provide the Board an update on the status of the Major System Event and any action taken pursuant to the Disruption Rules on the earlier of 45 calendar days from the date of declaration of the Major System Event or the next scheduled Board meeting, or more frequently following material changes to the status of a Major System Event.

Accordingly, the Clearing Agencies state that the proposed changes shift the authority to make such a determination from only one of the Clearing Agencies' most senior officers to two of the Clearing Agencies' most senior officers.[34] Further, the proposed changes eliminate two subsequent reviews, after the determination is already made. The Clearing Agencies state that these reviews are administratively burdensome and may complicate managing the event in terms of ratifying, modifying, or rescinding the disconnection of a DTCC Systems Participant that has already happened.[35] Instead, the Clearing Agencies state that the proposed changes would set clear communication standards and provide more timely transparency to the remaining senior most management committee members, the Board, and the Commission, which could still act in response to the notice without the need for formal meetings pursuant to the Disruption Rules.[36]

Fourth, the Clearing Agencies would redesignate current Section 3 of the Disruption Rules as Section 4, ''Authority to Take Action and Required Cooperation,'' and make various technical, ministerial, conforming, and clarifying changes to the section. Additionally, the Clearing Agencies propose to clarify and broaden, in what would be Subsections 4(a)(i) and (ii), the connections of the subject DTCC Systems Participant that can be disconnected and the transmissions, communications, or access that can be suspended. The Clearing Agencies state that the purpose of these changes is to help ensure that the Clearing Agencies can adequately address all potential connectivity and communication types for each DTCC Systems Participant in an effort to help mitigate the risk presented by the Participant System Disruption and associated Major System Event.[37]

New Subsection 4(a)(iii) would continue to provide from current Subsection 3(c) of the Disruption Rules [38] the authority for the Clearing Agencies to (A) act or not act, or require the subject DTCC Systems Participant to act or not act, as the Clearing Agencies consider appropriate to help mitigate the risk of the Major System Event, as well as (B) facilitate the continuation of services of the subject DTCC Systems Participant, as appropriate and practical, which may require issuing instructions to the DTCC Systems Participant and, as proposed, requiring

[28] *See* DTC Notice of Filing, *supra* note 4, at 13921; FICC Notice of Filing, *supra* note 4, at 13944; NSCC Notice of Filing, *supra* note 4, at 13928.

[29] The Disruption Rules require immediate notification. The Proposed Rule Changes would retain this requirement and further specify that the written notice must be provided within two hours of experiencing the disruption.

[30] *See* DTC Notice of Filing, *supra* note 3, at 13921; FICC Notice of Filing, *supra* note 3, at 13944; NSCC Notice of Filing, *supra* note 3, at 13929.

[31] *See* DTC Notice of Filing, *supra* note 3, at 13920; FICC Notice of Filing, *supra* note 3, at 13945; NSCC Notice of Filing, *supra* note 3, at 13929.

[32] The current ''senior most management committee'' of the Clearing Agencies is the Executive Committee, which includes each of the six persons listed in the existing Disruption Rules that can determine the existence of a Major Event (*i.e.,* the Chief Executive Officer, the Chief Financial Officer, the Group Chief Risk Officer, the Chief Information Officer, the Head of Clearing Agency Services, and the General Counsel), plus the Chief Client Officer, Global Head of DTCC Digital Assets, Head of Enterprise Services, and the Chief Human Resources Officer. Disruption Rules, *supra* note 9, Section 2.

[33] ''Prompt notification'' means the notification is to be made without undue or unreasonable delay, as is consistent with the use of ''prompt'' in Reg SCI. *See* DTC Notice of Filing, *supra* note 3, at 13921 n.21; FICC Notice of Filing, *supra* note 3, at 13945 n.21; NSCC Notice of Filing, *supra* note 3, at 13929 n.21; *see also* 17 CFR 242.1001.

[34] *See* DTC Notice of Filing, *supra* note 3, at 13920; FICC Notice of Filing, *supra* note 3, at 13945; NSCC Notice of Filing, *supra* note 3, at 13929.

[35] *Id.*

[36] *Id.*

[37] *See* DTC Notice of Filing, *supra* note 3, at 13922; FICC Notice of Filing, *supra* note 3, at 13945; NSCC Notice of Filing, *supra* note 3, at 13929.

[38] Disruption Rules, *supra* note 9, Section 3.

such instructions to be followed. The Clearing Agencies state that adding the requirement that their instructions be followed is important not only to help facilitate the continuation of services for the subject DTCC Systems Participant but also for any downstream effects that may have or could have resulted from the disruption.[39]

New Subsection 4(b) would reinstate similar language from current Subsection 4(b) that would require the Clearing Agencies to promptly notify the subject DTCC Systems Participant of any disconnection, suspension, or other material action taken. Additionally, the Clearing Agencies would add new language to clarify that, notwithstanding any action the Clearing Agencies take pursuant to new Section 4, the subject DTCC Systems Participant must continue to meet its obligations to the Clearing Agencies and comply with their rules, as applicable.

New Subsection 4(c) would expand the cooperation requirement in current Section 4(a) to require the DTCC Systems Participant to cooperate ''fully and completely'' with the Clearing Agencies, to the Clearing Agencies' reasonable satisfaction, regarding the Major System Event in whole, instead of limiting such cooperation to the root cause and resolution. Such cooperation would include, for example, (i) conducting timely investigations and inquiries relating to the Participant System Disruption; (ii) promptly notifying the Clearing Agencies of any material changes, updates, or new information learned regarding the Participant System Disruption; and (iii) promptly providing any documentation or information requested by the Clearing Agencies, unless not legally permitted to do so, regarding the Participant System Disruption.

Fifth, the Clearing Agencies would insert a new Section 5 to the Disruption Rules titled ''Reconnection Requirements.'' New Section 5 would set forth the information that the subject DTCC Systems Participant would be required to provide to the Clearing Agencies, in form and substance that is reasonably satisfactory to the Clearing Agencies,[40] prior to the Clearing Agencies ''reconnecting'' a disconnected DTCC Systems Participant. The Clearing Agencies would require three things: (i) a detailed, comprehensive, and auditable report, from a Third-Party Cybersecurity Firm, or a summary of such report; (ii) an attestation from a Participant Officer of the DTCC Systems Participant;[41] and (iii) an executed indemnity from the DTCC Systems Participant to the reasonable satisfaction and judgement of the Clearing Agencies in consideration of the facts and circumstances.

Proposed Subsection 5(a)(i) would require the report by the Third-Party Cybersecurity Firm, or a summary of such report, to include the following information:

- a timeline of the Participant System Disruption, including all material actions, events, and decisions taken for or relating to the Participant System Disruption;
- a description of the Participant System Disruption and how it was corrected and resolved;
- root cause analysis of the Participant System Disruption;
- confirmation that any severe, critical, or moderate items, or comparable categorizations, identified by the Third-Party Cybersecurity Firm have been resolved;
- confirmation of the normal or intended operation of the subject systems, including, but not limited to, the return or replacement of key systems and datastores to pre-Participant System Disruption resilience, in a safe, secure, and proper manner for at least 72 hours;
- a description of any short- and long-term preventive monitoring and detection recommendations by the Third-Party Cybersecurity Firm; and
- any other information reasonably requested to be included by the Clearing Agencies.

Proposed Subsection 5(a)(ii) would require the Participant Officer to attest to the following:

- the Third-Party Cybersecurity Firm's report is, to the best of the Participant Officer's knowledge, accurate and complete;
- all short-term preventive monitoring and detection controls recommended by the Third-Party Cybersecurity Firm have been implemented;
- all medium- and long-term preventive monitoring and detection controls recommended by the Third-Party Cybersecurity Firm will be promptly implemented;
- the Participant Officer recommends Reconnection to DTCC Systems; and
- the DTCC Systems Participant will continue to oversee remediation efforts and monitor the subject systems, and immediately, but in any event within two hours, notify the Clearing Agencies if there is any indication of the continuation of a Participant System Disruption or an existence of a new Participant System Disruption.

Finally, Subsection 5(b) would require the subject DTCC Systems Participant to promptly provide, upon the applicable Clearing Agency's request, any other documentation or information and/or take other actions to the Clearing Agency's reasonable satisfaction, including obtaining a second Third-Party Cybersecurity Firm onsite validation of the subject DTCC Systems Participant, all of which would be decided by the Clearing Agency in consideration of the facts and circumstances.

The Clearing Agencies state that the purpose of these proposed changes is to (i) provide each DTCC Systems Participant with notice of what information they would need to provide to the Clearing Agencies in order to be Reconnected under the Disruption Rules; (ii) ensure that the Clearing Agencies have all the necessary information regarding the Participant System Disruption and its remediation from an independent, reputable, and knowledgeable third party, so that the Clearing Agencies can make an informed decision about whether Reconnection is appropriate; (iii) confirm that an appropriate senior officer at the subject DTCC Systems Participant is sufficiently informed and responsible for the DTCC Systems Participant's systems and the information being provided to the Clearing Agencies; and (iv) ensure that the Clearing Agencies are properly indemnified for actions or inactions, as needed, all to help mitigate the risk presented by a Reconnection.

Sixth, the Proposed Rule Changes would insert a new Section 6 titled ''Reconnection Testing and Approval.'' New Subsection 6(a) would require, prior to approval of the Reconnection, that the subject DTCC Systems Participant demonstrate, as applicable, to the Clearing Agencies' reasonable satisfaction, that it:

- can operate in a test environment, including, but not limited to, sending and receiving messages and transactions;

[39] *See* DTC Notice of Filing, *supra* note 3, at 13922; FICC Notice of Filing, *supra* note 3, at 13945; NSCC Notice of Filing, *supra* note 3, at 13929.

[40] Whether the information provided is ''reasonably satisfactory'' would be a determination by the applicable Clearing Agency in consideration of the facts and circumstances, such as the severity of the disruption, thoroughness of and confidence in the information provided, any outstanding questions or concerns, etc., all within the context of reasonableness. *See* DTC Notice of Filing, *supra* note 3, at 13922 n.23; FICC Notice of Filing, *supra* note 3, at 13946 n.23; NSCC Notice of Filing, *supra* note 3, at 13930 n.23.

[41] Pursuant to this proposed rule change, ''Participant Officer'' would be defined as a member of the board of directors, a senior executive officer, or other member of senior management of the subject DTCC Systems Participant.

• can replay or resubmit previously submitted messages or transactions;
• can reverse or void previously submitted messages or transactions;
• can confirm the integrity of messages and transactions;
• has alternative communication methods with the Clearing Agency to facilitate the exchange of messages, transactions, and reports; and
• can complete any other such requirements as are reasonably requested by the Clearing Agencies.

Subsection 6(b) would authorize two or more members of the Clearing Agencies' senior most management committee, in their reasonable judgement, to approve the Reconnection of a DTCC Systems Participant that was the subject of action taken pursuant to the Disruption Rules, after the Clearing Agencies have received and reviewed to their satisfaction all information believed necessary for a safe Reconnection and certain testing has occurred, pursuant to Subsection 6(a).

Similar to the governance process for determining a Major System Event, the Clearing Agencies state that it is appropriate that approval of a Reconnection be made by at least two of the Clearing Agencies' most senior officers to help ensure that information regarding the Reconnection has been escalated to the highest management level. But, it is essential that such approval not be made until the Clearing Agencies have (i) received, to their satisfaction, all necessary Participant System Disruption information and (ii) confirmed that the subject DTCC Systems Participant can safely perform the capabilities necessary for submitting, receiving, and correcting information appropriately, confidently, and in a manner unaffected by the Participant System Disruption, so as to help mitigate the risk presented by the Reconnection.[42]

Seventh, the Proposed Rule Changes would redesignate current Section 5 of the Disruption Rules as Section 7, which would continue to address ''Certain Miscellaneous Matters.'' In addition to various technical, ministerial, and other conforming and clarifying changes to newly designated Section 7, the Clearing Agencies propose to remove the existing ''conflicts'' provision and replace it with a ''failure to comply'' provision. The new ''failure to comply'' provision would authorize the Clearing Agencies to (i) subject a DTCC Systems Participant to any and all disciplinary action permitted under the rules of the Clearing Agencies, if it fails to comply with the Disruption Rules; and (ii) require a DTCC Systems Participant that has authorized another party, such as a Third-Party Provider, to access and use DTCC Systems to assume responsibility for such authorized party's compliance or compliance failure. The Clearing Agencies state that the purpose of these changes is to emphasize the importance in complying with the Disruption Rules and highlight the actions that the Clearing Agencies may take if there is a failure to comply, as applicable to the subject party.[43]

Finally, the Clearing Agencies propose to rename the Disruption Rules from ''Systems Disconnect: Threat of Significant Impact to [the Clearing Agencies'] Systems'' to ''Participant System Disruption,'' which the Clearing Agencies state is a more appropriate description of the rule, particularly in consideration of the proposed changes.[44]

III. Discussion and Commission Findings

Section 19(b)(2)(C) of the Exchange Act directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that such proposed rule change is consistent with the requirements of the Exchange Act and the rules and regulations thereunder applicable to such organization.[45] After carefully considering the Proposed Rule Changes, the Commission finds that the Proposed Rule Changes are consistent with the requirements of the Exchange Act and the rules and regulations thereunder applicable to the Clearing Agencies. More specifically, the Commission finds that the Proposed Rule Changes are consistent with Section 17A(b)(3)(F) of the Exchange Act[46] and Rules 17ad–22(e)(2)(i), (2)(v), and (17)(i)[47] thereunder as described in detail below.

A. Consistency With Section 17A(b)(3)(F) of the Exchange Act

Section 17A(b)(3)(F) of the Exchange Act requires, among other things, that a clearing agency's rules are designed to promote the prompt and accurate clearance and settlement of securities transactions and assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible.[48]

As described above, the Proposed Rule Changes introduce and amend several definitions in the Disruption Rules, streamline governance for declaring a Major System Event, add more granular notification requirements for DTCC Systems Participants, introduce a structured reconnection process, which includes reporting, testing, and approval following a disruption, replace the existing ''conflicts'' provision with a ''failure to comply'' provision, and make technical, ministerial, and other conforming and clarifying changes. The Proposed Rule Changes are designed to enhance the Clearing Agencies' ability to identify, manage, respond to, and recover from systems disruptions experienced by a DTCC Systems Participant or its Third-Party Provider. Collectively, the changes impose certain additional obligations on DTCC Systems Participants and provide additional identification of the actions the Clearing Agencies may take to mitigate the risks presented by a Participant System Disruption and associated Major System Event. The changes also strengthen the Clearing Agencies' ability to manage its disruption-related risks by revising the governance procedure for the Clearing Agencies to declare a Major System Event; providing context and clarity regarding the existing ''immediate'' notification requirement applicable to DTCC Systems Participants regarding Participant System Disruptions; requiring specific enumerated details for DTCC Systems Participants to provide to the Clearing Agencies about a disruption; and imposing new reconnection requirements for DTCC Systems Participants, including a detailed, comprehensive and auditable report from a Third-Party Cybersecurity Firm, or a summary of such report. The proposed changes should strengthen the Clearing Agencies' risk management processes governing systems disruptions. By creating a consistent set of obligations on DTCC Systems Participants for identifying and reporting system disruptions, the Clearing Agencies would enhance their ability to monitor, mitigate, and manage disruption risks—such as unauthorized disclosure of sensitive information or a loss of data or system integrity—in the event a DTCC Systems Participants experiences a Participant System Disruption. Because the Clearing Agencies' information, data, and systems support and enable their ability to conduct essential clearance and

[42] *See* DTC Notice of Filing, *supra* note 3, at 13923; FICC Notice of Filing, *supra* note 3, at 13946; NSCC Notice of Filing, *supra* note 3, at 13930.

[43] *See* DTC Notice of Filing, *supra* note 3, at 13923; FICC Notice of Filing, *supra* note 3, at 13947; NSCC Notice of Filing, *supra* note 3, at 13931.

[44] *Id.*

[45] 15 U.S.C. 78s(b)(2)(C).

[46] 15 U.S.C. 78q–1(b)(3)(F).

[47] 17 CFR 240.17ad–22(e)(17)(i).

[48] 15 U.S.C. 78q–1(b)(3)(F).

settlement functions, enhancing each Clearing Agency's ability to limit the impact of a Participant System Disruption at a DTCC Systems Participant promotes each Clearing Agency's ability to continue the prompt and accurate clearance and settlement of securities transactions.

One commenter, who ''agrees with the spirit of the disruption rule updates,'' provided comments on several specific aspects of the Proposed Rule Changes, as originally proposed and prior to the Amendment No. 1. DTCC responded to the comments and made several changes related to areas that the commenters addressed.[49] First, the commenter stated that the originally proposed definition of Participant System Disruption, which required the reporting of all operational incidents rather than only malicious cybersecurity events, was overly broad.[50] Further, the commenter stated that requiring the reporting of ''reasonably anticipated'' incidents would be ''subjective, vague, and impractical'' which would result in large volumes of reporting that could ''dilute the [Clearing Agencies' abilities] to identify serious incidents that threaten real harm.'' [51] Specifically, the commenter stated that the overly broad definition ''sets an unnecessarily low threshold for incident notification'' that ''will likely cause participants to overreport low-risk incidents,'' and that it risks misapplying disconnection as a response when it would not be appropriate.[52] The commenter, therefore, stated that the Clearing Agencies should limit the scope of the definition of Participant System Disruption to actual or ongoing ''substantial incidents that impact critical services'' caused by ''malicious cybersecurity breaches.'' [53] The commenter also stated that the Clearing Agencies should more clearly articulate the risks and threats for which they consider disconnection to be an appropriate mitigant.[54]

In response, the Clearing Agencies stated that they believe that the Proposed Rule Changes clearly articulate the risk and threats that would be considered in both declaring a Major System Event and in the actions that could be taken in response to such an event.[55] Specifically, the Proposed Rule Changes provide that the Clearing Agencies may consider the risks enumerated in the definition of a Major System Event, which include a disruption, degradation, delay, interruption, or alteration to the normal operation of DTCC Systems; unauthorized access to DTCC Systems; loss of control, disclosure, or loss of DTCC Confidential Information; or a strain, loss, or threat to Clearing Agency resources, functions, security, or operations. The Clearing Agencies state that while they cannot account for or enumerate every risk or threat, they believe the Proposed Rule Changes provide clear and sufficient notice on what the Clearing Agencies would consider prior to acting.[56]

The Clearing Agencies also amended the definition of Participant System Disruption in response to the comments by limiting it to a narrower list of incidents, removing the previously proposed ''reasonably anticipated'' requirement, and explicitly stating that only systems ''connected to DTCC Systems'' fall within the definition. These amendments to the Participant System Disruption definition are responsive to the commenter's concerns about the scope of the rule by narrowing the definition to a smaller list of ''incidents'' and explicitly stating that the definition only applies to systems that are ''connected to DTCC Systems.'' The Clearing Agencies, however, stated that the scope of incidents should not be limited to only ''substantial incidents that limit critical services'' caused by ''malicious cybersecurity breaches'' because concepts such as ''substantial,'' ''critical,'' and ''malicious'' are subjective and could result in different interpretations, non-malicious incidents can still present significant risks to DTCC Systems and there is no direct correlation between a ''substantial'' or ''critical'' incident at a Participant and the subsequent effect at the Clearing Agencies.[57] The Commission agrees that a non-malicious or non-substantial incident could still have a material effect at the Clearing Agencies. Accordingly, the amended definition of Participant System Disruption reasonably balances the commenter's concerns about capturing too many incidents, and each Clearing Agency's need to ensure that it can identify, monitor, and manage the impact of a Participant System Disruption on its systems and operations.

Second, the commenter stated that demonstrating that a Third-Party Cybersecurity Firm is ''specialized'' in financial-sector cybersecurity, as originally proposed, would be ''complex and subjective'' for participants and the requirement that the cybersecurity firm cannot be affiliated with the participant was unclear and potentially unworkable.[58] Instead, the commenter suggested that the Third-Party Cybersecurity Firm be ''experienced'' in financial-sector cybersecurity, which would be ''more actionable and objective.'' [59] In response, the Clearing Agencies amended the definition of Third-Party Cybersecurity Firm to require the firm to be ''experienced'' rather than ''specialized'' in financial-sector cybersecurity, as suggested by the commenter. The Clearing Agencies also agreed that the ''not affiliated with'' language in the definition was unclear and modified it to remove the exclusion of firms affiliated with DTCC or the Clearing Agencies and clarify that the firm cannot be the subject DTCC Systems Participant or an Affiliate or a Third-Party Provider of the subject DTCC Systems Participant.[60] The Commission agrees that these changes are reasonable and provide specificity regarding the nature of a Third-Party Cybersecurity Firm.

Third, the commenter addressed the originally proposed notice and reporting obligations for DTCC Systems Participants. For example, the commenter objected to the two-hour reporting requirement for DTCC Systems Participant because it stated that the requirement will ''divert resources and attention away from assessment and remediation'' concerning the incident.[61] The commenter suggested aligning this requirement with other federal and state reporting standards that range from 36 to 72 hours.[62] In response, the Clearing

[49] *See* Letter from Stephen Byron, Managing Director, Head of Operations, Technology, Cyber & BCP, Securities Industry and Financial Markets Association (''SIFMA''), dated April 17, 2025 (''SIFMA Letter'').

[50] *Id.* at 4.

[51] *Id.* at 2–4.

[52] *Id.* at 2.

[53] *Id.* at 4.

[54] *Id.* at 7.

[55] *See* Letter from W. Carson McLean, Managing Director and Deputy General Counsel, DTCC, dated June 20, 2025 (''DTCC Letter''), at 5.

[56] *Id.*

[57] *Id.* at 2.

[58] *See* SIFMA Letter, *supra* note 49, at 4–5. SIFMA also stated that it ''feel[s] strongly that DTCC should not preclude a firm which DTCC itself has formerly or currently retains for cybersecurity incident response. This would significantly detract from system participants' ability to choose an appropriate firm. Additionally, as a practical matter, the proposed language does not state how system participants would have knowledge of what firms have an affiliation with DTCC.'' *Id.* at 4.

[59] *Id.*

[60] *See* DTCC Letter, *supra* note 55, at 2–3.

[61] *See* SIFMA Letter, *supra* note 49, at 5.

[62] *Id.* at 5–6. Specifically, the commenter stated that the (1) Office of the Comptroller of the Currency requires notifications about incidents no later than 36 hours after the banking organization determines that a notification incident has occurred; (2) Joint Agency Final Rule on Computer-Security Incident Notification Requirements for

Agencies clarified that the existing ''immediate'' reporting requirement is not changing under the Proposed Rule Changes.[63] Rather, the Clearing Agencies stated that the addition of ''no later than two hours after experiencing the disruption'' is simply to provide context on what the Clearing Agencies meant by ''immediate.'' [64] Further, the Clearing Agencies stated that given the central and interconnected role that the Clearing Agencies play in the U.S. securities markets, it is imperative that they be notified of and be able to assess a Participant System Disruption as immediately as possible.[65] The Clearing Agencies, however, stated that if information is unknown within two hours, participants can simply report it as ''unknown,'' emphasizing that it is better to be aware of issues sooner with less information than later with complete information.[66]

The Commission agrees that enabling the Clearing Agencies to receive timely information on Participant System Disruptions supports the Clearing Agencies' ability to identify, monitor, and manage risks posed to its operations. Further, providing additional specificity regarding what constitutes the ''immediate'' timeframe should help the DTCC Systems Participants better comply with the Clearing Agencies' rules. The Commission acknowledges that there would be some resources involved for DTCC Systems Participants to report to the Clearing Agencies, but the Clearing Agencies' statement that simply reporting that certain information is unknown should allow for timely notification, allowing the Clearing Agencies to consider what steps may be necessary to safeguard DTCC Systems while still allowing the DTCC Systems Participants the time to fully address any incidents. Given the connectivity between DTCC Systems and a DTCC Systems Participant's systems, a timeframe of 36 to 72 hours would not allow the Clearing Agencies sufficient time to effectively assess and address the impacts of a Participant System Disruption; the federal and state reporting requirements cited by the commenter [67] do not address situations in which there is connectivity to a system that could be impacted by the systems issue (as the DTCC Systems could be impacted by their DTCC Systems Participant's systems). Accordingly, the Proposed Rule Changes reasonably balance, on the one hand, the commenter's concerns regarding potentially diverting a DTCC Systems Participant's resources and attention away from assessment and remediation concerning the incident, and, on the other hand, the Clearing Agencies' need to address a Participant System Disruption quickly and remain functional as a systemically important financial market utility.

Fourth, the commenter stated that the requirement to report disruptions of an ''unaffiliated DTCC Systems Participant'' is unclear, should be defined, and could divert resources away from participants' management of incidents.[68] The commenter also suggested that the Clearing Agencies define the following terms: unauthorized access (actual or anticipated), unavailability, system failures or malfunctions system overloads, data corruption, and restrictions (partial or total).[69] In response, the Clearing Agencies deleted the notification requirements concerning ''unaffiliated DTCC Systems Participants'' in Section 2(b), amended the definitions of DTCC Systems Participant and Participant System Disruption, and added an entirely new definition, Third-Party Provider, to more precisely describe the entities the rule is intended to cover (*e.g.,* participants connected to DTCC Systems directly and third-party service providers connected to DTCC Systems on behalf of participants).[70] This change addresses the commenter's concern regarding the clarity of the term and ensures that the reporting requirements are focused on participants connected to DTCC Systems directly and third-party service providers connected to DTCC Systems on behalf of participants. The Clearing Agencies also deleted the following originally proposed terms from ''Participant System Disruption'': ''unavailability,'' ''failure,'' ''overload,'' ''restriction,'' and the ''actual or anticipated'' modifier to ''unauthorized access.'' The terms ''malfunction'' and ''data corruption'' are not defined but are commonly understood.

Fifth, the commenter objected to the proposed disclosure of notices given to other firms or regulators, noting that such communications are subject to confidentiality.[71] In response, the Clearing Agencies amended the rule text to only require notices to be disclosed if they were made public.[72] This change addresses the commenter's concern regarding potentially confidential materials, as it clarifies that such materials would not be included.

Sixth, the commenter stated that the information that participants should be required to report to the Clearing Agencies should be limited to ''an actionable purpose,'' and that the requirement that participants provide the Clearing Agencies with the Third-Party Cybersecurity Firm's report is inappropriate as it could contain sensitive information and delay participants' reviews of and responses to the incident.[73] The Clearing Agencies disagreed with limiting requested information to only ''actionable'' purposes, stating that this requirement is intended to help inform the Clearing Agencies regarding the disruption so they can make an informed decision and they would need to have the necessary information before they can determine what information is actionable.[74] However, in response to the commenter's concern about the potential disclosure of sensitive information in in the Third-Party Cybersecurity report, the Clearing Agencies modified the requirement to allow participants to provide the Clearing Agencies with a summary of the Third-Party Cybersecurity report in lieu of the full report.[75] By allowing a summary of the Third-Party Cybersecurity report in lieu of the full report, the Proposed Rule Changes address the commenter's concern about being required to disclose sensitive information by allowing participants to omit such information in a summary, while still ensuring that the Clearing Agencies receive sufficient information to identify, monitor, and manage risks posed to its operations.

Seventh, the commenter stated that the proposal gives Clearing Agencies the authority to interfere with a participant's ability to make business decisions and, therefore, the Clearing Agencies should acknowledge that the participants are best placed to determine mitigation actions and that the Clearing Agencies should explicitly acknowledge their intention to consider the balance of the risk created by the incident with the business effect of any disconnection decision taken by the

Banking Organizations and Their Service Providers requires notification no later than 36 hours after determining that a notification event has occurred; and (3) New York State Department of Financial Services has a 72-hour notification requirement. *Id.*

[63] *See* DTCC Letter, *supra* note 55, at 3.

[64] *Id.*

[65] *Id.*

[66] *Id.*

[67] *See supra* note 62.

[68] *See SIFMA Letter, supra* note 49, at 3, 6.

[69] *Id.* at 3.

[70] *See DTCC Letter, supra* note 55, at 3–4.

[71] *See SIFMA Letter, supra* note 49, at 7.

[72] *See DTCC Letter, supra note 55,* at 4.

[73] *See SIFMA Letter, supra* note 49, at 2, 8–9.

[74] *See DTCC Letter, supra* note 55, at 4.

[75] *Id.*

Clearing Agencies.[76] In response, the Clearing Agencies stated that they do not believe that the Proposed Rule Changes will interfere with participants' business decisions and that they are intended to protect DTCC Systems and provide necessary information for informed decision-making.[77] The Clearing Agencies did, however, acknowledge that their decisions in accordance with the Proposed Rule Changes could have business effects on participants.[78] The Clearing Agencies stated that they did not take that effect lightly and have designed the rule to involve the Clearing Agencies' most senior management, their Board, and the Commission to ensure the action is appropriate.[79]

Finally, the commenter objected to the Clearing Agencies requiring indemnities from affected participants because existing contracts govern these relationships and it requested that the Clearing Agencies clarify their intention with respect to the indemnity requirement.[80] In response, the Clearing Agencies stated that the indemnity requirement is intended to cover situations that may fall outside of existing relationships, such as bespoke arrangements needed to continue services that present unique risks.[81] The proposed indemnity is therefore appropriate to address unique and otherwise uncovered risks to the Clearing Agencies.

Based on the foregoing, the Commission finds that the Proposed Rule Changes are consistent with the requirements of Section 17A(b)(3)(F) of the Exchange Act.

B. Consistency With Rules 17ad–22(e)(2)(i) and (v) of the Exchange Act

Rules 17ad–22(e)(2)(i) and (v) require that a covered clearing agency establish, implement, maintain and enforce written policies and procedures reasonably designed to provide for governance arrangements that are clear and transparent and specify clear lines of responsibility.[82]

As described above, the Proposed Rule Changes would update the governance procedures for declaring a Major System Event. The Proposed Rule Changes would no longer require approval from the Board and specific members of management to declare a Major System Event. Rather, the declaration of a Major System Event would be made by two or more members of the Clearing Agencies' most senior management committee. Similarly, the approval for Reconnection of a disconnected DTCC Systems Participant would be made by two or more members of the Clearing Agencies' most senior management committee. By requiring two or more members of the Clearing Agencies' most senior management committee to declare a Major System Event and approve reconnection, the Proposed Rule Changes provide for governance arrangements that are clear and transparent and specify clear lines of responsibility for making such determinations, consistent with Rule 17ad–22(e)(2)(i) and (v).

C. Consistency With Rule 17ad–22(e)(17)(i) of the Exchange Act

Rule 17ad–22(e)(17)(i) requires that a covered clearing agency establish, implement, maintain and enforce written policies and procedures reasonably designed to manage the covered clearing agency's operational risks by identifying the plausible sources of operational risk, both internal and external, and mitigating their impact through the use of appropriate systems, policies, procedures, and controls.[83] In adopting Rule 17ad–22(e)(17)(i), the Commission provided guidance, stating that a covered clearing agency generally should consider, among other things, whether it identifies, monitors, and manages the risks that key participants pose to its operations.[84] To the extent they interact with the Clearing Agencies' systems, systems of a DTCC Systems Participant or its Third-Party Provider may present operational risk to the Clearing Agencies. As described above, the Clearing Agencies propose expanding the definition of DTCC Systems Participant to specifically name the applicable Respective Participant types and clarifying and enhancing the requirements for each DTCC Systems Participant to notify the Clearing Agencies of a Participant System Disruption, which could pose a risk to the Clearing Agencies' operations and, therefore, result in the inability of the Clearing Agencies to conduct essential clearance and settlement functions. The Clearing Agencies also propose numerous protective measures, such as (1) the right to consider a non-exhaustive list of factors included in the definition of ''Major System Event'' to determine whether to modify a DTCC Systems Participant's access to the Clearing Agencies' systems in response to a Participant Systems Disruption, up to and including disconnection and (2) requirements for disconnected DTCC Systems Participants to provide a detailed, auditable report from a Third-Party Cybersecurity Firm or a summary of such report, a reconnection attestation, and an executed indemnity to the Clearing Agencies. These proposals support the Clearing Agencies' ability to effectively identify, monitor, and manage the risks that DTCC Systems Participants pose to the Clearing Agencies' operations, and are therefore consistent with Rule 17ad–22(e)(17)(i).

IV. Conclusion

On the basis of the foregoing, the Commission finds that the Proposed Rule Changes, as modified by Amendment No. 1, are consistent with the requirements of the Exchange Act, and in particular, the requirements of Section 17A of the Exchange Act[85] and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Exchange Act,[86] that the Proposed Rule Changes (SR–DTC–2025–003; SR–FICC–2025–006; and SR–NSCC–2025–003), as modified by Amendment No. 1, be, and hereby are, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[87]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–20384 Filed 11–19–25; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104189; File No. SR–LTSE–2025–21]

Self-Regulatory Organizations: Long-Term Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Update Rule 11.410(a)

November 17, 2025.

Pursuant to the provisions of Section 19(b)(1) under the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4

[76] *See* SIFMA Letter, *supra* note 49, at 2, 9.

[77] *See* DTCC Letter, *supra* note 55, at 5.

[78] *Id.*

[79] *Id.*

[80] *See* SIFMA Letter, *supra* note 49, at 9.

[81] *See* DTCC Letter, *supra* note 55, at 6.

[82] 17 CFR 240.17ad–22(e)(2)(i) and (v).

[83] 17 CFR 240.17ad–22(e)(17)(i).

[84] *See* Standards for Covered Clearing Agencies, Securities Exchange Act Release No. 78961 (Sept. 28, 2016), 81 FR 70786, 70838 (Oct. 13, 2016).

[85] In approving the Proposed Rule Changes, the Commission has considered the proposed rules' impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[86] 15 U.S.C. 78s(b)(2).

[87] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

thereunder,[2] notice is hereby given that on September 26, 2025, Long-Term Stock Exchange, Inc. (''LTSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing with the Securities and Exchange Commission (''Commission'') a proposed rule change to amend LTSE Rule 11.410(a) to include 24X National Exchange LLC (''24X'') in the Exchange's list of market data sources in anticipation of 24X's planned launch, and to amend Rule 11.410(a) to make conforming changes reflecting the name change of NYSE Chicago, Inc. (''NYSE Chicago'') to NYSE Texas, Inc. (''NYSE Texas'').

The text of the proposed rule change is available at the Exchange's website at *https://longtermstockexchange.com/,* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement on the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Addition of 24X

The Exchange proposes to update and amend the table in LTSE Rule 11.410(a), which sets forth on a market-by-market basis the specific securities information processor (''SIP'') and proprietary data feeds that the Exchange utilizes for the handling, execution, and routing of orders, and for performing the regulatory compliance checks related to each of those functions. Specifically, the Exchange proposes to amend the table in 11.410(a) to specify that, with respect to 24X, the Exchange will receive the SIP feed as its primary source of data for order handling, order execution, order routing, and regulatory compliance. The Exchange will not have a secondary source for data from 24X.[3]

NYSE Chicago to NYSE Texas Name Change

NYSE Chicago, Inc. recently converted from a corporation organized under the laws of the state of Delaware to one organized under the laws of the state of Texas and changed its name to ''NYSE Texas, Inc.'' [4] The Exchange accordingly proposes conforming changes to its rules to reflect this name change by amending Rule 11.410(a) to reflect the name change of ''NYSE Chicago'' to ''NYSE Texas.'' Specifically, the Exchange proposes to replace one reference to ''Chicago'' in Exchange Rule 11.410(a) with ''Texas.''

(b) Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6(b) of the Act,[5] in general, and furthers the objectives of Section 6(b)(1) of the Act [6] in particular, in that it enables the Exchange to be so organized as to have the capacity to be able to carry out the purposes of the Act and to comply, and to enforce compliance by its exchange members and persons associated with its exchange members, with the provisions of the Act, the rules and regulations thereunder, and the rules of the Exchange. The Exchange also believes that the proposed rule change is consistent with Section 6(b)(5) of the Act,[7] in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange also believes that the proposed rule changes will ensure that Rule 11.410(a) publicly states on a market-by-market basis all of the specific network processor and proprietary data feeds that the Exchange utilizes for the handling, routing, and execution of orders, and for performing the regulatory compliance checks related to each of those functions. The proposed rule changes also remove impediments to and perfects the mechanism of a free and open market and protects investors and the public interest because it provides additional specificity, clarity and transparency.

The proposed non-substantive change to reflect the name change of ''NYSE Chicago, Inc.,'' to ''NYSE Texas, Inc.'' would also enable the Exchange to continue to be so organized as to have the capacity to carry out the purposes of the Act and comply and enforce compliance with the provisions of the Act by its members and persons associated with its members, because it would ensure that the Exchange's rule accurately reflects the correct name of the market center from which the Exchange utilize direct data feeds when performing order handling, order execution, routing, and related compliance for equity securities and therefore contribute to the orderly operation of the Exchange by adding clarity and transparency. In addition, the proposed rule change would reduce potential investor and market participant confusion and therefore remove impediments to and perfect the mechanism of a free and open market and a national market system by ensuring that investors and market participants can more easily navigate, understand and comply with the Exchange's rules.

The proposed rule change would not be inconsistent with the public interest and the protection of investors because investors will not be harmed and in fact would benefit from the increased transparency and clarity, thereby reducing potential confusion.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed amendment is intended to enhance transparency with respect to the operation of the Exchange and its use of market data feeds. Consequently, the Exchange does not believe that the proposed rule change would impose any

[2] 17 CFR 240.19b–4.

[3] 24X announced that the first stage of 24X National Exchange will launch on September 29, 2025. *See* 24 Exchange Announces Launch Date for First Stage of 24X National Exchange, the First SEC-Approved 23/5 Stock Exchange, *available at https://equities.24exchange.com/posts/24-exchange-announces-launchdate-for-first-stage-of-24x-national-exchange-the-first-sec-approved-235-stock-exchange.*

[4] *See* Securities Exchange Act Release No. 102507 (February 28, 2025), 90 FR 11445 (March 6, 2025) (SR–NYSECHX–2025–01).

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(1).

[7] 15 U.S.C. 78f(b)(5).

burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act [8] and subparagraph (f)(6) of Rule 19b–4 thereunder.[9]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act [10] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii) [11] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because the proposal does not raise any novel regulatory issues and waiver will allow the Exchange to provide clarity regarding the Exchange's use of data feeds by identifying which data feed would be used for 24X and reflecting the name change of NYSE Chicago to NYSE Texas. Therefore, the Commission hereby waives the 30-day operative delay and designates the proposed rule change to be operative upon filing.[12]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–LTSE–2025–21 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–LTSE–2025–21. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–LTSE–2025–21 and should be submitted on or before December 11, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–20388 Filed 11–19–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0229]

Proposed Collection; Comment Request; Extension: Form N–17D–1

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 350l–3520), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collections of information summarized below. The Commission plans to submit these existing collections of information to the Office of Management and Budget (''OMB'') for extension and approval.

Section 17(d) (15 U.S.C. 80a–17(d)) of the Investment Company Act of 1940 (''Act'') authorizes the Commission to adopt rules that protect funds and their security holders from overreaching by affiliated persons when the fund and the affiliated person participate in any joint enterprise or other joint arrangement or profit-sharing plan. Rule 17d–1 under the Act (17 CFR 270.17d–1) prohibits funds and their affiliated persons from participating in a joint enterprise, unless an application regarding the transaction has been filed with and approved by the Commission. Subparagraph (d)(3) of the rule provides an exemption from this requirement for any loan or credit advance to, or acquisition of securities or other property of, a small business concern, or any agreement to do any of these transactions (''investments'') made by a small business investment company (''SBIC'') and a bank that is an affiliated person of (1) the SBIC or (2) an affiliated person of the SBIC (''affiliated bank''). The exemption requires the Commission to prescribe reports about the investments, and the Commission has designated Form N–17D–1 (''form'') as the form for reports required by rule 17d–1(d)(3).[1]

An SBIC and its affiliated bank must file Form N–17D–1, which has two parts, with the Commission. Part I

[8] 15 U.S.C. 78s(b)(3)(A)(iii).

[9] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[10] 17 CFR 240.19b–4(f)(6).

[11] 17 CFR 240.19b–4(f)(6)(iii).

[12] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[13] 17 CFR 200.30–3(a)(12), (59).

[1] *See* 17 CFR 270.17d–2.

describes any investment in a small business concern made at the same time by the SBIC and the affiliated bank (or an investment made by either entity when the other has an existing investment). The SBIC must list the name and address of the small business concern and the nature of its business, and the name and address of the affiliated bank and the basis of its affiliation with the SBIC. The SBIC and the affiliated bank also must report any outstanding investments in the small business concern, and the small business concern's use of the proceeds of investments made during the reporting period. If the SBIC invested at the same time or after the affiliated bank, the report must state any changes in the nature and amount of the affiliated bank's investment during the period beginning a year before the SBIC's investment up to the date of the report. Finally, the report must state the name of any affiliated person of the SBIC or the affiliated bank (or any affiliated person of any affiliated person of the SBIC or affiliated bank) who has any interest in the transactions, the basis of the affiliation, the nature of the interest, and the consideration the affiliated person received or will receive.

Part II of the form requires a report about any disposition of an investment, default in the payment of interest or principal, or extension or modification of the terms of any investment made by an SBIC in a small business concern in which an affiliated bank also has invested. The report must identify the investment and describe in detail any disposition, default, extension, or modification involved. If the SBIC has disposed of an investment, the report must state the profit or loss realized. If a loss was sustained, default occurred, or the terms of the investment were extended or modified, the report must describe the circumstances of the event.

The SBIC and affiliated bank must file a form for every semi-annual accounting period during which one or more of the events referenced in Part I or II occurred. The SBIC and the affiliated bank may file the form jointly or separately, as long as the separate reports together contain all the information requested by the form. The Commission processes but does not review the form routinely. The form is available to members of the public for inspection and copying. Therefore, it is useful for any person who wishes to monitor joint transactions by SBICs and their affiliated banks.

There are no SBICs currently registered with the Commission and, thus, we estimate that annually there will be no transactions that trigger the obligations to file the form.[2] The Commission requests authorization to maintain an inventory of one burden hour to ease future renewals of Form N–17D–1's collection of information analysis should an SBIC register with the Commission in the future and engage in a transaction that would necessitate reporting on the form. If an SBIC were to file on Form N–17D–1, we estimate the cost of this internal time burden to respondents would be $266.[3] Providing the information required by the form is mandatory, and responses on Form N–17D–1 will not be kept confidential.

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act, and is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

Written comments are invited on: (a) whether this proposed collection of information is necessary for the proper performance of the functions of the SEC, including whether the information will have practical utility; (b) the accuracy of the SEC's estimate of the burden imposed by the proposed collection of information, including the validity of the methodology and the assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated, electronic collection techniques or other forms of information technology.

Please direct your written comments on this 60-Day Collection Notice to Austin Gerig, Director/Chief Data Officer, Securities and Exchange Commission, c/o Tanya Ruttenberg via email to *PaperworkReductionAct@sec.gov* by January 20, 2026. There will be a second opportunity to comment on this SEC request following the **Federal Register** publishing a 30-Day Submission.

[2] The Commission has not received a filing on Form N–17D–1 since March 23, 1987.

[3] The estimated wage figure is based on published rates for a Senior Accountant ($266); the $266/hour figure for a Senior Accountant is from Securities Industry and Financial Markets Association's Management & Professional Earnings in the Securities Industry 2013, modified by Commission staff to account for an 1800-hour work-year and multiplied by 5.35 to account for bonuses, firm size, employee benefits and overhead.

Dated: November 17, 2025.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–20359 Filed 11–19–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104192; File No. SR–CboeBZX–2025–137]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Exchange Rule 11.10, Units of Trading, and Exchange Rule 14.1(a)(26), Definitions, To Conform With the Amendment to the Definition of Round Lot Under Rule 600 of Regulation NMS

November 17, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 30, 2025, Cboe BZX Exchange, Inc. (''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BZX Exchange, Inc. (''BZX'' or the ''Exchange'') is filing with the Securities and Exchange Commission (the ''Commission'') proposed rule changes to amend Exchange Rule 11.10, Units of Trading, and Exchange Rule 14.1(a)(26), Definitions, to conform with the amendment to the definition of round lot under Rule 600 of Regulation NMS recently approved by the Commission.[5] The Exchange also proposes to make conforming non-substantive changes to Exchange Rule 11.8(d)(1), Exchange Rule 11.8, Interpretations and Policies .02(g)(4), and Exchange Rule 11.8, Interpretations

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] *See* Securities Exchange Act Release No. 101070 (September 18, 2024), 89 FR 81620 (October 8, 2024) (S7–30–22).

and Policies .03(i)(4). The text of the proposed rule changes is in Exhibit 5.

The text of the proposed rule change is also available on the Commission's website (*https://www.sec.gov/rules/sro.shtml*), the Exchange's website (*https://www.cboe.com/us/equities/regulation/rule_filings/bzx/*), and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 11.10, Units of Trading, and Exchange Rule 14.1(a)(26), Definitions, to conform with the definition of round lot under Rule 600 of the Regulation NMS that is to be implemented in November 2025.[6] The Exchange also proposes to make conforming non-substantive changes to Rules 11.8(d)(1), Exchange Rule 11.8 Interpretations and Policies .02(g)(4), and Exchange Rule 11.8, Interpretations and Policies .03(i)(4).

In 2020, the Commission adopted amendments to Regulation NMS to modernize the NMS information provided within the national market system for the benefit of market participants and to better achieve Section 11A's goals of assuring ''the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities that is prompt, accurate, reliable, and fair'' (''MDI Rules'').[7] These changes included an amendment to Rule 600 of Regulation NMS to include a definition of ''round lot'' that assigns each NMS stock to a round lot size based on the stock's average closing price.[8] Prior to this change, a ''round lot'' was not defined in the Act or Regulation NMS. The definition of a ''round lot'' was included in the rules of the individual exchanges, including Exchange Rules 11.10 and 14.1(a)(26), which generally defined a ''round lot'' as one hundred shares.

On September 18, 2024, the Commission accelerated the implementation of the round lot definition.[9] The Commission also revised the round lot definition as set forth below.[10] Rule 600(b)(93) of Regulation NMS, as adopted by the MDI Rules and as amended in 2024,[11] defines a round lot for NMS stocks [12] that have an average closing price on the primary listing exchange during the prior Evaluation Period [13] of: ''(1) $250.00 or less per share as 100 shares; (2) $250.01 to $1,000.00 per share as 40 shares; (3) $1,000.01 to $10,000.00 per share as 10 shares; and (4) $10,000.01 or more per share as 1 share.'' [14] For any security that becomes an NMS Stock during an operative period, as described in Rule 600(b)(93)(iv),[15] a round lot is 100 shares. Adjustments to the round lot size for a security will occur on a semiannual basis and the calculation of the average closing price on the primary listing exchange will be based on a one-month Evaluation Period.[16] The revised definition of round lot is to be implemented on November 3, 2025, the first business day of November 2025.[17]

The Exchange now proposes to amend Exchange Rule 11.10, Units of Trading, and Exchange Rule 14.1(a)(26), Definitions, to conform with the definition of round lot under Rule 600 of the Regulation NMS. Exchange Rule 11.10 currently provides that ''[o]ne hundred (100) shares shall constitute a 'round lot,' any amount less than 100 shares shall constitute an 'odd lot,' and any amount greater than 100 shares that is not a multiple of a round lot shall constitute a 'mixed lot.' '' The Exchange proposes to amend the sentence above to explicitly refer to the definition of a ''round lot'' under Rule 600 of Regulation NMS and adjust the definition of ''odd lot'' and ''mixed lot'' to conform with the newly adopted definition of ''round lot.'' As a result, the above sentence will be deleted and replaced with the following: ''[a] 'round lot' for each NMS Stock shall be the size assigned by the primary listing market pursuant to Rule 600 of Regulation NMS under the Exchange Act. An 'odd lot' shall be any amount less than a round lot and a 'mixed lot' shall be any amount greater than a round lot that is not an integer multiple of a round lot.''

Similarly, Exchange Rule 14.1(a)(26) currently provides that a '' 'Round Lot' or 'Normal Unit of Trading' means 100 shares of a security[,]'' and provides that the Exchange may determine when a ''Round Lot'' would not mean 100 shares. The Exchange now proposes to also amend Exchange Rule 14.1(a)(26) to explicitly refer to the definition of a round lot under Rule 600 of Regulation NMS. Again, the Exchange proposes these changes solely to conform the Exchange's definition of round lot under Exchange Rule 11.10 and Exchange Rule 14.1(a)(26) to the new definition of round lot under Rule 600 of Regulation NMS.

The Exchange also proposes to make conforming non-substantive changes to Exchange Rule 11.8(d)(1), Continuous, Two-Sided Quote Obligation, Exchange Rule 11.8 Interpretations and Policies .02(g)(4), Competitive Liquidity Provider Program, and Exchange Rule 11.8 Interpretations and Policies .03(i)(4), Supplemental Competitive Liquidity Provider Program for Exchange Traded Products, to conform to the Exchange's revised definition of round lot. Exchange Rule 11.8(d)(1) currently provides that ''[u]nless otherwise designated, a 'normal unit of trading' shall be 100 shares.'' The Exchange proposes to replace the aforementioned sentence with a sentence that conforms to the newly adopted definition of round lot in the Exchange's Rulebook. As a result, the above sentence will be removed and replaced with the following: ''[u]nless otherwise designated, a 'normal unit of trading' shall be a round lot as defined in Exchange Rule 11.10.'' Similarly, Exchange Rule 11.8 Interpretations and Policies .02(g)(4) and Exchange Rule 11.8 Interpretations and Policies .03(i)(4) previously referred to ''five

[6] *See supra* note 5.

[7] *See* Securities Exchange Act Release No. 90610 (December 9, 2020), 86 FR 18596 (April 9, 2021) (''MDI Adopting Release'').

[8] *See id.*

[9] *See supra* note 5.

[10] *See supra* note 5.

[11] *See supra* note 5.

[12] ''NMS stock'' is defined under Regulation NMS as any NMS security other than an option. 17 CFR 242.600(b)(65).

[13] Rule 600(b)(93)(iii) of Regulation NMS defines the Evaluation Period as ''(A) all trading days in March for the round lot assigned on the first business day in May and (B) all trading days in September for the round lot assigned on the first business day of November during which the average closing price of an NMS stock on the primary listing exchange shall be measured by the primary listing exchange to determine the round lot for each NMS stock.''

[14] *See supra* note 5.

[15] Pursuant to Rule 600(b)(93)(iv) of Regulation NMS the round lot assigned under the section ''shall be operative on (A) the first business day of May for the March Evaluation Period and continue through the last business day of October of the calendar year, and (B) the first business day of November for the September Evaluation Period and continue through the last business day of April of the next calendar year.''

[16] *See supra* note 5.

[17] *See supra* note 5.

round lots'' as ''usually 500 shares[.]'' The exchange proposes to remove the reference to 500 shares as it is no longer accurate.

The purpose of these changes is to provide greater clarity to Exchange Members [18] and the public regarding the Exchange's Rulebook. The Exchange does not propose any additional rule changes. The proposed rule changes will be implemented on November 3, 2025, the same date as the revised definition of round lot under Regulation NMS is to be implemented.

2. Statutory Basis

The Exchange believes the proposed rule changes are consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[19] Specifically, the Exchange believes the proposed rule changes are consistent with the Section 6(b)(5) [20] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule changes are consistent with the Section 6(b)(5) [21] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange proposes to amend Exchange Rule 11.10, Units of Trading, and Exchange Rule 14.1(a)(26), Definitions, to conform with the definition of round lot under Rule 600 of the Regulation NMS that is to be implemented in November 2025.[22] These changes are being proposed solely to conform the Exchange's definition of round lot under Exchange Rule 11.10 and Exchange Rule 14.1(a)(26) to the new definition of round lot under Rule 600 of Regulation NMS. The Exchange also proposes to make conforming non-substantive changes to Exchange Rules 11.8(d)(1), Continuous, Two-Sided Quote Obligation, Exchange Rule 11.8 Interpretations and Policies .02(g)(4), and Exchange Rule 11.8 Interpretations and Policies .03(i)(4), which are limited to conforming the Rules to Exchange's definition of round lot.

The proposed changes do not amend the operation of the affected rules. The proposed rule changes would reduce potential investor and market participant confusion and therefore remove impediments to and perfect the mechanism of a free and open market and a national market system by ensuring that the Exchange's rules properly reflect the requirements of Rule 600 of Regulation NMS. The Exchange also believes that the proposed rule changes would remove impediments to and perfect the mechanism of a free and open market by ensuring that persons subject to the Exchange's jurisdiction, regulators, and the investing public can more easily navigate and understand the Exchange's rules. The proposed rule changes would not be inconsistent with the public interest or the protection of investors because investors will not be harmed and, in fact, would benefit from the increased transparency and clarity, thereby reducing potential confusion.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes the proposed rule changes do not impose any burden on intramarket or intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule changes to amend the definitions of round lot in Exchange Rule 11.10 and Exchange Rule 14.1(a)(26) are not intended to address competitive issues; rather, the proposed changes are concerned solely with amending the Exchange's Rules to conform with the definition of round lot under Rule 600 of the Regulation NMS. The proposed rule changes to amend Exchange Rule 11.8(d)(1), Exchange Rule 11.8 Interpretations and Policies .02(g)(4), and Exchange Rule 11.8 Interpretations and Policies .03(i)(4) to conform to the Exchange's definition of round lot are conforming and non-substantive in nature and not intended to address competitive issues.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

A. significantly affect the protection of investors or the public interest;

B. impose any significant burden on competition; and

C. become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [23] and Rule 19b–4(f)(6) [24] thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–CboeBZX–2025–137 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–CboeBZX–2025–137. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use

[18] *See* Exchange Rule 1.5(n). A ''Member'' is defined as ''any registered broker or dealer that has been admitted to membership in the Exchange.''

[19] 15 U.S.C. 78f(b).

[20] 15 U.S.C. 78f(b)(5).

[21] *Id.*

[22] *See supra* note 5.

[23] 15 U.S.C. 78s(b)(3)(A).

[24] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–CboeBZX–2025–137 and should be submitted on or before December 11, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[25]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–20391 Filed 11–19–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104193; File No. SR–FICC–2025–019]

Self-Regulatory Organizations; Fixed Income Clearing Corporation; Notice of Filing of Partial Amendment No. 1 to Proposed Rule Change To Establish a New Collateral-in-Lieu Offering Within the Sponsored GC Service, and Expand the Sponsored GC Service To Allow a Sponsoring Member To Submit for Clearing a ''Done-Away'' Sponsored GC Trade

November 17, 2025.

On August 29, 2025, Fixed Income Clearing Corporation (''FICC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change SR–FICC–2025–019 pursuant to Section 19(b) of the Securities Exchange Act of 1934 (''Exchange Act'')[1] and Rule 19b–4[2] thereunder to modify FICC's Government Securities Division (''GSD'') Rulebook (''GSD Rules'')[3] to establish a new Collateral-in-Lieu (''CIL'') offering (''CIL Service'') within the Sponsored GC Service to allow a Sponsoring Member to submit for clearing a ''done-away'' Sponsored GC Trade. The proposed rule change was published for public comment in the **Federal Register** on September 15, 2025.[4] The Commission has received no comments regarding the substance of the proposed rule change.

On September 30, 2025, pursuant to Section 19(b)(2) of the Exchange Act,[5] the Commission designated a longer period within which to approve, disapprove, or institute proceedings to determine whether to approve or disapprove the proposed rule change.[6]

On September 29, 2025, FICC filed Partial Amendment No. 1 to the proposed rule change.[7] Pursuant to Section 19(b)(1) of the Act[8] and Rule 19b–4 thereunder,[9] the Commission is publishing notice of this Partial Amendment No.1 to the Proposed Rule Change as described in Item I below. The Commission is publishing this notice to solicit comments on Partial Amendment No. 1 from interested persons.

I. Summary of the Terms of Substance of Partial Amendment No. 1 to the Proposed Rule Change

FICC filed Partial Amendment No. 1 to its previously submitted proposed rule change, which would make several changes to FICC's GSD Rules to (1) establish a new Collateral-in-Lieu offering within the existing Sponsored GC Service, and (2) expand the Sponsored GC Service to allow a Sponsoring Member to submit for clearing a done-away Sponsored GC Trade (*i.e.,* a Sponsored GC Trade between its Sponsored Member and either a Netting Member other than the Sponsoring Member or another Indirect Participant of any Netting Member). As described more fully in the CIL Service Notice of Filing, the proposal would increase the ability of registered investment companies and other cash providers to access FICC's clearance and settlement system for repurchase transactions by using a lien in favor of FICC on Purchased GC Repo Securities, thereby reducing the margin and capital costs on intermediaries providing clearance and settlement services to such market participants.[10] As initially proposed in the CIL Service Notice of Filing, Sponsored GC CIL Trades would be addressed in the then-current GSD Rule 3A, including the provisions regarding liquidation of Sponsored Member and related Sponsoring Member positions.[11]

However, as detailed below, after the CIL Service Notice of Filing, FICC amended a separate pending proposal that would change the GSD Rule 3A liquidation provisions applicable to Sponsored GC CIL Trades. Accordingly, Partial Amendment No. 1 to the Proposed Rule Change would make conforming changes to the GSD Rule 3A liquidation provisions for consistency with the separate pending proposed rule change that FICC amended after the CIL Service Notice of Filing.

Specifically, on June 6, 2025, FICC filed with the Commission proposed rule change SR–FICC–2025–015 to enhance and clarify FICC's default management rules as they apply to the Sponsored Service and Agent Clearing Service, and to facilitate the porting of indirect participant activity from one intermediary Netting Member to another intermediary Netting Member.[12] On September 16, 2025, FICC filed Amendment No. 1 to the Default Management Proposed Rule Change, which would change, among other things, GSD Rule 3A to (1) include express language regarding the ability of a Sponsoring Members or FICC to liquidate an indirect participant's done-away positions, and (2) describe two ways that a Sponsoring Member may liquidate done-away transactions.[13]

As stated above, proposed rule change SR–FICC–2025–019 would establish the CIL Service and enable Sponsoring Members to submit done-away Sponsored GC Trades. At the time FICC initially filed the Default Management Proposed Rule Change, the applicability of Section 18(a) and (b) of GSD Rule 3A

[25] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The GSD Rules are *available at https://www.dtcc.com/~/media/Files/Downloads/legal/rules/ficc_gov_rules.pdf*. Terms not otherwise defined herein are defined in the GSD Rules or in the proposed rule change.

[4] *See* Securities Exchange Act Release No. 103940 (Sept. 10, 2025), 90 FR 44408 (Sept. 15, 2025) (File No. SR–FICC–2025–019) (''CIL Service Notice of Filing'').

[5] 15 U.S.C. 78s(b)(2).

[6] Securities Exchange Act Release No. 104085 (Sept. 26, 2025), 90 FR 46981 (Sept. 30, 2025) (File No. SR–FICC–2025–019).

[7] Text of the proposed changes made by the Partial Amendment No. 1 to the proposed rule change is *available at https://www.sec.gov/comments/sr-ficc-2025-019/srficc2025019-664907-1986975.pdf*. The proposed rule change, as modified by Partial Amendment No. 1, is hereinafter referred to as the ''Proposed Rule Change.''

[8] 15 U.S.C. 78s(b)(1).

[9] 17 CFR 240.19b–4.

[10] CIL Service Notice of Filing at 44409, *supra* note 4. The lien granted by the CIL Funds Lender to FICC would service to eliminate ''double margining'' by largely obviating the need for FICC to collect initial margin with respect to a Sponsored GC CIL Trade. *Id.* The lien would allow FICC to use the Purchased GC Repo Securities to complete settlement with the . . . GC Funds Borrower . . . in the event the CIL Funds Lender or its Sponsoring Member defaulted. *Id.* As a result, it would, with limited exceptions, eliminate the need for FICC to collect initial margin to address the risk that the CIL Funds Lender fails to deliver such securities. *Id.*

[11] CIL Service Notice of Filing, *supra* note 4.

[12] Securities Exchange Act Release No. 103282 (June 17, 2025), 90 FR 26656 (June 23, 2025) (File No. SR–FICC–2025–015) (''Default Management Proposed Rule Change'').

[13] Securities Exchange Act Release No. 104001 (Sept. 18, 2025), 90 FR 45850 (Sept. 23, 2025) (File No. SR–FICC–2025–015).

(re-numbered as Section 16 under the Default Management Proposed Rule Change) were limited to done-with transactions. FICC's amendment to the Default Management Proposed Rule Change would apply those sections of GSD Rule 3A to done-away transactions as well. Additionally, FICC's amendment to the Default Management Proposed Rule Change would add Section 18(c) to GSD Rule 3A (re-numbered as Section 16 under the Default Management Proposed Rule Change) to address two ways that a Sponsoring Member may liquidate done-away transactions. However, FICC's amendment to the Default Management Proposed Rule Change did not specifically address Sponsored GC CIL Trades in Sections 18(a)–(c) of GSD Rule 3A (re-numbered as Section 16 under the Default Management Proposed Rule Change).

Accordingly, Partial Amendment No. 1 to the Proposed Rule Change would make relevant changes to GSD Rule 3A for consistency with the amended Default Management Proposed Rule Change. Partial Amendment No. 1 to the Proposed Rule Change would revise Section 18(a) of GSD Rule 3A (re-numbered as Section 16 under the Default Management Proposed Rule Change) to clarify the section's applicability to both done-with and done-away transactions, including Sponsored GC CIL Trades if the Corporation has not exercised its rights set forth in Section 13(e) of Rule 3A. Additionally, Partial Amendment No. 1 to the Proposed Rule Change would add appropriate references in Sections 18(b) and (c) of GSD Rule 3A (re-numbered as Section 16 under the Default Management Proposed Rule Change) to Sponsored GC Trades, Sponsored GC CIL Trades, and Sponsored GC CIL Omnibus Account.

Partial Amendment No. 1 would not change the purpose of, or statutory basis for, the proposed rule change. All other representations in the proposed rule change remain as stated therein and no other changes are being made.

II. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include file number SR–FICC–2025–019 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

All submissions should refer to File Number SR–FICC–2025–019. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of FICC and on DTCC's website at (*https://dtcc.com/legal/sec-rule-filings.aspx*). Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to File Number SR–FICC–2025–019 and should be submitted on or before December 5, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Sherry R. Haywood,

Assistant Secretary.

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[14] 17 CFR 200.30–3(a)(31).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104186; File No. SR–CboeEDGX–2025–080]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule

November 17, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 30, 2025, Cboe EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') proposes to amend its Fee Schedule by: (i) eliminating the fee cap for orders yielding fee code O; and (ii) introducing a new Routing Tier. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Commission's website (*https://www.sec.gov/rules/sro.shtml*), the Exchange's website (*https://www.cboe.com/us/equities/regulation/rule_filings/bzx/*), and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fee Schedule by: (i) eliminating the fee cap for orders yielding fee code O; and (ii) introducing a new Routing Tier. The Exchange proposes to implement these changes effective October 1, 2025.

The Exchange first notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. More specifically, the Exchange is only one of 16 registered equities exchanges, as well as a number of alternative trading systems and other off-exchange venues that do not have similar self-regulatory responsibilities under the Securities Exchange Act of 1934 (the ''Act''), to which market participants may direct their order flow. Based on publicly available information,[3] no single registered equities exchange has more than 14% of the market share. Thus, in such a low-concentrated and highly competitive market, no single equities exchange possesses significant pricing power in the execution of order flow. The Exchange in particular operates a ''Maker-Taker'' model whereby it pays rebates to members that add liquidity and assesses fees to those that remove liquidity. The Exchange's Fee Schedule sets forth the standard rebates and rates applied per share for orders that provide and remove liquidity, respectively. Currently, for orders in securities priced at or above $1.00, the Exchange provides a standard rebate of $0.00160 per share for orders that add liquidity and assesses a fee of $0.0030 per share for orders that remove liquidity.[4] For orders in securities priced below $1.00, the Exchange provides a rebate of $0.00003 per share for orders that add liquidity and assesses a fee of 0.30% of the total dollar value for orders that remove liquidity.[5] Additionally, in response to the competitive environment, the Exchange also offers tiered pricing which provides Members opportunities to qualify for higher rebates or reduced fees where certain volume criteria and thresholds are met. Tiered pricing provides an incremental incentive for Members to strive for higher tier levels, which provides increasingly higher benefits or discounts for satisfying increasingly more stringent criteria.

Fee Code O and Routing Tier

The Exchange proposes to amend footnote 5 of its Fee Schedule to remove the $35,000 cap applicable to orders yielding fee code O[6] and introduce a new Routing Tier. Currently, orders appended with fee code O are charged a fee of $0.00100 per share for orders in securities priced at or above $1.00 and $0.30% of the transaction dollar value for securities priced below $1.00. When the Exchange routes to a listing exchange's opening or re-opening cross, such as the Nasdaq Stock Market LLC (''Nasdaq''), the Exchange passes through the tier saving that Bats Trading, Inc. (''Bats Trading''), the Exchange's routing broker-dealer, achieves on an away exchange to its Members. This tier savings takes the form of a cap of a Member's fees at $35,000 per month. The proposed removal of the cap under footnote 5 is for business and competitive reasons as the Exchange will no longer be able to support such a fee cap when its Fee Schedule must comply with the Securities and Exchange Commission's (the ''SEC'' or ''Commission'') final rule regarding the transparency of better priced orders, which ''prohibits a national securities exchange from imposing . . . any fee or fees, or providing . . . any rebate or other remuneration. . .for the execution of an order in an NMS stock unless such fee, rebate or other remuneration can be determined by the market participant at the time of execution.''.[7] The Exchange has previously announced that effective November 3, 2025, it will transition to a billing methodology where tiers are determined based on the prior month's trading activity.[8] The Exchange notes that the purpose of fee code O is to recoup costs incurred by the Exchange when routing orders to other listing markets on behalf of Exchange Members. While footnote 5 (associated with fee code O) is a fee cap and not a tier as described in the Exchange's customer notice, the Exchange cannot impose the fee cap incurred in the current month as the fee cap cannot be determined by the Member at the time of execution.[9] This change is being made solely to comply with the Commission's Fee Transparency Final Rule.

In addition to removing the current $35,000 cap under footnote 5, the Exchange also proposes to introduce a new Routing Tier that will assess a reduced fee for orders yielding fee code O where a Member achieves a certain routable volume in securities priced at or above $1.00. The proposed criteria is as follows:

- The Routing Tier assesses a reduced fee of $0.00085 per share in securities priced at or above $1.00 to qualifying orders (*i.e.,* orders yielding fee code O) where a Member has an opening routed shares ADV (yielding fee code O) of 1,750,000.

The proposed addition of the Routing Tier is intended to provide an opportunity for Members to receive discounted fees on their routable orders submitted to the Exchange. The Exchange notes that the purpose of the proposed Routing Tier is to recoup costs incurred by the Exchange when routing orders to other listing markets on behalf of Exchange Members, however, should a Member satisfy the proposed criteria they will incur a discounted fee for its routed orders. Routing services offered by the Exchange are completely optional and market participants can readily select between various providers of routing services, including other exchanges and broker-dealers. Further, the Exchange notes that Members may elect to mark their orders as non-routable to avoid incurring any routing fees, including the discounted fee under the proposed Routing Tier.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[10] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[11] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable

[3] *See* Cboe Global Markets, U.S. Equities Market Volume Summary, Month-to-Date (September 19, 2025), available at *https://www.cboe.com/us/equities/_statistics/*.

[4] *See* EDGX Equities Fee Schedule, Standard Rates.

[5] *Id.*

[6] Fee code O is appended to orders that are routed to a listing market's opening or re-opening cross.

[7] *See* Securities Exchange Act Release No. 34–101070 (September 18, 2024), 89 FR 81620 (October 8, 2024), File No. S7–30–22 (''Fee Transparency Final Rule'') at 81663.

[8] *See* ''Cboe Equities Supports SEC Transparency of Fee Requirements'' (last accessed September 25, 2025); available at: *https://www.cboe.com/notices//?id=55963*.

[9] *See, e.g.,* Nasdaq Price List, Nasdaq Crossing Network, Execution Fees for the NASDAQ Opening Cross. Each firm's Opening Cross charges (in securities priced at or above $1.00) from Market-On-Open (MOO) and Limit-On-Open (LOO) orders will be capped at $35,000 per month, provided that firm adds one million shares of liquidity, on average, during the month.

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [12] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers as well as Section 6(b)(4) [13] as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities.

As described above, the Exchange operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. The Exchange believes its proposal to introduce a new Routing Tier reflects a competitive pricing structure designed to incentivize market participants to direct their routable order flow in securities priced at or above $1.00 to the Exchange, which the Exchange believes would enhance market quality to the benefit of all Members. Specifically, the Exchange's proposal to introduce a Routing Tier is not a significant departure from existing criteria, is reasonably correlated to discounted fees offered by the Exchange and other competing exchanges,[14] and will continue to incentivize Members to submit order flow to the Exchange. Additionally, the Exchange notes that similar incentives and discounts have been adopted by exchanges,[15] including the Exchange,[16] because they are reasonable, equitable, and non-discriminatory because they are open to all Members on an equal basis and provide additional benefits or discounts that are reasonably related to (i) the value to an exchange's market quality and (ii) associated higher levels of market activity, such as higher levels of liquidity provision and/or growth patterns. Competing equity exchanges offer similar tiered pricing structures, including schedules or rebates and fees that apply based upon members achieving certain volume and/or growth thresholds, as well assess similar fees or rebates for similar types of orders, to that of the Exchange.

In particular, the Exchange believes its proposal to introduce the Routing Tier is reasonable because the proposed tier will be available to all Members and provide all Members with an opportunity to receive a discounted fee on their routable orders in securities priced at or above $1.00. The Exchange further believes its proposal to introduce the Routing Tier will provide a reasonable means to encourage Members to submit routable order flow in securities priced at or above $1.00 to the Exchange by offering them an opportunity to receive a discounted fee on qualifying orders. An overall increase in activity would deepen the Exchange's liquidity pool, offer additional cost savings, support the quality of price discovery, promote market transparency and improve market quality, for all investors.

The Exchange believes that its proposal to introduce the Routing Tier is reasonable as the proposed criteria does not represent a significant departure from the criteria currently offered in the Fee Schedule. The Exchange also believes that the proposal represents an equitable allocation of fees and rebates and is not unfairly discriminatory because all Members will be eligible for the proposed Routing Tier and have the opportunity to meet the tier's criteria and receive the corresponding discounted fee if such criteria is met. Without having a view of activity on other markets and off-exchange venues, the Exchange has no way of knowing whether this proposed rule change would definitely result in any Members qualifying for the proposed Routing Tier. While the Exchange has no way of predicting with certainty how the proposed changes will impact Member activity, based on the prior month's volume the Exchange anticipates that at least one Member will be able to satisfy the proposed Routing Tier. The Exchange also notes that the proposed changes will not adversely impact any Member's ability to qualify for enhanced rebates or discounted fees offered under other tiers. Should a Member not meet the proposed new criteria, the member will merely not receive that corresponding discounted fee. The Exchange notes that routing services offered by the Exchange are completely optional and Members can readily select between various providers of routing services, including other exchanges and broker-dealers if the Members disagree with the Exchange's Fee Schedule.

Similarly, the Exchange believes its proposal to remove the $35,000 fee cap associated with fee code O is reasonable, equitable, and consistent with the Act because such change is required in order to comply with the Commission's Fee Transparency Final Rule where a Member must be able to determine an applicable fee or rebate at the time of execution. The Exchange's proposal to remove the $35,000 fee cap is also not unfairly discriminatory because it applies to all Members equally, in that no Member will be subject to the fee cap.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Rather, as discussed above, the Exchange believes that the proposed change would encourage the submission of additional order flow to a public exchange, thereby promoting market depth, execution incentives and enhanced execution opportunities, as well as price discovery and transparency for all Members. As a result, the Exchange believes that the proposed changes further the Commission's goal in adopting Regulation NMS of fostering competition among orders, which promotes ''more efficient pricing of individual stocks for all types of orders, large and small.''

The Exchange believes the proposed rule changes do not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Particularly, the proposed change to introduce a new Routing Tier does not impose an unnecessary burden as all Members are eligible to receive the discounted fee under the proposed Routing Tier. The Exchange does not believe the proposed changes burden competition, but rather, enhances competition as it is intended to increase the competitiveness of EDGX by amending existing pricing incentives in order to attract order flow and incentivize participants to increase their participation on the Exchange, providing for additional execution opportunities for market participants and improved price transparency. Greater overall order flow, trading opportunities, and pricing transparency benefits all market participants on the Exchange by enhancing market quality and continuing to encourage Members

[12] *Id.*

[13] 15 U.S.C. 78f(b)(4)

[14] *See e.g.,* EDGX Equities Fee Schedule, Footnote 1, Add/Remove Volume Tiers. EDGX provides discounted fees under its Remove Volume Tiers for Members that achieve certain volume-based criteria.

[15] *See, e.g.,* Nasdaq Price List, Route Rates, RFTY Strategies. Nasdaq's RFTY Strategies range from free to $0.0025.

[16] *See e.g.,* EDGX Equities Fee Schedule, Footnote 1, Add/Remove Volume Tiers.

to send orders, thereby contributing towards a robust and well-balanced market ecosystem.

The Exchange believes the proposed change to eliminate the fee cap associated with fee code O under footnote 5 does not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Particularly, the proposed elimination of the fee cap associated with fee code O is not being made for competitive reasons, but rather to comply with the Commission's Fee Transparency Final Rule.

Next, the Exchange believes the proposed rule changes do not impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. As previously discussed, the Exchange operates in a highly competitive market. Members have numerous alternative venues that they may participate on and direct their order flow, including other equities exchanges, off-exchange venues, and alternative trading systems. Additionally, the Exchange represents a small percentage of the overall market. Based on publicly available information, no single equities exchange has more than 14% of the market share.[17] Therefore, no exchange possesses significant pricing power in the execution of order flow. Indeed, participants can readily choose to send their orders to other exchange and off-exchange venues if they deem fee levels at those other venues to be more favorable. Moreover, the Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [18] The fact that this market is competitive has also long been recognized by the courts. In *NetCoalition* v. *Securities and Exchange Commission,* the D.C. Circuit stated as follows: ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . .''.[19] Accordingly, the Exchange does not believe its proposed fee change imposes any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [20] and paragraph (f) of Rule 19b–4 [21] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–CboeEDGX–2025–080 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–CboeEDGX–2025–080. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–CboeEDGX–2025–080 and should be submitted on or before December 11, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[22]

Sherry R. Haywood,

Assistant Secretary.

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BILLING CODE 8011–01–P

[17] *Supra* note 3.

[18] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

[19] *NetCoalition* v. *SEC,* 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

[20] 15 U.S.C. 78s(b)(3)(A).

[21] 17 CFR 240.19b–4(f).

[22] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104188; File No. SR–CboeBZX–2025–139]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule

November 17, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 30, 2025, Cboe BZX Exchange, Inc. (''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') proposes to amend its Fee Schedule by introducing a new Step-Up Tier and eliminating the ETP and Closed-End Fund LMM Add Liquidity Rebate. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Commission's website (*https://www.sec.gov/rules/sro.shtml*), the Exchange's website (*https://www.cboe.com/us/equities/regulation/rule_filings/bzx/*), and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fee Schedule applicable to its equities trading platform (''BZX Equities'') by introducing a new Step-Up Tier and eliminating the ETP and Closed-End Fund LMM Add Liquidity Rebate. The Exchange proposes to implement these changes effective October 1, 2025.

The Exchange first notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. More specifically, the Exchange is only one of 16 registered equities exchanges, as well as a number of alternative trading systems and other off-exchange venues that do not have similar self-regulatory responsibilities under the Securities Exchange Act of 1934 (the ''Act''), to which market participants may direct their order flow. Based on publicly available information,[3] no single registered equities exchange has more than 14% of the market share. Thus, in such a low-concentrated and highly competitive market, no single equities exchange possesses significant pricing power in the execution of order flow. The Exchange in particular operates a ''Maker-Taker'' model whereby it pays rebates to members that add liquidity and assesses fees to those that remove liquidity. The Exchange's Fee Schedule sets forth the standard rebates and rates applied per share for orders that provide and remove liquidity, respectively. Currently, for orders in securities priced at or above $1.00, the Exchange provides a standard rebate of $0.00160 per share for orders that add liquidity and assesses a fee of $0.0030 per share for orders that remove liquidity.[4] For orders in securities priced below $1.00, the Exchange does not provide a rebate for orders that add liquidity and assesses a fee of 0.30% of the total dollar value for orders that remove liquidity.[5] Additionally, in response to the competitive environment, the Exchange also offers tiered pricing which provides Members opportunities to qualify for higher rebates or reduced fees where certain volume criteria and thresholds are met. Tiered pricing provides an incremental incentive for Members to strive for higher tier levels, which provides increasingly higher benefits or discounts for satisfying increasingly more stringent criteria.

Step-Up Tiers

Under footnote 2 of the Fee Schedule, the Exchange offers a Step-Up Tier that provides an enhanced rebate for orders yielding fee codes B,[6] V[7] and Y[8] where a Member reaches certain add volume-based criteria, including ''growing'' its volume as compared to a certain baseline month. The Exchange now proposes to introduce a second Step-Up Tier. The proposed criteria for Step-Up Tier 1 is as follows:

- Step-Up Tier 1 provides a rebate of $0.0028 per share in securities priced at or above $1.00 to qualifying orders (*i.e.,* orders yielding fee codes B, V, or Y) where a Member has a Step-Up Displayed Add TCV[9] from September 2025 ≥0.11%; and a Member has an Ex-Subdollar Displayed ADAV[10] as a percentage of Ex-Subdollar TCV[11] ≥0.16%.

Additionally, the Exchange notes that the proposed Step-Up Tier 1 will expire no later than March 31, 2024 [sic], which the Exchange will indicate on the Exchange's Fee Schedule.

The proposed Step-Up Tier 1, like other Add Volume Tiers and Step-Up Tiers,[12] is intended to provide an additional opportunity to incentivize Members to earn an enhanced rebate by increasing their order flow to the Exchange, which further contributes to a deeper, more liquid market and provides even more execution opportunities for active market participants. Incentivizing an increase in liquidity adding volume through enhanced rebate opportunities encourages liquidity-adding Members on the Exchange to increase transactions and take execution opportunities provided by such increased liquidity, together providing for overall enhanced price discovery and price improvement opportunities on the Exchange. As such, increased overall order flow benefits all Members by contributing towards a robust and well-balanced market ecosystem.

ETP and Closed-End Fund LMM Add Liquidity Rebate

Under footnote 14 of the Fee Schedule, the Exchange details pricing for its Lead Market Makers (''LMMs'') in BZX-listed securities. In particular, the Exchange offers an enhanced rebate of $0.0039 that ETP LMMs[13] in BZX-listed securities that have a consolidated average daily volume of at least 1,000,000 shares are eligible to opt-in to receive in lieu of the otherwise applicable Liquidity Provision Rate[14] that would be received when certain performance-based criteria are satisfied. The Exchange now proposes to remove the ETP and Closed-End Fund LMM Add Liquidity Rebate as the Exchange

[3] *See* Cboe Global Markets, U.S. Equities Market Volume Summary, Month-to-Date (September 19, 2025), available at *https://www.cboe.com/us/equities/_statistics/.*

[4] *See* BZX Equities Fee Schedule, Standard Rates.

[5] *Id.*

[6] Fee code B is appended to displayed orders that add liquidity to BZX in Tape B securities.

[7] Fee code V is appended to displayed orders that add liquidity to BZX in Tape A securities.

[8] Fee code Y is appended to displayed orders that add liquidity to BZX in Tape C securities.

[9] Step-Up Add TCV means ADAV as a percentage of TCV in the relevant baseline month subtracted from current ADAV as a percentage of TCV.

[10] Ex-Subdollar ADAV means ADAV that excludes executions in securities priced below $1.00.

[11] Ex-Subdollar TCV means TCV that excludes executions in securities that have an average daily price below $1.00.

[12] *See* BZX Equities Fee Schedule, Footnote 1, Add/Remove Volume Tiers. *See also* BZX Equities Fee Schedule, Footnote 2, Step-Up Tiers.

[13] *See* footnote 14(b)(i). An ETP LMM is an LMM in BZX-listed ETP and Closed-End Fund securities.

[14] The applicable Liquidity Provision Rates are detailed in footnote 14(B) and are payable daily on a per-security basis to ETP LMMs that satisfy certain performance-based criteria.

no longer wishes to, nor is required to, maintain such rebate. More specifically, the proposed change removes this rebate as the Exchange would rather redirect future resources and funding into other programs and tiers intended to incentivize increased order flow.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[15] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[16] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[17] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers as well as Section 6(b)(4)[18] as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities.

As described above, the Exchange operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. The Exchange believes that its proposal to introduce Step-Up Tier 1 reflects a competitive pricing structure designed to incentivize market participants to direct their order flow to the Exchange, which the Exchange believes would enhance market quality to the benefit of all Members. Specifically, the Exchange's proposal to introduce Step-Up Tier 1 is not a significant departure from existing criteria, is reasonably correlated to the enhanced rebate offered by the Exchange and other competing exchanges,[19] and will continue to incentivize Members to submit order flow to the Exchange. Additionally, the Exchange notes that relative volume-based incentives and discounts have been widely adopted by exchanges,[20] including the Exchange,[21] and are reasonable, equitable and non-discriminatory because they are open to all Members on an equal basis and provide additional benefits or discounts that are reasonably related to (i) the value to an exchange's market quality and (ii) associated higher levels of market activity, such as higher levels of liquidity provision and/or growth patterns. Competing equity exchanges offer similar tiered pricing structures, including schedules or rebates and fees that apply based upon members achieving certain volume and/or growth thresholds, as well as assess similar fees or rebates for similar types of orders, to that of the Exchange.

In particular, the Exchange believes its proposal to introduce Step-Up Tier 1 is reasonable because the proposed tier will be available to all Members and provide all Members with an opportunity to receive an enhanced rebate. The Exchange further believes its proposal to introduce Step-Up Tier 1 will provide a reasonable means to encourage liquidity adding displayed orders in Members' order flow to the Exchange and to incentivize Members to continue to provide liquidity adding volume to the Exchange by offering them an opportunity to receive an enhanced rebate on qualifying orders. An overall increase in activity would deepen the Exchange's liquidity pool, offer additional cost savings, support the quality of price discovery, promote market transparency and improve market quality, for all investors.

The Exchange believes that its proposal to introduce Step-Up Tier 1 is reasonable as the proposed criteria does not represent a significant departure from the criteria currently offered in the Fee Schedule. The Exchange also believes that the proposal represents an equitable allocation of fees and rebates and is not unfairly discriminatory because all Members will be eligible for the proposed Step-Up Tier 1 and have the opportunity to meet the tier's criteria and receive the corresponding enhanced rebate if such criteria is met. Without having a view of activity on other markets and off-exchange venues, the Exchange has no way of knowing whether this proposed rule change would definitely result in any Members qualifying for proposed Step-Up Tier 1. While the Exchange has no way of predicting with certainty how the proposed changes will impact Member activity, based on the prior month's volume, the Exchange anticipates that at least one Member will be able to satisfy proposed Step-Up Tier 1. The Exchange also notes that proposed changes will not adversely impact any Member's ability to qualify for enhanced rebates offered under other tiers. Should a Member not meet the proposed new criteria, the Member will merely not receive that corresponding enhanced rebate.

Furthermore, the Exchange believes that its proposal to eliminate the ETP and Closed-End Fund LMM Add Liquidity Rebate is reasonable because the Exchange is not required to maintain this rebate nor provide ETP LMMs an opportunity to receive enhanced rebates. The Exchange believes its proposal to eliminate this rebate is equitable and not unfairly discriminatory because it applies to all ETP LMMs (*i.e.,* the rebate will not be available for any ETP LMM). The proposed rule change merely results in ETP LMMs not receiving an enhanced rebate, which, as noted above, the Exchange is not required to offer or maintain. Further, ETP LMMs remain eligible to receive the applicable Liquidity Provision Rate should they satisfy certain performance-based criteria. In addition, the proposed rule change to eliminate the ETP and Closed-End Fund LMM Add Liquidity Rebate enables the Exchange to redirect resources and funding into other programs and tiers intended to incentivize increased order flow.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Rather, as discussed above, the Exchange believes that the proposed change would encourage the submission of additional order flow to a public exchange, thereby promoting market depth, execution incentives and enhanced execution opportunities, as well as price discovery and transparency for all Members. As a result, the Exchange believes that the

[15] 15 U.S.C. 78f(b).

[16] 15 U.S.C. 78f(b)(5).

[17] *Id.*

[18] 15 U.S.C. 78f(b)(4)

[19] *See* NYSE Arca Marketplace Fees, Tier Rates—Round Lots and Odd Lots (Per Share Price $1.00 or Above), Step-Up Tiers, available at *https://www.nyse.com/publicdocs/nyse/markets/nyse-arca/NYSE_Arca_Marketplace_Fees.pdf; see also* Investors Exchange Fee Schedule, Transaction Fees, Incremental Fee Tiers, available at *https://www.iexexchange.io/resources/trading/fee-schedule.*

[20] *See e.g.,* EDGX Equities Fee Schedule, Footnote 1, Add/Remove Volume Tiers.

[21] *See e.g.,* BZX Equities Fee Schedule, Footnote 1, Add/Remove Volume Tiers.

proposed changes further the Commission's goal in adopting Regulation NMS of fostering competition among orders, which promotes ''more efficient pricing of individual stocks for all types of orders, large and small.''

The Exchange believes the proposed rule changes do not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Particularly, the Exchange's proposal to introduce Step-Up Tier 1 will apply to all Members equally in that all Members are eligible for the new tier, have a reasonable opportunity to meet the proposed tier's criteria and will receive the enhanced rebate on their qualifying orders if such criteria is met. The Exchange does not believe the proposed change burdens competition, but rather, enhances competition as it is intended to increase the competitiveness of BZX by amending existing pricing incentives in order to attract order flow and incentivize participants to increase their participation on the Exchange. Greater overall order flow, trading opportunities, and pricing transparency benefits all market participants on the Exchange by enhancing market quality and continuing to encourage Members to send orders, thereby contributing towards a robust and well-balanced market ecosystem.

The proposed change to eliminate the ETP and Closed-End Fund LMM Add Liquidity Rebate will not impose any burden on intramarket competition because the change applies to all ETP LMMs uniformly in that the rebate will no longer be available to any ETP LMM.

Next, the Exchange believes the proposed rule changes do not impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. As previously discussed, the Exchange operates in a highly competitive market. Members have numerous alternative venues that they may participate on and direct their order flow, including other equities exchanges, off-exchange venues, and alternative trading systems. Additionally, the Exchange represents a small percentage of the overall market. Based on publicly available information, no single equities exchange has more than 14% of the market share.[22] Therefore, no exchange possesses significant pricing power in the execution of order flow. Indeed, participants can readily choose to send their orders to other exchange and off-exchange venues if they deem fee levels at those other venues to be more favorable. Moreover, the Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [23] The fact that this market is competitive has also long been recognized by the courts. In NetCoalition v. Securities and Exchange Commission, the D.C. Circuit stated as follows: ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers' . . . .''.[24] Accordingly, the Exchange does not believe its proposed fee change imposes any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [25] and paragraph (f) of Rule 19b–4 [26] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–CboeBZX–2025–139 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–CboeBZX–2025–139. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection.

All submissions should refer to file number SR–CboeBZX–2025–139 and should be submitted on or before December 11, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[27]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–20387 Filed 11–19–25; 8:45 am]

BILLING CODE 8011–01–P

[22] *Supra* note 3.

[23] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

[24] *NetCoalition* v. *SEC,* 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

[25] 15 U.S.C. 78s(b)(3)(A).

[26] 17 CFR 240.19b–4(f).

[27] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104187; File No. SR–CboeEDGA–2025–033]

Self-Regulatory Organizations; Cboe EDGA Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule

November 17, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 30, 2025, Cboe EDGA Exchange, Inc. (the ''Exchange'' or ''EDGA'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe EDGA Exchange, Inc. (the ''Exchange'' or ''EDGA'') proposes to amend its Fee Schedule by eliminating the fee cap for orders yielding fee code O. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Commission's website (*https://www.sec.gov/rules/sro.shtml*), the Exchange's website (*https://www.cboe.com/us/equities/regulation/rule_filings/bzx/*), and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fee Schedule applicable to its equities trading platform (''EDGA Equities'') by eliminating the fee cap for orders yielding fee code O. The Exchange proposes to implement these changes effective October 1, 2025.

The Exchange first notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. More specifically, the Exchange is only one of 16 registered equities exchanges, as well as a number of alternative trading systems and other off-exchange venues that do not have similar self-regulatory responsibilities under the Securities Exchange Act of 1934 (the ''Act''), to which market participants may direct their order flow. Based on publicly available information,[3] no single registered equities exchange has more than 15% of the market share. Thus, in such a low-concentrated and highly competitive market, no single equities exchange possesses significant pricing power in the execution of order flow. The Exchange in particular operates a ''Maker-Taker'' model whereby it pays rebates to members that add liquidity and assesses fees to those that remove liquidity. The Exchange's Fee Schedule sets forth the standard rebates and rates applied per share for orders that provide and remove liquidity, respectively. Currently, for orders in securities priced at or above $1.00, the Exchange provides a standard rebate of $0.00270 per share for orders that add liquidity and assesses a fee of $0.0030 per share for orders that remove liquidity.[4] For orders in securities priced below $1.00, the Exchange provides a standard rebate of 0.15% of dollar value for orders that add liquidity and assesses a fee of 0.15% of dollar value for orders that remove liquidity.[5]

Fee Code O

The Exchange proposes to amend footnote 2 of its Fee Schedule to remove the $20,000 cap applicable to orders yielding fee code O.[6] Currently, orders appended with fee code O are charged a fee of $0.00100 per share for orders in securities priced at or above $1.00 and $0.30% of the transaction dollar value for securities priced below $1.00. The Exchange is not proposing to change the rates associated with fee code O. When the Exchange routes to a listing exchange's opening or re-opening cross, such as the Nasdaq Stock Market LLC (''Nasdaq''), the Exchange passes through the tier saving that Bats Trading, Inc. (''Bats Trading''), the Exchange's routing broker-dealer, achieves on an away exchange to its Members. This tier savings takes the form of a cap of a Member's fees at $20,000 per month. The proposed removal of the cap under footnote 2 is for business and competitive reasons as the Exchange will no longer be able to support such a fee cap when its Fee Schedule must comply with the Securities and Exchange Commission's (the ''SEC'' or ''Commission'') final rule regarding the transparency of better priced orders, which ''prohibits a national securities exchange from imposing . . . any fee or fees, or providing . . . any rebate or other remuneration . . . for the execution of an order in an NMS stock unless such fee, rebate or other remuneration can be determined by the market participant at the time of execution.'' [7] The Exchange has previously announced that effective November 3, 2025, it will transition to a billing methodology where tiers are determined based on the prior month's trading activity.[8] The Exchange notes that the purpose of fee code O is to recoup costs incurred by the Exchange when routing orders to other listing markets on behalf of Exchange Members. While footnote 2 (associated with fee code O) is a fee cap and not a tier as described in the Exchange's customer notice, the Exchange cannot impose the fee cap incurred in the current month as the fee cap cannot be determined by the Member at the time of execution.[9] This change is being

[3] *See* Cboe Global Markets, U.S. Equities Market Volume Summary, Month-to-Date (September 22, 2025), available at *https://www.cboe.com/us/equities/_statistics/*.

[4] *See* EDGA Equities Fee Schedule, Standard Rates.

[5] *Id.*

[6] Fee code O is appended to orders routed to a listing market opening or re-opening cross.

[7] *See* Securities Exchange Act Release No. 34–101070 (September 18, 2024), 89 FR 81620 (October 8, 2024), File No. S7–30–22 (''Fee Transparency Final Rule'') at 81663.

[8] *See* ''Cboe Equities Supports SEC Transparency of Fee Requirements'' (last accessed September 25, 2025); available at: *https://www.cboe.com/notices/content/?id=55963.*

[9] *See, e.g.,* Nasdaq Price List, Nasdaq Crossing Network, Execution Fees for the NASDAQ Opening Cross. Each firm's Opening Cross charges (in securities priced at or above $1.00) from Market-On-Open (MOO) and Limit-On-Open (LOO) orders will be capped at $35,000 per month, provided that firm adds one million shares of liquidity, on average, during the month.

made solely to comply with the Commission's Fee Transparency Final Rule. The Exchange notes that routing services offered by the Exchange are completely optional and market participants can readily select between various providers of routing services, including other exchanges and broker-dealers. Further, the Exchange notes that Members may elect to mark their orders as non-routable to avoid incurring any routing fees, including the fee associated with fee code O.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[10] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[11] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[12] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers as well as Section 6(b)(4)[13] as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities.

As described above, the Exchange operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. The Exchange believes that its proposal to eliminate the fee cap associated with fee code O is reasonable, equitable, and consistent with the Act because such change is required in order to comply with the Commission's Fee Transparency Final Rule where a Member must be able to determine an applicable fee or rebate at the time of execution. The Exchange further believes that its proposal is not unfairly discriminatory because the change applies to all Members equally, in that no Member will be subject to the $20,000 fee cap associated with fee code O. The Exchange further notes that routing services offered by the Exchange are completely optional and Members can readily select between various providers of routing services, including other exchanges and broker-dealers if the Members disagree with the Exchange's Fee Schedule.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Rather, as discussed above, the Exchange believes that the proposed changes would encourage the submission of additional order flow to a public exchange, thereby promoting market depth, execution incentives and enhanced execution opportunities, as well as price discovery and transparency for all Members. As a result, the Exchange believes that the proposed changes further the Commission's goal in adopting Regulation NMS of fostering competition among orders, which promotes ''more efficient pricing of individual stocks for all types of orders, large and small.''

The Exchange believes the proposed change does not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Particularly, the proposed elimination of the fee cap associated with fee code O is not being made for competitive reasons, but rather to comply with the Commission's Fee Transparency Final Rule.

Next, the Exchange believes the proposed rule changes does not impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. As previously discussed, the Exchange operates in a highly competitive market. Members have numerous alternative venues that they may participate on and direct their order flow, including other equities exchanges, off-exchange venues, and alternative trading systems. Additionally, the Exchange represents a small percentage of the overall market. Based on publicly available information, no single equities exchange has more than 15% of the market share.[14] Therefore, no exchange possesses significant pricing power in the execution of order flow. Indeed, participants can readily choose to send their orders to other exchange and off-exchange venues if they deem fee levels at those other venues to be more favorable. Moreover, the Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.''[15] The fact that this market is competitive has also long been recognized by the courts. In NetCoalition v. Securities and Exchange Commission, the D.C. Circuit stated as follows: ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers' . . . .''.[16] Accordingly, the Exchange does not believe its proposed fee change imposes any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[17] and paragraph (f) of Rule 19b–4[18] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

[12] *Id.*

[13] 15 U.S.C. 78f(b)(4).

[14] *Supra* note 3.

[15] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

[16] *NetCoalition* v. *SEC,* 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

[17] 15 U.S.C. 78s(b)(3)(A).

[18] 17 CFR 240.19b–4(f).

temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–CboeEDGA–2025–033 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–CboeEDGA–2025–033. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection.

All submissions should refer to file number SR–CboeEDGA–2025–033 and should be submitted on or before December 11, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–20386 Filed 11–19–25; 8:45 am]

BILLING CODE 8011–01–P

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104190; File No. 4–757]

Joint Industry Plan; Notice of Filing and Immediate Effectiveness of the First Amendment to the Limited Liability Company Agreement of CT Plan LLC

November 17, 2025.

Pursuant to Section 11A of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 608 thereunder,[2] notice is hereby given that on September 26, 2025, the Members [3] in the Limited Liability Agreement of CT Plan LLC (''CT Plan'') filed with the Securities and Exchange Commission (''Commission'') a proposal to amend the CT Plan. The amendment represents the First Amendment to the CT Plan (''Amendment''). Under the Amendment, the Members propose to add 24X National Exchange LLC (''24X'') as a Member to the CT Plan and to reflect that NYSE Chicago, Inc. has changed its name to NYSE Texas, Inc.[4]

The proposed Amendment has been filed by the Members pursuant to Rule 608(b)(3)(ii) under Regulation NMS [5] as concerned solely with the administration of the CT Plan and as a ''Ministerial Amendment'' under Section 13.5 of the CT Plan. As a result, the Amendment can be submitted by the Chair of the CT Plan's Operating Committee and becomes effective upon filing.

The Commission is publishing this notice to solicit comments on the Amendment from interested persons. Set forth in Sections I and II is the statement of the purpose and summary of the Amendment, along with the information required by Rules 608(a) and 601(a) under the Act, as prepared and submitted by the Members.

[1] 15 U.S.C. 78k–1(a)(3).

[2] 17 CFR 242.608.

[3] The Members are: Cboe BYX Exchange, Inc., Cboe BZX Exchange, Inc., Cboe EDGA Exchange, Inc., Cboe EDGX Exchange, Inc., Cboe Exchange, Inc., Financial Industry Regulatory Authority, Inc., Investors Exchange LLC, Long Term Stock Exchange, Inc., MEMX LLC, MIAX PEARL, LLC, Nasdaq BX, Inc., Nasdaq ISE, LLC, Nasdaq PHLX LLC, The Nasdaq Stock Market LLC, New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc., NYSE National, Inc., and NYSE Texas, Inc.

[4] *See* Letter from Jeff Kimsey, Chair, to Vanessa Countryman, Secretary, Commission dated September 25, 2025. Exhibit A to the CT Plan is also being modified to ensure that the Members are listed in alphabetical order.

[5] 17 CFR 242.608(b)(3)(ii).

I. Rule 608(a)

1. Purpose of the Amendments

The above-captioned amendment adds 24X as a Participant to the CT Plan. The amendment also reflects that NYSE Chicago, Inc. changed its name to NYSE Texas, Inc.

2. Governing or Constituent Documents

Not applicable.

3. Implementation of Amendments

Because the amendment constitutes a ''Ministerial Amendment'' under Section 13.5 of the CT Plan, the Chair of the CT Plan's Operating Committee may submit the amendment to the Commission on behalf of the Members in the CT Plan. Because the Members designate the amendment as concerned solely with the administration of the CT Plan, the amendment becomes effective upon filing with the Commission.

4. Development and Implementation Phases

Not applicable.

5. Analysis of Impact on Competition

The amendment does not impose any burden on competition because it simply adds 24X as a Member to the CT Plan and reflects changes to the name of a Member. 24X has completed the required steps to be added to the CT Plan.

6. Written Understanding or Agreements Relating to Interpretation of, or Participation in, Plan

Not applicable

7. Approval by Sponsors in Accordance With Plan

See Item 3 above.

8. Description of Operation of Facility Contemplated by the Proposed Amendment

Not applicable.

9. Terms and Conditions of Access

Not applicable.

10. Method of Determination and Imposition, and Amount of, Fees and Charges

Not applicable.

11. Method and Frequency of Processor Evaluation

Not applicable.

12. Dispute Resolution

Not applicable.

II. Rule 601(a)

1. Equity Securities and Nasdaq Securities for Which Transaction Reports Shall Be Required by the Plan

Not applicable.

2. Reporting Requirements

Not applicable.

3. Manner of Collecting, Processing, Sequencing, Making Available and Disseminating Last Sale Information

Not applicable.

4. Manner of Consolidation

Not applicable.

5. Standards and Methods Ensuring Promptness, Accuracy and Completeness of Transaction Reports

Not applicable.

6. Rules and Procedures Addressed to Fraudulent or Manipulative Dissemination

Not applicable.

7. Terms of Access to Transaction Reports

Not applicable.

8. Identification of Marketplace of Execution

Not applicable.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed Amendment is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number 4–757 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number 4–757. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal offices of the Members. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number 4–757 and should be submitted on or before December 11, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–20389 Filed 11–19–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0012]

Agency Information Collection Activities; Proposed Collection; Comment Request; Extension: Rule 15b1–1 and Form BD

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (''PRA''), the Securities and Exchange Commission (''SEC'' or ''Commission'') is soliciting comments on the proposed collection of information provided for in Rule 15b1–1 (17 CFR 240.15b1–1) and Form BD (17 CFR 249.501) under the Securities Exchange Act of 1934 (17 U.S.C. 78a *et seq.*) (''Exchange Act'').

Under the Exchange Act, broker-dealers must register with Commission. Exchange Act Section 15(a)(1) provides that it is unlawful for broker-dealers to solicit or effect transactions in most securities unless they are registered as broker-dealers with the Commission pursuant to Exchange Act Section 15(b). Exchange Act Section 15B(a)(1) also provides that it is unlawful for municipal securities dealers, other than registered broker-dealers, to solicit or effect transactions in municipal securities unless they are registered with the Commission as municipal securities dealers pursuant to Exchange Act Section 15B(a)(2). In addition, Exchange Act Section 15C(a)(1) provides that it is unlawful for government securities broker-dealers, other than registered broker-dealers and certain financial institutions, to solicit or effect transactions in government securities unless they are registered as government securities broker-dealers with the Commission pursuant to Exchange Act Section 15C(a)(2).

Exchange Act Sections 15(b)(1) and (2) authorize the Commission to prescribe by rule an application form for registration that contains such information about broker-dealers that is necessary or appropriate in the public interest or for the protection of investors. Exchange Act Section 17(a)(1) authorizes the Commission to require registered broker-dealers and registered municipal securities dealers to make and file such reports as the Commission determines as necessary or appropriate in the public interest or for the protection of investors.

To implement these provisions, the Commission adopted Rule 15b1–1 and Form BD. Form BD is the uniform application for broker-dealer registration. Form BD requires the applicant or registrant filing the form to provide the Commission with certain information concerning the nature of its business and the background of its principals, controlling persons, and employees. Form BD is designed to permit the Commission to determine whether the applicant meets the statutory requirements to engage in the securities business. In addition, Form BD is used to change information contained in a previous Form BD filing that becomes inaccurate.

The total industry-wide annual time burden imposed by Form BD is approximately 3,547 hours, based on approximately 9,481 responses (160 initial filings + 9,321 amendments). Each initial application filed on Form BD requires approximately 2.75 hours to complete and each amended Form BD requires approximately 20 minutes to complete. (160×2.75 hours = 440 hours; $9{,}321 \times 0.33333333$ hours = 3,107 hours; 440 hours + 3,107 hours = 3,547 hours). The staff believes that a broker-dealer would have a Compliance Manager complete and file both applications and amendments on Form BD at a cost of approximately $385/hour. Consequently, the staff estimates that the total internal cost of compliance associated with the annual time burden is approximately $1,365,595 per year ($\$385 \times 3{,}547$).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

Written comments are invited on: (a) whether this proposed collection of information is necessary for the proper

[6] 17 CFR 200.30–3(a)(85).

performance of the functions of the SEC, including whether the information will have practical utility; (b) the accuracy of the SEC's estimate of the burden imposed by the proposed collection of information, including the validity of the methodology and the assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated, electronic collection techniques or other forms of information technology.

Please direct your written comment to Austin Gerig, Director/Chief Data Officer, Securities and Exchange Commission, c/o Tanya Ruttenberg, 100 F Street NE, Washington, DC 20549 and send it by email to *PaperworkReductionAct@sec.gov* within 60 days of publication of this notice, by January 20, 2026.

Dated: November 17, 2025.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–20360 Filed 11–19–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104191; File No. SR–CboeBYX–2025–030]

Self-Regulatory Organizations; Cboe BYX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Exchange Rule 11.10, Units of Trading, To Conform With the Amendment to the Definition of Round Lot Under Rule 600 of Regulation NMS

November 17, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 30, 2025, Cboe BYX Exchange, Inc. (''Exchange'' or ''BYX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BYX Exchange, Inc. (''BYX'' or the ''Exchange'') is filing with the Securities and Exchange Commission (the ''Commission'') a proposed rule change to amend Exchange Rule 11.10, Units of Trading, to conform with the amendment to the definition of round lot under Rule 600 of Regulation NMS recently approved by the Commission.[5] The Exchange also proposes to make a conforming, non-substantive change to Exchange Rule 11.8(d)(1), Continuous, Two-Sided Quote Obligation. The text of the proposed rule changes is in Exhibit 5.

The text of the proposed rule change is also available on the Commission's website (*https://www.sec.gov/rules/sro.shtml*), the Exchange's website (*https://www.cboe.com/us/equities/regulation/rule_filings/bzx/*), and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Exchange Rule 11.10, Units of Trading, to conform with the definition of round lot under Rule 600 of the Regulation NMS that is to be implemented in November 2025.[6] The Exchange also proposes to make a conforming, non-substantive change to Exchange Rule 11.8(d)(1), Continuous, Two-Sided Quote Obligation.

In 2020, the Commission adopted amendments to Regulation NMS to modernize the NMS information provided within the national market system for the benefit of market participants and to better achieve Section 11A's goals of assuring ''the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities that is prompt, accurate, reliable, and fair'' (''MDI Rules'').[7] These changes included an amendment to Rule 600 of Regulation NMS to include a definition of ''round lot'' that assigns each NMS stock to a round lot size based on the stock's average closing price.[8] Prior to this change, a ''round lot'' was not defined in the Act or Regulation NMS. The definition of a ''round lot'' was included in the rules of the individual exchanges, including Exchange Rule 11.10, which defined a ''round lot'' as one hundred shares.

On September 18, 2024, the Commission accelerated the implementation of the round lot definition.[9] The Commission also revised the round lot definition as set forth below.[10] Rule 600(b)(93) of Regulation NMS, as adopted by the MDI Rules and as amended in 2024,[11] defines a round lot for NMS stocks[12] that have an average closing price on the primary listing exchange during the prior Evaluation Period[13] of: ''(1) $250.00 or less per share as 100 shares; (2) $250.01 to $1,000.00 per share as 40 shares; (3) $1,000.01 to $10,000.00 per share as 10 shares; and (4) $10,000.01 or more per share as 1 share.''[14] For any security that becomes an NMS Stock during an operative period, as described in Rule 600(b)(93)(iv),[15] a round lot is 100 shares. Adjustments to the round lot size for a security will occur on a

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] *See* Securities Exchange Act Release No. 101070 (September 18, 2024), 89 FR 81620 (October 8, 2024) (S7–30–22).

[6] *See supra* note 5.

[7] *See* Securities Exchange Act Release No. 90610 (December 9, 2020), 86 FR 18596 (April 9, 2021) (''MDI Adopting Release'').

[8] *See id.*

[9] *See supra* note 5.

[10] *See supra* note 5.

[11] *See supra* note 5.

[12] ''NMS stock'' is defined under Regulation NMS as any NMS security other than an option. 17 CFR 242.600(b)(65).

[13] Rule 600(b)(93)(iii) of Regulation NMS defines the Evaluation Period as ''(A) all trading days in March for the round lot assigned on the first business day in May and (B) all trading days in September for the round lot assigned on the first business day of November during which the average closing price of an NMS stock on the primary listing exchange shall be measured by the primary listing exchange to determine the round lot for each NMS stock.''

[14] *See supra* note 5.

[15] Pursuant to Rule 600(b)(93)(iv) of Regulation NMS the round lot assigned under the section ''shall be operative on (A) the first business day of May for the March Evaluation Period and continue through the last business day of October of the calendar year, and (B) the first business day of November for the September Evaluation Period and continue through the last business day of April of the next calendar year.''

semiannual basis and the calculation of the average closing price on the primary listing exchange will be based on a one-month Evaluation Period.[16] The revised definition of round lot is to be implemented on November 3, 2025, the first business day of November 2025.[17] The Exchange now proposes to amend Exchange Rule 11.10, Units of Trading, to conform with the definition of round lot under Rule 600 of the Regulation NMS.

Exchange Rule 11.10 currently provides that ''[o]ne hundred (100) shares shall constitute a 'round lot,' any amount less than 100 shares shall constitute an 'odd lot,' and any amount greater than 100 shares that is not a multiple of a round lot shall constitute a 'mixed lot.''' The Exchange now proposes to amend the sentence above to explicitly refer to the definition of a ''round lot'' under Rule 600 of Regulation NMS and adjust the definition of ''odd lot'' and ''mixed lot'' to conform with the newly adopted definition of ''round lot.'' As a result, the above sentence will be deleted and replaced with the following: ''[a] 'round lot' for each NMS Stock shall be the size assigned by the primary listing market pursuant to Rule 600 of Regulation NMS under the Exchange Act. An 'odd lot' shall be any amount less than a round lot and a 'mixed lot' shall be any amount greater than a round lot that is not an integer multiple of a round lot.'' Again, the Exchange proposes this change solely to conform the Exchange's definition of ''round lot'' under Exchange Rule 11.10 to the new definition of round lot under Rule 600 of Regulation NMS.

The Exchange also proposes to make a conforming, non-substantive change to Exchange Rule 11.8(d)(1), Continuous, Two-Sided Quote Obligation, to conform to with the Exchange's definition of round lot. Exchange Rule 11.8(d)(1) currently provides that ''[u]nless otherwise designated, a 'normal unit of trading' shall be 100 shares.'' The Exchange proposes to replace the aforementioned sentence with a sentence that conforms to the newly adopted definition of round lot in the Exchange's Rulebook. As a result, the above sentence will be removed and replaced with the following: ''[u]nless otherwise designated, a 'normal unit of trading' shall be a round lot as defined in Exchange Rule 11.10.''

The purpose of these changes is to provide greater clarity to Exchange Members[18] and the public regarding the Exchange's Rulebook. The Exchange does not propose any additional rule changes. The proposed rule changes will be implemented on November 3, 2025, the same date as the revised definition of round lot under Regulation NMS is to be implemented.

2. Statutory Basis

The Exchange believes the proposed rule changes are consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[19] Specifically, the Exchange believes the proposed rules change are consistent with the Section 6(b)(5)[20] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule changes are consistent with the Section 6(b)(5)[21] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange proposes to amend Exchange Rule 11.10, Units of Trading, to conform with the definition of round lot under Rule 600 of the Regulation NMS that is to be implemented in November 2025.[22] This change is being proposed solely to conform the Exchange's definition of ''round lot'' under Exchange Rule 11.10 to the new definition of round lot under Rule 600 of Regulation NMS. The Exchange also proposes to make a conforming, non-substantive change to Exchange Rule 11.8(d)(1), Continuous, Two-Sided Quote Obligation, which is limited to conforming the Rule to the Exchange's definition of round lot.

The proposed changes do not amend the operation of the affected rules. The proposed rule changes would reduce potential investor and market participant confusion and therefore remove impediments to and perfect the mechanism of a free and open market and a national market system by ensuring that the Exchange's rules properly reflect the requirements of Rule 600 of Regulation NMS. The Exchange also believes that the proposed rule changes would remove impediments to and perfect the mechanism of a free and open market by ensuring that persons subject to the Exchange's jurisdiction, regulators, and the investing public can more easily navigate and understand the Exchange's rules. The proposed rule changes would not be inconsistent with the public interest or the protection of investors because investors will not be harmed and, in fact, would benefit from the increased transparency and clarity, thereby reducing potential confusion.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes the proposed rule changes do not impose any burden on intramarket or intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change to amend the definition of round lot is not intended to address competitive issues; rather, the proposed change is concerned solely with amending the Exchange's Rule to conform with the definition of round lot under Rule 600 of the Regulation NMS. The proposed rule change to amend Exchange Rule 11.8(d)(1) to conform to with the Exchange's definition of round lot is conforming and non-substantive in nature and not intended to address competitive issues.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

A. significantly affect the protection of investors or the public interest;

B. impose any significant burden on competition; and

C. become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the

[16] *See supra* note 5.

[17] *See supra* note 5.

[18] *See* Exchange Rule 1.5(n). A ''Member'' is defined as ''any registered broker or dealer that has been admitted to membership in the Exchange.''

[19] 15 U.S.C. 78f(b).

[20] 15 U.S.C. 78f(b)(5).

[21] *Id.*

[22] *See supra* note 5.

Act [23] and Rule 19b–4(f)(6) [24] thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–CboeBYX–2025–030 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–CboeBYX–2025–030. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–CboeBYX–2025–030 and should be submitted on or before December 11, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[25]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–20390 Filed 11–19–25; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

SBIC License Issuance

AGENCY: U.S. Small Business Administration.

ACTION: Notice of Small Business Investment Company (SBIC) licenses.

SUMMARY: Pursuant to the authority granted to the United States Small Business Administration under section 301(c) of the Small Business Investment Act of 1958, as amended, to grant Small Business Investment Company licenses under the Small Business Investment Company Program, this notice satisfies the requirement effective August 17, 2023 under 13 CFR 107.501(a) to publish in the **Federal Register** the names of SBICs with date of licensure and Total Intended Leverage Commitments. The following SBICs received SBIC licenses as of the date indicated below:

SBIC fund name	Date of licensure	Leverage tiers [1]
New Mountain Finance SBIC III, L.P	7/15/2025	2.00x
Dauntless Ventures SBIC–A, L.P	7/29/2025	1.25x
Dauntless Ventures SBIC–B, L.P	7/29/2025	2.00x
Snowpoint Ventures II—S&T, L.P	7/29/2025	0.50x
New North Ventures Fund II SBIC, L.P	7/30/2025	1.25x
Signal Peak Ventures IV–A, L.P	7/30/2025	1.25x
AE Ventures Fund III, L.P	7/31/2025	1.25x
BRC Fund IV, L.P	8/5/2025	1.00x
Blue Sage Strategic Credit Fund, L.P	8/15/2025	2.00x
Hudson Ferry Capital III, L.P	8/22/2025	1.50x
Bluhaus Small Business Fund II, L.P	8/28/2025	2.00x
Michigan Capital Network Venture Fund V, L.P	9/15/2025	1.00x
Argosy Investment Partners SBIC 7, L.P	9/16/2025	1.00x
Courage Healthcare SBIC Fund I, L.P	9/23/2025	1.25x
SBJ Elevation Fund, L.P	9/26/2025	2.00x
PCI III, L.P	9/29/2025	2.00x
Verde Capital Partners, L.P	9/30/2025	2.00x

[1] Maximum amount of Leverage expressed as a multiple of Leverageable Capital pursuant to 13 CFR 107.1150.

Paul Van Eyl,

Director of Policy, Office of Investment and Innovation, U.S. Small Business Administration.

[FR Doc. 2025–20461 Filed 11–19–25; 8:45 am]

BILLING CODE 8026–09–P

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA–2025–0007]

Notice of Senior Executive Service Performance Review Board Membership

AGENCY: Social Security Administration.

ACTION: Notice of Senior Executive Service Performance Review Board Membership.

Authority: Title 5, U.S. Code, 4314 (c)(4), requires that the appointment of Performance Review Board members be published in the **Federal Register** before service on said Board begins.

[23] 15 U.S.C. 78s(b)(3)(A).

[24] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[25] 17 CFR 200.30–3(a)(12).

The following persons will serve on the Performance Review Board which oversees the evaluation of performance appraisals of Senior Executive Service members of the Social Security Administration:

Christopher G. Harris, Chair
Melanie Burns *
Dan Callahan
Monique Cephas *
Randoe Dice *
Karen Girardeau *
Jamie Lucero
James van der Schalie *
Shannon Wittman *

* New Member

Florence Felix,

Chief Human Capital Officer, Social Security Administration.

[FR Doc. 2025–20456 Filed 11–19–25; 8:45 am]

BILLING CODE 4191–02–P

STATE JUSTICE INSTITUTE

SJI Board of Directors Meeting, Notice

AGENCY: State Justice Institute.

ACTION: Notice of meeting.

SUMMARY: The purpose of this meeting is to consider grant applications for the 1st quarter of FY 2026, and other business.

DATES: The SJI Board of Directors will be meeting on Monday, December 15, 2025 at 1:00 p.m. ET.

ADDRESSES: Pennsylvania Judicial Center, 601 Commonwealth Avenue, Suite 1500, Harrisburg, PA.

FOR FURTHER INFORMATION CONTACT: Jonathan Mattiello, Executive Director, State Justice Institute, 12700 Fair Lakes Circle, Suite 340, Fairfax, VA 22033, 703–660–4979, *contact@sji.gov.*

(Authority: 42 U.S.C. 10702(f))

Jonathan D. Mattiello,

Executive Director.

[FR Doc. 2025–20398 Filed 11–19–25; 8:45 am]

BILLING CODE 6820–SC–P

SUSQUEHANNA RIVER BASIN COMMISSION

Grandfathering Registration Notice

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists Grandfathering Registration for projects by the Susquehanna River Basin Commission during the period set forth in **DATES**.

DATES: October 1–31, 2025.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110–1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238–0423, ext. 1312; fax: (717) 238–2436; email: *joyler@srbc.gov.* Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists GF Registration for projects, described below, pursuant to 18 CFR part 806, subpart E, for the time period specified above:

1. Pennsylvania—American Water Company—Abington Service Territory, GF Certificate No. GF–202510304, Various Municipalities and Counties, Pa.; see Addendum; Issue Date: October 7, 2025.

2. F. S. Lopke Contracting, Inc.—River Drive Mine, GF Certificate No. GF–202510305, Town of Nichols, Tioga County, N.Y.; Freshwater Pond; Issue Date: October 13, 2025.

Authority: Public Law 91–575, 84 Stat. 1509 *et seq.,* 18 CFR parts 806 and 808.

Dated: November 18, 2025.

Jason E. Oyler,

General Counsel and Secretary to the Commission.

[FR Doc. 2025–20471 Filed 11–19–25; 8:45 am]

BILLING CODE 7040–01–P

SUSQUEHANNA RIVER BASIN COMMISSION

Minor Modification Notice

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists the minor modifications approved for previously approved projects by the Susquehanna River Basin Commission during the period set forth in **DATES.**

DATES: September 1–30, 2025

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110–1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238–0423, ext. 1312; fax (717) 238–2436; email: *joyler@srbc.gov.* Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists previously approved projects, receiving approval of minor modification or a corrective modification, described below, pursuant to 18 CFR 806.18 or to Commission Resolution Nos. 2013–11 and 2015–06, for the time period specified above.

1. Town of Cortlandville—Total System Limit, Docket No. 20250922, Town of Cortlandville, Cortland County, N.Y.; modification approval to increase the total system limit; Approval Date: September 24, 2025.

*Authority:*Public Law 91–575, 84 Stat. 1509 *et seq.,* 18 CFR parts 806 and 808.

Dated: November 18, 2025.

Jason E. Oyler,

General Counsel and Secretary to the Commission.

[FR Doc. 2025–20470 Filed 11–19–25; 8:45 am]

BILLING CODE 7040–01–P

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists Approvals by Rule for projects by the Susquehanna River Basin Commission during the period set forth in **DATES**.

DATES: September 1–October 31, 2025.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110–1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238–0423, ext. 1312; fax: (717) 238–2436; email: *joyler@srbc.gov.* Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR 806.22 (e) and (f) for the time period specified above.

Approvals By Rule—Issued Under 18 CFR 806.22(e):

1. ASC Engineered Solutions, LLC; Columbia Facility; ABR–202509003; Columbia Borough, Lancaster County, Pa.; Consumptive Use of Up to 0.2490 mgd; Approval Date: September 26, 2025.

2. Kenvue Brands LLC; ABR–202510001; Lititz Borough and Warwick Township, Lancaster County, Pa.; Consumptive Use of Up to 0.3500 mgd; Approval Date: October 17, 2025.

Approvals By Rule—Issued Under 18 CFR 806.22(f):

1. MODIFICATION—JKLM Energy, LLC; Pad ID: Belz 2001; ABR–

202506002.1; Tioga Township, Tioga County, Pa.; Consumptive Use of Up to 4.5000 mgd; Approval Date: September 4, 2025.

2. RENEWAL—Expand Operating LLC; Pad ID: SGL–12 P UNIT PAD; ABR–202007001.R1; Franklin Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: September 4, 2025.

3. JKLM Energy, LLC; Pad ID: Rut 1 Well Site; ABR–202509001; Rutland and Jackson Townships, Tioga County, Pa.; Consumptive Use of Up to 4.5000 mgd; Approval Date: September 10, 2025.

4. RENEWAL—Expand Operating LLC; Pad ID: McCarty Drilling Pad #1; ABR–20100676.R3; Elkland Township, Sullivan County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: September 10, 2025.

5. RENEWAL—Repsol Oil & Gas USA, LLC; Pad ID: DRUMM G2; ABR–201505009.R2; Bradford Town, Steuben County, Ny.; Consumptive Use of Up to 0.0800 mgd; Approval Date: September 10, 2025.

6. RENEWAL—Coterra Energy Inc.; Pad ID: HullR P2; ABR–20100612.R3; Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: September 19, 2025.

7. RENEWAL—Coterra Energy Inc.; Pad ID: RozellC P1; ABR–20100542.R3; Jessup and Bridgewater Townships, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: September 19, 2025.

8. RENEWAL—Diversified Production LLC; Pad ID: Phoenix C; ABR–201006114.R3; Duncan Township, Tioga County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: September 19, 2025.

9. RENEWAL—EQT ARO LLC; Pad ID: Chapman Bohlin Pad A; ABR–202009002.R1; Cascade Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: September 19, 2025.

10. RENEWAL—EQT ARO LLC; Pad ID: COP 551 Pad B; ABR–202009001.R1; McIntyre Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: September 19, 2025.

11. RENEWAL—EQT ARO LLC; Pad ID: COP Tr 342 A; ABR–20100695.R3; Beech Creek Township, Clinton County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: September 19, 2025.

12. RENEWAL—EQT ARO LLC; Pad ID: COP Tr 344 Pad A; ABR–20100694.R3; Noyes Township, Clinton County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: September 19, 2025.

13. RENEWAL—EQT ARO LLC; Pad ID: Robert C Ulmer Pad A; ABR–201007049.R3; Watson Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: September 19, 2025.

14. RENEWAL—Expand Operating LLC; Pad ID: Connell; ABR–201009084.R3; Cherry Township, Sullivan County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: September 19, 2025.

15. RENEWAL—Expand Operating LLC; Pad ID: Decker Farms; ABR–201009037.R3; Rush Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: September 19, 2025.

16. RENEWAL—Repsol Oil & Gas USA, LLC; Pad ID: YURKANIN (03 014) J; ABR–201007033.R3; Columbia Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: September 19, 2025.

17. RENEWAL—Seneca Resources Company, LLC; Pad ID: C09–J; ABR–201507002.R2; Shippen Township, Cameron County; Sergeant Township, McKean County; and Jones Township, Elk County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: September 19, 2025.

18. RENEWAL—XTO Energy Inc.; Pad ID: MARQUARDT 8534H; ABR–20100664.R3; Penn Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: September 19, 2025.

19. RENEWAL—EQT ARO LLC; Pad ID: COP Tr 285 Pad G; ABR–201007002.R3; Grugan Township, Clinton County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: September 24, 2025.

20. RENEWAL—EQT ARO LLC; Pad ID: COP Tr 289 C; ABR–20100636.R3; McHenry Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: September 24, 2025.

21. RENEWAL—EQT ARO LLC; Pad ID: David C Duncan Pad A; ABR–20100635.R3; Cascade Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: September 24, 2025.

22. RENEWAL—Expand Operating LLC; Pad ID: Alberta; ABR–201009007.R3; Albany Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: September 24, 2025.

23. RENEWAL—Expand Operating LLC; Pad ID: Allen Drilling Pad #1; ABR–201009002.R3; Asylum Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: September 24, 2025.

24. RENEWAL—Expand Operating LLC; Pad ID: Burleigh; ABR–201009067.R3; Wyalusing Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: September 24, 2025.

25. RENEWAL—Expand Operating LLC; Pad ID: Hemlock Hunting Club Drilling Pad #1; ABR–201009070.R3; Elkland Township, Sullivan County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: September 24, 2025.

26. RENEWAL—Expand Operating LLC; Pad ID: Shaw; ABR–20100634.R3; Windham Township, Wyoming County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: September 24, 2025.

27. RENEWAL—Expand Operating LLC; Pad ID: Wygrala; ABR–201009072.R3; Wysox Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: September 24, 2025.

28. RENEWAL—Range Resources—Appalachia, LLC; Pad ID: Shohocken Hunt Club Unit #1H—#6H; ABR–20100646.R3; Cummings Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: September 24, 2025.

29. RENEWAL—Repsol Oil & Gas USA, LLC; Pad ID: GARDINER (01 071) D; ABR–20100522.R3; Troy Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: September 24, 2025.

30. Range Resources—Appalachia, LLC; Pad ID: Dog Run Hunting Club—Unit; ABR–202509002; Cummings Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: September 29, 2025.

31. RENEWAL—Coterra Energy Inc.; Pad ID: GriffithsJ P1; ABR–202009004.R1; Rush Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: September 29, 2025.

32. RENEWAL—Expand Operating LLC; Pad ID: Robinson; ABR–20100653.R3; Stevens Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: September 29, 2025.

33. RENEWAL—Coterra Energy Inc.; Pad ID: ArnoneJ P1; ABR–201507004.R2; Brooklyn Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: October 21, 2025.

34. RENEWAL—Coterra Energy Inc.; Pad ID: BistisM P1; ABR–201507005.R2; Lathrop Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: October 21, 2025.

35. RENEWAL—Diversified Production LLC; Pad ID: Phoenix E; ABR–201008130.R3; Duncan Township, Tioga County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: October 21, 2025.

36. RENEWAL—EQT ARO LLC; Pad ID: Ann M. Mercier Pad A; ABR–201007071.R3; Cogan House Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 21, 2025.

37. RENEWAL—EQT ARO LLC; Pad ID: COP Tr 231 D; ABR–20100530.R3; Snow Shoe Township, Centre County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 21, 2025.

38. RENEWAL—EQT ARO LLC; Pad ID: COP Tr 685 A; ABR–20100541.R3; Cummings Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 21, 2025.

39. RENEWAL—EQT ARO LLC; Pad ID: Larry's Creek F&G Pad D; ABR–20100684.R3; Cummings Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 21, 2025.

40. RENEWAL—Expand Operating LLC; Pad ID: Hopson; ABR–201010004.R3; Asylum Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: October 21, 2025.

41. RENEWAL—Expand Operating LLC; Pad ID: Warburton North Drilling Pad; ABR–201510003.R2; Forks Township, Sullivan County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: October 21, 2025.

42. RENEWAL—Pennhills Resources, LLC; Pad ID: Shannon Todd Pad A; ABR–201009006.R3; Todd Township, Huntingdon County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: October 21, 2025.

43. RENEWAL—Repsol Oil & Gas USA, LLC; Pad ID: SHEDDEN (01 075) L; ABR–201007004.R3; Granville Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: October 21, 2025.

44. RENEWAL—Seneca Resources Company, LLC; Pad ID: Abplanalp; ABR–201510001.R2; Westfield Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 21, 2025.

45. RENEWAL—Seneca Resources Company, LLC; Pad ID: Barbine 292; ABR–20100614.R3; Charleston Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 21, 2025.

46. RENEWAL—Seneca Resources Company, LLC; Pad ID: Doan 893; ABR–20100670.R3; Deerfield Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 21, 2025.

47. RENEWAL—Seneca Resources Company, LLC; Pad ID: E17–COP–C; ABR–201008027.R3; Lawrence Township, Clearfield County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 21, 2025.

48. RENEWAL—Expand Operating LLC; Pad ID: Yvonne; ABR–201010015.R3; Rush Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: October 28, 2025.

49. RENEWAL—LPR Energy, LLC ; Pad ID: Lightner Drilling Pad #1; ABR–201007045.R3; Juniata Township, Blair County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: October 28, 2025.

50. RENEWAL—LPR Energy, LLC ; Pad ID: Shannon Land & Mining Drilling Pad #1; ABR–20100628.R3; Lawrence Township, Clearfield County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: October 28, 2025.

51. RENEWAL—Seneca Resources Company, LLC; Pad ID: Covington Pad L; ABR–201008065.R3; Covington Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 28, 2025.

52. RENEWAL—Seneca Resources Company, LLC; Pad ID: Frost 573; ABR–201007013.R3; Covington Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 28, 2025.

53. RENEWAL—Seneca Resources Company, LLC; Pad ID: Hauswirth 516; ABR–20100688.R3; Richmond Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 28, 2025.

54. RENEWAL—Seneca Resources Company, LLC; Pad ID: Painter; ABR–201510002.R2; Westfield Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 28, 2025.

55. RENEWAL—Seneca Resources Company, LLC; Pad ID: Sorensen 876; ABR–201007021.R3; Osceola Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 28, 2025.

56. RENEWAL—Seneca Resources Company, LLC; Pad ID: Matz 824; ABR–201007010.R3; Chatham Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 29, 2025.

57. RENEWAL—Coterra Energy Inc.; Pad ID: AdamsJ P1; ABR–201007121.R3; Harford Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: October 30, 2025.

58. RENEWAL—Coterra Energy Inc.; Pad ID: DavisG P1; ABR–201007120.R3; Gibson Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: October 30, 2025.

59. RENEWAL—Coterra Energy Inc.; Pad ID: PlonskiJ P1; ABR–201008009.R3; Brooklyn Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: October 30, 2025.

60. RENEWAL—EQT ARO LLC; Pad ID: COP Tr 285 Pad D; ABR–201008013.R3; Chapman Township, Clinton County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 30, 2025.

61. RENEWAL—Expand Operating LLC; Pad ID: Ball; ABR–201007060.R3; Stevens Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: October 30, 2025.

62. RENEWAL—Expand Operating LLC; Pad ID: NR–19-Walker Diehl; ABR–201507003.R2; Oakland Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: October 30, 2025.

63. RENEWAL—Repsol Oil & Gas USA, LLC; Pad ID: FEUSNER (03 044) J; ABR–201007094.R3; Columbia Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: October 30, 2025.

64. RENEWAL—Repsol Oil & Gas USA, LLC; Pad ID: WATSON (03 051) B; ABR–201007084.R3; Columbia Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: October 30, 2025.

65. RENEWAL—Seneca Resources Company, LLC; Pad ID: Hamblin 860; ABR–201007117.R3; Middlebury Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 30, 2025.

66. RENEWAL—Seneca Resources Company, LLC; Pad ID: Wood 874; ABR–201007069.R3; Deerfield Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 30, 2025.

67. RENEWAL—Coterra Energy Inc.; Pad ID: LambertR P1; ABR–201507006.R2; Gibson Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: October 31, 2025.

68. RENEWAL—EOG Resources, Inc.; Pad ID: KINGSLEY 2H; ABR–20100692.R3; Springfield Township, Bradford County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: October 31, 2025.

69. RENEWAL—EQT ARO LLC; Pad ID: Brian K Frymire Pad A; ABR–201008056.R3; Cascade Township, Lycoming County, Pa.; Consumptive

Use of Up to 4.0000 mgd; Approval Date: October 31, 2025.

70. RENEWAL—EQT ARO LLC; Pad ID: COP Tr 356 Pad H; ABR–201008020.R3; Cummings Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 31, 2025.

71. RENEWAL—EXCO Resources (PA), LLC; Pad ID: COP Tract 706 (Pad 8); ABR–201008059.R3; Burnside Township, Centre County, Pa.; Consumptive Use of Up to 8.0000 mgd; Approval Date: October 31, 2025.

72. RENEWAL—Expand Operating LLC; Pad ID: SGL–12 L SOUTH UNIT PAD; ABR–202010001.R1; Leroy Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: October 31, 2025.

73. RENEWAL—Repsol Oil & Gas USA, LLC; Pad ID: CUMMINGS LUMBER (01 081); ABR–201007088.R3; Troy Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: October 31, 2025.

74. RENEWAL—Repsol Oil & Gas USA, LLC; Pad ID: WARNER VALLEY FARM LLC (05 002); ABR–201007130.R3; Pike Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: October 31, 2025.

75. RENEWAL—Seneca Resources Company, LLC; Pad ID: Clark 392; ABR–201008004.R3; Delmar Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 31, 2025.

76. RENEWAL—Seneca Resources Company, LLC; Pad ID: Fish 301; ABR–201008034.R3; Richmond Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 31, 2025.

(Authority: Pub. L. 91–575, 84 Stat. 1509 *et seq.,* 18 CFR parts 806 and 808.)

Dated: November 18, 2025.

Jason E. Oyler,

General Counsel and Secretary to the Commission.

[FR Doc. 2025–20469 Filed 11–19–25; 8:45 am]

BILLING CODE 7040–01–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2025–0016]

Agency Information Collection Activities; Notice and Request for Comment; Annual Motor Vehicle and Child Restraint Compliance Information Requests

AGENCY: National Highway Traffic Safety Administration (NHTSA or the ''Agency''), Department of Transportation (DOT).

ACTION: Notice and request for comments on the approval of a new information collection.

SUMMARY: NHTSA invites public comments about our intention to request approval from the Office of Management and Budget (OMB) for a new information collection. Before a federal agency can collect certain information from the public, it must receive approval from OMB. Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatement of previously approved collections. *This document describes a new collection of information, for which NHTSA intends to seek OMB approval,* for obtaining motor vehicle model year and child restraint information that supports compliance programs administered by NHTSA's Office of Vehicle Safety Compliance (OVSC).

DATES: Comments must be submitted on or before January 20, 2026.

ADDRESSES: You may submit comments identified by the Docket No. NHTSA–2025–0016 through any of the following methods:

- *Electronic submissions:* Go to the Federal eRulemaking Portal at *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail or Hand Delivery:* Docket Management, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays. To be sure someone is there to help you, please call (202) 366–9322 before coming.

Instructions: All submissions must include the agency name and docket number for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below.

Privacy Act: Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement, which DOT published in the **Federal Register** on April 11, 2000 (65 FR 19477–78), or you may visit *https://www.transportation.gov/privacy.*

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* or the street address for DOT that is listed above. Follow the online instructions for accessing dockets via the internet.

FOR FURTHER INFORMATION CONTACT: For additional information or access to background documents, contact Maurice Hicks, Chief Crash Avoidance, Office of Vehicle Safety Compliance, NEF–210, (202) 366–5289, National Highway Traffic Safety Administration, W43–504, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), before an agency submits a proposed collection of information to OMB for approval, it must first publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulation (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) how to enhance the quality, utility, and clarity of the information to be collected; and (d) how to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.* permitting electronic submission of

responses. In compliance with these requirements, NHTSA asks for public comments on the following proposed collection of information for which the Agency is seeking approval from OMB.

Title: Annual Motor Vehicle and Child Restraint Compliance Information Requests.

OMB Control Number: New.

Form Number(s): (1) NHTSA Form 2042—Model Year Information Request Form and (2) NHTSA Form 2043—Annual Child Restraint Response Form.

Type of Request: Approval of a new information collection.

Type of Review Requested: Regular.

Requested Expiration Date of Approval: 3 years from the date of approval.

Summary of the Collection of Information: NHTSA is seeking approval of a new information collection to allow the agency to collect information from manufacturers of vehicles and child restraint systems to aid the agency's efforts to enforce compliance with the Federal Motor Vehicle Safety Standards (FMVSS). The information collection request is for two annual information requests that will be sent to manufacturers. NHTSA will use the manufacturers submissions to help identify possible non-compliances.

NHTSA's Office of Vehicle Safety Compliance (OVSC) conducts inspections and investigations through market surveillance aimed at identifying possible non-compliances with the FMVSS pursuant to 49 U.S.C. 30166(b). To support its annual compliance testing programs, OVSC issues information requests to manufacturers to obtain model year and production data, technical specifications, and certification details for vehicles and regulated equipment. The information collected is used, along with other available information, to identify vehicles and equipment for inclusion in OVSC's compliance testing programs, considering factors such as high sales volumes, newly redesigned platforms, emerging technologies, prior compliance failures, or the focus of targeted investigations.

The first information collection is the ''Model Year Information Request Letter,'' which is a standardized letter that OVSC plans to send to manufacturers in March of each calendar year requesting specific safety certification information and production estimates for the upcoming model year and any early entrants for the following model year. The letter also requests information on vehicle characteristics, performance, and technologies used by manufacturers to comply with the FMVSS and other regulations administered by NHTSA. Th letter and form also seek information on optional and partial compliance plans for manufacturers meeting standards with phase-in effective dates. Additionally, the forms request information on carryover vehicles (those having similar vehicle configurations to those manufactured in previous model years) and on vehicles manufactured for individuals with disabilities. Vehicle manufacturers are requested to provide the information on complete and incomplete vehicles that have a Gross Vehicle Weight Rating of 4,536 kg (10,000 lbs.) or less for each vehicle line that is to be offered for sale in the United States during the applicable model year. In addition to each letter, a standardized template is also provided with a format for manufacturers to follow when providing the requested information.

The second information collection is the ''Annual Child Restraint Certification Information Request Letter.'' This document is a standardized letter seeking data needed to select and test child restraint systems (CRS) to the requirements in FMVSS No. 213, Child restraint systems, FMVSS No. 213a, ''Child restraint systems—side impact protection,'' and/or FMVSS No. 213b, ''Child restraint systems.'' FMVSS No. 213, FMVSS No. 213a, and FMVSS 213b specify labeling requirements and performance standards for several tests, including frontal and side dynamic tests. The standards also have criteria for component testing for webbing and buckles. To validate manufacturer certifications of these products through NHTSA's test program, information is requested on CRS offered for sale in the United States. Although some of the needed information can be obtained through market research, manufacturer data is necessary to select products for testing and to properly test those products that are chosen by NHTSA. The letter would request information including the style of the CRS, identification information, estimated production volumes, costs, the anthropomorphic test devices used to certify the CRS, certification and other test data, and where the CRS can be purchased. Similar to the model year request, a standardized template is also provided with each CRS request letter in a format for manufacturers to use when providing the requested information.

Description of the Need for the Information and Proposed Use of the Information: The information collected will facilitate OVSC's compliance verification program to ensure that manufacturers are manufacturing motor vehicles and motor vehicle equipment that meet applicable safety performance requirements that are essential to reducing or eliminating deaths and injuries on our Nation's roads. The information requested in this collection includes information that is used to: (1) carry out OVSC's compliance testing programs (for example, to make selections of vehicles and equipment to test, determine what testing to conduct, and/or pursue enforcement actions against makes and models failing compliance testing); (2) ensure compliance programs are up-to-date due to technological changes in vehicles and equipment; and (3) assist in identifying the root causes for failures in suspected noncompliant vehicles and equipment.

Affected Public: The affected public for this information collection includes vehicle manufacturers and CRS manufacturers required to comply with NHTSA's FMVSS and regulations.

Estimated Number of Respondents: On average, OVSC expects to send the Model Year Information Request Letter and Model Year Information Request Form to 26 respondents each year. OVSC expects to send the Annual Child Restraint Certification Information Request Letter and Annual Child Restraint Response Form to an average of 40 respondents each year.

Frequency: Annual.

Estimated Total Annual Burden Hours: 1,456 hours.

NHTSA estimates that the total annual burden for these two information collections will be a combined 1,456 hours. Table 1 provides the breakdown of the total estimated annual burden hours associated with each information collection request. The table includes a description of the activities involved in each of the collections, the burden hours for the employees involved in each activity, the total number of manufacturers providing the information, and the total calculated burden hours for each activity.

TABLE 1—RESPONDENT BURDEN HOURS FOR VEHICLE AND EQUIPMENT AND CHILD RESTRAINT INFORMATION REQUESTS

Reporting type	Burden hours	Number of respondents	Total hours
MODEL YEAR INFORMATION REQUESTS			
Manufacturers receive and process the Model Year Information Request Letter—OMB No. 2042 and the Model Year Information Request Form—OMB No. 2042	2	26	52
Manufacturers identify data sources for responding to information requests. [Manufacturers have existing databases with vehicle and equipment certifications, which they are expected to use in responding to requests.]	2	26	52
Manufacturers create responses in accordance with OVSC's reporting requirements and formats	8	26	208
Manufacturers review responses for accuracy and completeness	8	26	208
Manufacturers submit their responses to the appropriate OVSC division within the requested deadlines	1	26	26
Manufacturers make changes to their original responses and then resubmit in response to any changes or additional information requested by OVSC	5	26	130
Subtotal	26	26	676
CHILD RESTRAINT INFORMATION REQUEST			
Manufacturers receive and process the Request for Annual Child Restraint Certification Information Request Letter—OMB No. 2043 and the Annual Child Restraint Response Form—OMB No. 2043	2	40	80
Manufacturers identify data sources for responding to information requests. [Manufacturers have existing databases with child restraint certifications, and production information to respond to requests.]	2	40	80
Manufacturers create responses in accordance with OVSC's reporting requirements and formats	4	40	160
Manufacturers review responses for accuracy and completeness	8	40	320
Manufacturers submit their responses to the appropriate OVSC division within the requested deadlines	1	40	40
Manufacturers make changes to their original responses and then resubmit in response to any changes or additional information requested by OVSC	2.5	40	100
Subtotal	19.5	40	780
Total	45.5	*66	1,456

* The total number of respondents includes those for the model year and child restraint information requests.

The labor costs associated with the burden hours are shown in Table 2. The costs are included in the table with a description of each activity, the total burden costs of the employees involved in each activity, the total number of manufacturers providing the information, and the total calculated burden costs of each activity.

TABLE 2—LABOR COSTS FOR VEHICLE AND EQUIPMENT AND CHILD RESTRAINT INFORMATION REQUESTS

Reporting type	Burden rate	Number of respondents	Total costs
MODEL YEAR INFORMATION REQUESTS			
Manufacturers receive and process the Model Year Information Request Letter—OMB No. 2042 and the Model Year Information Request Form—OMB No. 2042	$70.47	26	$1,832.22
Manufacturers identify data sources for responding to information requests. [Manufacturers have existing databases with vehicle and equipment certifications, and production information to respond to requests.]	96.94	26	2,520.44
Manufacturers create responses in accordance with OVSC's reporting requirements and formats	387.76	26	10,081.76
Manufacturers review responses for accuracy and completeness	518.34	26	13,476.84
Manufacturers submit their responses to the appropriate OVSC division within the requested deadlines	22.00	26	572.00
Manufacturers make changes to their original responses and then resubmit in response to any changes or additional information requested by OVSC	281.17	26	7,310.42
Subtotal	1,376.68	.....	35,793.68
CHILD RESTRAINT INFORMATION REQUEST			
Manufacturers receive and process the Request for Annual Child Restraint Certification Information Request Letter—OMB No. 2043 and the Annual Child Restraint Response Form—OMB No. 2043	$70.47	40	$2,818.80

TABLE 2—LABOR COSTS FOR VEHICLE AND EQUIPMENT AND CHILD RESTRAINT INFORMATION REQUESTS—Continued

Reporting type	Burden rate	Number of respondents	Total costs
Manufacturers identify data sources for responding to information requests. [Manufacturers have existing databases with child restraint certifications, and production information to respond to requests.]	96.94	40	3,877.60
Manufacturers create responses in accordance with OVSC's reporting requirements and formats	193.88	40	7,755.20
Manufacturers review responses for accuracy and completeness	518.34	40	20,733.60
Manufacturers submit their responses to the appropriate OVSC division within the requested deadlines	22.00	40	880.00
Manufacturers make changes to their original responses and then resubmit in response to any changes or additional information requested by OVSC	140.59	40	5,623.40
Subtotal	.....	.....	41,688.60
Total	NA	66	77,482.28

LABOR RATES (based on May 2022 National Occupational Employment and Wage Estimates, see *https://www.bls.gov/oes/current/oes_nat.htm#00-0000).*

Estimated Total Annual Burden Cost: $77,482.28.

NHTSA estimates that there are no costs associated with the collections other than labor costs associated with the burden hours. Therefore, the annual burden costs associated with the hours for recipients responding to requests contained within this collection is $77,482.28.

Public comments invited: You are asked to comment on any aspects of this information collection, including: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the U.S. Department of Transportation (the Department), including whether the information will have practical utility; (b) the accuracy of the Department's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; 49 CFR 1.49; and DOT Order 1351.29A.

Eileen Sullivan,

Associate Administer, Enforcement.

[FR Doc. 2025–20343 Filed 11–19–25; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2025–0391]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Request for Comment; Defect and Noncompliance Reporting and Notification

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice and request for comment on a reinstatement of a previously approved collection of information.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (PRA), this notice announces that the Information Collection Request (ICR) summarized below is being submitted to the Office of Management and Budget (OMB) for review and approval. The ICR describes the nature of the information collection and its expected burden. NHTSA is seeking approval for a reinstatement of a previously approved ICR titled ''Defect and Noncompliance Reporting and Notification'', which covers requirements for manufacturers to notify NHTSA and owners, purchasers, dealers, and distributors of safety-related defects and failures to comply with Federal Motor Vehicle Safety Standards (FMVSS) in products they manufactured. The ICR also covers additional reporting, notification, and recordkeeping requirements related to those notifications and the ensuing free remedy programs. A **Federal Register** Notice with a 60-day comment period requesting public comments was published on October 26, 2023. No comments were received.

DATES: Comments must be submitted on or before December 22, 2025.

ADDRESSES: Written comments and recommendations for the proposed information collection, including suggestions for reducing burden, should be submitted to the Office of Management and Budget at *www.reginfo.gov/public/do/PRAMain.* To find this particular information collection, select ''Currently under Review—Open for Public Comment'' or use the search function.

FOR FURTHER INFORMATION CONTACT: For additional information or access to background documents, contact Jeremy Gunderson, Recall Management Division (NEF–107), *Jeremy.Gunderson@dot.gov,* National Highway Traffic Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590. Please identify the relevant collection of information by referring to its OMB Control Number.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501 *et seq.*), a Federal agency must receive approval from the Office of Management and Budget (OMB) before it collects certain information from the public and a person is not required to respond to a collection of information by a Federal agency unless the collection displays a valid OMB control number. In compliance with these requirements, this notice announces that the following information collection request will be submitted OMB.

Title: Defect and Noncompliance Reporting and Notification.

OMB Control Number: 2127–0004.

Form Number(s): N/A.

Type of Request: Reinstatement of a previously approved information collection.

Type of Review Requested: Regular.

Requested Expiration Date of Approval: Three years from the date of approval.

Summary of the Collection of Information: NHTSA is seeking approval for reinstatement of a previously approved information collection request (ICR) with OMB Control No. 2127–0004. This collection covers the information collection requirements found within various statutory provisions of the Motor Vehicle Safety Act of 1966 (Act), 49 U.S.C. 30101, *et seq.,* and NHTSA's regulations at 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports* (Part 573) and 49 CFR 577, *Defect and Noncompliance Notification* (Part 577). The provisions require manufacturers to notify NHTSA, and owners, purchasers, dealers, and distributors, of safety-related defects and failures to comply with Federal Motor Vehicle Safety Standards (FMVSS) in products they manufactured. The ICR also covers additional reporting, notification, and recordkeeping requirements related to those notifications and the ensuing free remedy programs. The sections of the Act imposing these requirements include 49 U.S.C. 30118, 30119, 30120, and 30166. Many of these requirements are implemented through, and addressed with more specificity in, 49 CFR parts 573 and 577.

Pursuant to the Act, motor vehicle and motor vehicle equipment manufacturers are obligated to notify, and then provide various information and documents to, NHTSA when a safety defect or noncompliance with FMVSS is identified in products they manufactured. *See* 49 U.S.C. 30118(c) and 49 CFR 573.6. Manufacturers are further required to notify owners, purchasers, dealers, and distributors about the safety defect or noncompliance. *See* 49 U.S.C. 30118(c), 30120(a); 49 CFR 577.7, 577.13. Manufacturers are required to provide to NHTSA with copies of communications about recall campaigns that they issue to owners, purchasers, dealers, and distributors. *See* 49 U.S.C. 30166(f); 49 CFR 573.6(c)(10).

Manufacturers are also required to file with NHTSA a plan explaining how they intend to reimburse owners and purchasers who paid to have their products remedied before being notified of the safety defect or noncompliance, and explain that plan in the notifications they issue to owners and purchasers about the safety defect or noncompliance. *See* 49 U.S.C. 30120(d) and 49 CFR 573.13. Manufacturers are further required to keep lists of the respective owners, purchasers, dealers, distributors, lessors, and lessees of the products determined to be defective or noncompliant and involved in a recall campaign, and are required to provide NHTSA with a minimum of eight quarterly reports and three annual reports reporting on the progress of their recall campaigns. See 49 U.S.C. 30118.

The Act and Part 573 also contain numerous information collection requirements specific to tire recall and remedy campaigns. These requirements relate to the proper disposal of recalled tires, including a requirement that the manufacturer conducting the tire recall submit a plan and provide specific instructions to certain persons (such as dealers and distributors) addressing that disposal, and a requirement that those persons report back to the manufacturer certain deviations from the plan. *See* 49 U.S.C. 30120(d) and 49 CFR 573.6(c)(9). The regulations also require that manufacturers report to NHTSA intentional and knowing sales or leases of defective or noncompliant tires.

49 U.S.C. 30166(n) and its implementing regulation found at 49 CFR 573.10 mandate that anyone who knowingly and willfully sells or leases for use on a motor vehicle a defective tire or a tire that is not compliant with FMVSS, and with actual knowledge that the tire manufacturer has notified its dealers of the defect or noncompliance as required under the Act, is required to report that sale or lease to NHTSA no more than five working days after the person to whom the tire was sold or leased takes possession of it.

Description of the Need for the Information and Proposed Use of the Information: This information is necessary to enable NHTSA to administer, monitor, and enforce the legal, statutory, and regulatory requirements identified above. These requirements are intended to ensure the safety of the motoring public through the proper and timely notification and remedy of defective or noncompliant motor vehicles and motor vehicle equipment.

60-Day Notice: A **Federal Register** notice with a 60-day comment period soliciting public comments on the following information collection was published on October 26, 2023 (88 FR 73636). NHTSA received no comments from the public.

Affected Public: Motor vehicle and motor vehicle equipment manufacturers.

Estimated Number of Respondents: NHTSA receives reports of defects or noncompliance from roughly distinct 240 manufacturers per year. Accordingly, we estimate that there will be 240 distinct manufacturers per year filing defect or noncompliance reports and completing the other information collection responsibilities associated with those filings. Therefore, we estimate that there will be a total of 240 respondents per year associated with OMB No. 2127–0004.

Frequency: As circumstances necessitate.

Estimated Burden: In the October 2023 60-day notice, NHTSA previously estimated an annual burden for the regulatory requirements (without the additional burden of the Takata ACRO) of 64,966 hours associated with the 49 CFR part 573 and 49 CFR part 577 requirements (of which 456 hours was contemplated for conducting supplemental recall communications under administrative activities), $96,630,000, and 274 respondents per year. Our prior estimates of the burden hours and cost associated with the requirements covered by this information collection require adjustment as follows.

Based on current information, we estimate 240 distinct manufacturers filing an average of 976 Part 573 Safety Recall Reports each year. This is a change from our previous estimate of 988 Part 573 Safety Recall Reports filed by 249 manufacturers each year. In addition, concerning the metric associated with NHTSA's Vehicle Identification Number (VIN) Look-up Tool regulation, *see* 49 CFR 573.15, we continue to estimate it takes the 17 major passenger vehicle manufacturers (those that produce more than 25,000 vehicles annually) additional burden hours to complete these Reports to NHTSA, as explored in more detail below. *See* 82 FR 60789 (December 22, 2017). Between 2017 and 2021, the major passenger vehicle manufacturers conducted an average of 355 recalls annually.

We continue to estimate that maintenance of the required owner, purchaser, dealer, and distributors lists requires 8 hours a year per manufacturer. We also continue to estimate it takes a major passenger vehicle manufacturer 40 hours to complete each Part 573 Safety Recall notification report to NHTSA, and it takes all other manufacturers 4 hours. Accordingly, we estimate the annual burden hours related to the reporting to NHTSA of a safety defect or noncompliance for the 17 major passenger vehicle-manufacturers to be 14,200 hours annually (355 notices × 40 hours/report), and that all other manufacturers require a total of 2,484 hours annually (621 notices × 4 hours/report) to file their notices. Thus, with estimation input from manufacturers,

the estimated annual burden hours related to the reporting to NHTSA of a safety defect or noncompliance is 17,164 hours (14,200 hours + 2,484 hours) + (240 MFRs × 8 hours to maintain purchaser lists).[1]

We continue to estimate that an additional 40 hours will be needed to account for major passenger vehicle manufacturers adding details to Part 573 Safety Recall Reports relating to the intended schedule for notifying its dealers and distributors and tailoring its notifications to dealers and distributors in accordance with the requirements of 49 CFR 577.13. An additional 2 hours will be needed to account for this obligation in other manufacturers' Safety Recall Reports. This burden is estimated at 15,442 hours annually (621 notices × 2 hours/notification) + (355 notices × 40 hours/notification).

49 U.S.C. 30166(f) requires manufacturers to provide to the Agency copies of all communications regarding defects and noncompliances sent to owners, purchasers, and dealerships. Manufacturers must index these communications by the year, make, and model of the vehicle, as well as provide a concise summary of the subject of the communication. We continue to estimate that this burden requires 3 hours for each vehicle recall for the 17 major passenger vehicle manufacturers, and 30 minutes for all other manufacturers for each vehicle recall. This totals an estimated 1,375.5 hours annually (355 recalls × 3 hours for the 17 major passenger vehicle manufacturers) + (621 recalls × .5 for all other manufacturers).

In the event a manufacturer supplied the defective or noncompliant product to independent dealers through independent distributors, that manufacturer is required to include in its notifications to those distributors an instruction that the distributors are then to provide copies of the manufacturer's notification of the defect or noncompliance to all known distributors or retail outlets further down the distribution chain within five working days. *See* 49 CFR 577.7(c)(2)(iv). As a practical matter, this requirement would only apply to equipment manufacturers, since vehicle manufacturers generally sell and lease vehicles through a dealer network, and not through independent distributors. We have estimated the burden associated with these notifications (identifying retail outlets, making copies of the manufacturer's notice, and mailing) to be 5 hours per recall campaign. Assuming an average of 3 distributors per equipment item, which is a liberal estimate given that many equipment manufacturers do not use independent distributors, the total number of burden hours associated with this third-party notification requirement is approximately 1,290 hours per year (86 recalls × 3 distributors × 5 hours).

As for the burden linked with a manufacturer's preparation of and notification concerning its reimbursement for pre-notification remedies, we continue to estimate that the preparation of a reimbursement plan takes approximately 4 hours annually. We also continue to estimate that an additional 1.5 hours per year is spent by the 17 major passenger vehicle manufacturers adapting the plan to particular defect and noncompliance notifications to NHTSA and adding tailored language about the plan to a particular safety recall's owner notification letters, whereas an additional .5 hours per year is spent on this task by all other manufacturers. And we continue to estimate that an additional 12 hours annually is spent disseminating plan information, for a total of 4,827 annual burden hours ((249 MFRs × 4 hours to prepare plan) + (355 recalls × 1.5 hours tailoring plan for each recall) + (621 recalls × .5 hours) + (249 MFRs × 12 hours to disseminate plan information)).

The Safety Act and 49 CFR part 573 also contain numerous information collection requirements specific to tire recall and remedy campaigns, as well as a statutory and regulatory reporting requirement that anyone who knowingly and intentionally sells or leases a defective or noncompliant tire notify NHTSA of that activity.

Manufacturers are required to include specific information related to tire disposal in the notifications they provide NHTSA concerning identification of a safety defect or noncompliance with FMVSS in their tires, as well as in the notifications they issue to their dealers or other tire outlets participating in the recall campaign. *See* 49 CFR 573.6(c)(9). We believe our previous estimate of 11 tire recalls remains accurate. We continue to estimate that the inclusion of this additional information will require an additional two hours of effort beyond the subtotal above associated with non-tire recall campaigns. This additional effort consists of one hour for the NHTSA notification and one hour for the dealer notification for a total of 22 burden hours (11 tire recalls a year × 2 hours per recall).

Manufacturer-owned or controlled dealers are required to notify the manufacturer and provide certain information should they deviate from the manufacturer's disposal plan. Consistent with our previous analysis, we continue to ascribe zero burden hours to this requirement since, to date, no such reports have been provided, and our original expectation that dealers would comply with manufacturers' plans has proven accurate.

Accordingly, we estimate 22 burden hours a year will be spent complying with the tire recall campaign requirements found in 49 CFR 573.6(c)(9).

The agency continues to estimate 1 burden hour annually will be spent preparing and submitting reports of a defective or noncompliant tire being intentionally sold or leased under 49 U.S.C. 30166(n) and its implementing regulation at 49 CFR 573.10.

We continue to expect that nine vehicle manufacturers, who did not operate VIN-based recalls lookup systems prior to August 2013, incur certain recurring burdens on an annual basis. We continue to estimate that 100 burden hours will be spent on system and database administrator support. These 100 burden hours include: Backup data management and monitoring; database management, updates, and log management; and data transfer, archiving, quality assurance, and cleanup procedures. We continue to estimate another 100 burden hours will be incurred on web/application developer support. These burdens include: Operating system and security patch management; application/web server management; and application server system and log files management. We continue to estimate these burdens will total 1,800 hours each year (9 MFRs × 200 hours).

Changes to 49 CFR part 573 in 2013 required 27 manufacturers to update each recalled vehicle's repair status no less than every 7 days, for 15 years from the date the VIN is known to be included in the recall.[2] This ongoing requirement to update the status of a VIN for 15 years continues to add a recurring burden on top of the one-time burden to implement and operate these online search tools. We continue to estimate that 8 affected motorcycle manufacturers will make recalled VINs available for an average of 2 recalls each year and 19 affected passenger vehicle manufacturers will make recalled VINs available for an average of 8 recalls each year. We believe it will take no more

[1] For more information about how we derived these and certain other estimates, please see 81 FR 70269 (October 11, 2016).

[2] For more information, please see 78 FR 51421 (August 20, 2013).

than 1 hour, and potentially less with automated systems, to update the VIN status of vehicles that have been remedied under the manufacturer's remedy program. We continue to estimate this will require 8,736 burden hours per year (1 hour × 2 recalls × 52 weeks × 8 MFRs + 1 hour × 8 recalls × 52 weeks × 19 MFRs) to support the requirement to update the recalls completion status of each VIN in a recall at least weekly for 15 years.

Due to a congressionally-mandated increase in the required number of quarterly reports for each recall,[3] the number of quarterly reports that track the completion of safety recalls has also increased. Our previous estimate of 4,498 quarterly reports received annually is now revised upwards to 5,875 quarter reports received annually. We continue to estimate it takes manufacturers 1 hour to gather the pertinent information for each quarterly report, and 10 additional hours for the 17 major passenger vehicle manufacturers to submit electronic reports. We therefore now estimate that the quarterly reporting burden pursuant to 49 U.S.C.A. § 30118 totals 6,045 hours ((5,875 quarterly reports × 1 hour/report) + (17 MFRs × 10 hours for electronic submission)).

We continue to estimate a small burden of 2 hours annually in order to set up a manufacturer's online recalls portal account with the pertinent contact information and maintaining/updating their account information as needed. We estimate this will require a total of 480 hours annually (2 hours × 240 MFRs).

We continue to estimate that 20 percent of Part 573 reports will involve a change or addition regarding recall components, and that at two hours per amended report, this totals 390 burden hours per year (976 recalls × .20 = 195 recalls; 195 × 2 = 390 hours).

Additionally, manufacturers are now required to submit three (3) annual recall completion rate reports following the completion of the last date for which a quarterly report for the recall is submitted.[4] NHTSA estimates that it will receive an average of 316 such reports yearly from manufacturers. We estimate it will take manufacturers 2 hours to complete each annual report, including 1.5 hours to gather pertinent information for each report, and .5 hours for the 17 major passenger vehicle manufacturers to submit the electronic reports. We therefore estimate that the annual reporting burden pursuant to 49 U.S.C. 30118 totals 632 hours ((316 annual reports × 1.5 hours) + (17 MFRs × .5 hours for electronic submission)). We continue to estimate that 20 percent of Part 573 reports will involve a change or addition regarding recall components, and that at two hours per amended report, this totals 390 burden hours per year (976 recalls × .20 = 195 recalls; 195 × 2 = 390 hours).

As to the requirement that manufacturers notify NHTSA in the event of a bankruptcy, we expect this notification to take an estimated 2 hours to draft and submit to NHTSA. We continue to estimate that only 10 manufacturers might submit such a notice to NHTSA each year, so we calculate the total burden at 20 hours (10 MFRs × 2 hours).

We continue to estimate that it takes the 17 major passenger vehicle manufacturers an average of 11 hours to draft their notification letters, submit them to NHTSA for review, and then finalize them for mailing to their affected owners and purchasers. We also continue to estimate it takes 8 hours for all other manufacturers to perform this task. Accordingly, we estimate that the 49 CFR part 577 requirements result in 8,873 burden hours annually (11 hours per recall × 355 recalls per year) + (8 hours per recall × 621 recalls per year).

We previously calculated that about 12 percent of past recalls require an interim notification mailing, but recent trends show that 3 percent of recalls require an interim owner notification mailing. We continue to estimate the preparation of an interim notification can take up to 10 hours. We therefore estimate that 1,250 burden hours are associated with the 60-day interim notification requirement (976 recalls × .03 = 34 recalls; 34 recalls times 10 hours per recall = 340 hours).

Because of the forgoing burden estimates, we are revising the burden estimate associated with this collection. The 49 CFR part 573 and 49 CFR part 577 requirements found in today's notice will require 68,879 hours each year. NHTSA estimates the labor cost for compiling and submitting the required information under 49 CFR parts 573 and 577 to be $44.71 per hour using the Bureau of Labor's mean hourly wage estimate for technical writers in the motor vehicle manufacturing industry (Standard Occupational Classification # 27–3042).[5] NHTSA thus estimates that it will cost vehicle manufacturers $3,079,580.09 in wage costs annually to comply with the Part 573 and 577 requirements. The Bureau of Labor Statistics estimates that for private industry workers, wages represent 70.6% of total compensation.[6] Therefore, the total annual labor cost associated with the hourly burden is estimated to be $4,362,012.

Costs Other Than Labor Costs Associated with Burden Hours: As noted above, there is recurring annual costs to manufacturers occur for operating a VIN look-up tool and mailing of owner notification letters and interim notification letters. NHTSA estimated that the nine vehicle manufacturers, who did not operate VIN-based recalls lookup systems prior to August 2013, would incur annual costs of $30,000 per manufacturer,[7] with the total industry cost of $270,000 on an annual basis (9 MFRs × $30,000).

As for costs associated with notifying owners and purchasers of recalls, to reflect an increase in postage rates, we are revising our estimate of the cost of first-class mail notification to $1.53 per notification, on average. This cost estimate includes the costs of printing and mailing, as well as the costs vehicle manufacturers may pay to third-party vendors to acquire the names and addresses of the current registered owners from state and territory departments of motor vehicles. In reviewing recent recall figures, we determined that an estimated 51.4 million letters are mailed yearly totaling $78,642,000 ($1.53 per letter × 51,400,000 letters). The requirement in 49 CFR part 577 for a manufacturer to notify their affected customers within 60 days with interim notifications would add an additional $2,359,260(51,400,000 letters × .03 requiring interim owner notifications = 1,542,000 letters; 1,542,000 × $1.53 = $2,359,260). We estimate that the current 49 CFR part 577 requirements cost manufacturers a total of $81,001,260 annually ($78,642,000 for owner notification letters + $2,359,260 for interim notification letters = $81,001,260). Therefore, in total, we estimate the recurring annual cost, other than labor costs associated with burden hours, at approximately $81,271,260.

Total annual costs associated with this reinstatement ICR is $85,633,272 ($4,362,012 labor cost associated with burden hours + $81,271,260 costs other than labor costs).

[3] 49 U.S.C. 30118(f)(1)(A).

[4] 49 U.S.C. 30118(f)(1)(B).

[5] National Industry-Specific Occupational Employment and Wage Estimates NAICS 336100—Motor Vehicle Manufacturing—May 2022, *https://www.bls.gov/oes/current/naics4_336100.htm,* last accessed February 7, 2024; US Office of Management and Budget. *Standard Occupation Classification Manual,* 2018.

[6] Employer Costs for Employee Compensation—December 2023, *https://www.bls.gov/news.release/ecec.nr0.htm,* last accessed February 7, 2024.

[7] $8,000 (for data center hosting for the physical server) + $12,000 (for web/application developer support) = $30,000.

Public Comments Invited: You are asked to comment on any aspects of this information collection, including (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; 49 CFR 1.49; and DOT Order 1351.29A.

Eileen Sullivan,

Associate Administrator for Enforcement.

[FR Doc. 2025–20344 Filed 11–19–25; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2025–0193]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Request for Comment; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice and request for comments on a request for reinstatement of a previously approved information collection.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (PRA), this notice announces that the Information Collection Request (ICR) summarized below will be submitted to the Office of Management and Budget (OMB) for review and approval. The ICR describes the nature of the information collection and its expected burden. Under procedures established by the Paperwork Reduction Act of 1995 (PRA), before seeking OMB approval, Federal agencies must solicit public comment on the proposed collection of information, including extensions and reinstatements of previously approved collections. A **Federal Register** Notice with a 60-day comment period soliciting comments on the following information collection was published on June 26, 2025. No comments were received.

DATES: Comments must be submitted on or before August 26, 2025, however no comments were received.

ADDRESSES: Written comments and recommendations for the proposed information collection, including suggestions for reducing burden, should be submitted to the Office of Management and Budget at *www.reginfo.gov/public/do/PRAMain*. To find this particular information collection, select ''Currently under Review—Open for Public Comment'' or use the search function.

FOR FURTHER INFORMATION CONTACT: For additional information or access to background documents, contact Jose R. Delgado-Forastieri, NIO–0300, 202–366–7491, Office of the Chief Information Officer, W51–311, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC, 20590.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501 *et seq.*), a Federal agency must receive approval from the Office of Management and Budget (OMB) before it collects certain information from the public and a person is not required to respond to a collection of information by a Federal agency unless the collection displays a valid OMB control number. In compliance with these requirements, this notice announces that the following information collection request will be submitted OMB.

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

OMB Control Number: 2127–0682.

Form Number: To be determined by specific collections.

Type of Request: Reinstatement of a previously approved information collection.

Type of Review Requested: Regular.

Length of Approval Requested: Three years from date of approval.

Summary of the Collection of Information: Executive Order 12862 directs Federal agencies to provide the highest quality service possible to the public. This proposed information collection provides a means to garner qualitative stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery.

This feedback collected through this information collection will provide insights into stakeholder perceptions, experiences and expectations; provide early warning of issues with service; or focus attention on areas where communication, training, or changes in operations might improve delivery of products or services. The feedback will allow for ongoing, collaborative and actionable communication between the Agency and its stakeholders. This information collection will also allow feedback to contribute directly to the improvement of program management.

The Agency will only submit a collection for approval under this generic clearance if it meets the following conditions:

- The collection is voluntary;
- The collection is low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and is low-cost for both the respondents and the Federal Government;
- The collection is non-controversial and does not raise issues of concern to other Federal agencies;
- Any collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future;
- Personally identifiable information (PII) is collected only to the extent necessary and is not retained;
- Information gathered is intended to be used only internally for general service improvement and program management purposes and is not intended for release outside of the agency (if released, the agency must indicate the qualitative nature of the information);
- Information gathered will not be used for the purpose of substantially informing influential policy decisions; and
- Information gathered will yield qualitative information; the collections will not be designed or expected to yield statistically reliable results or used as though the results are generalizable to the population of study.

Feedback collected under this generic clearance provides useful information, but it does not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: the target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering),

the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior to fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

As a general matter, information collections under this request will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private

Description of the Need for the Information and Proposed Use of the Information: Improving agency programs requires ongoing assessment of service delivery—systematic review of the operation of a program compared to a set of explicit or implicit standards—as a means of contributing to the continuous improvement of those programs. The Agency will collect, analyze, and interpret information gathered through this generic clearance to identify strengths and weaknesses of current services and make improvements in service delivery based on that feedback. The solicitation of feedback will target areas such as: timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. Responses will be assessed to plan and inform efforts to improve or maintain the quality of service offered to the public. If this information were not collected, vital feedback from stakeholders on the Agency's services would be unavailable and the Agency would not know if adjustments would be warranted.

60-Day Notice: A **Federal Register** notice with a 60-day comment period soliciting public comments on the following information collection was published on June 26, 2025 (90 FR 27375). No comments were received during after the 60 days of publication.

Affected Public: Individuals and Households, Businesses and Organizations, State, Local or Tribal Government.

Estimated Number of Respondents: 17,315.

Frequency: On Occasion, per request.

Estimated Number of Responses: 17,315.

Estimated Total Annual Burden Hours: 1,795.

The 1,745 annual burden hours requested are based on the number of collections we expect to conduct over the requested period for this clearance.

A variety of instruments will be used to collect information from respondents including satisfaction surveys, focus groups, small group discussions, and usability studies. The estimated 1,795 annual burden hours are based on the number of anticipated collections over the requested period for this clearance. It is expected that the primary respondents for these collections are state and local workers. To calculate the opportunity cost associated with this submission, NHTSA estimated the total opportunity costs associated with these burden hours by looking at the average wage for state and local workers. The Bureau of Labor Statistics (BLS) estimates that the average hourly wage for state and local workers is $37.09/hour. The estimated annual opportunity cost is approximately $43,764.15 and the total three-year opportunity cost is approximately $131,292.45. Table 1 below outlines the expected collections and the corresponding estimated annual burden hours and opportunity costs.

TABLE 1—ESTIMATED ANNUAL BURDEN HOURS AND ASSOCIATED OPPORTUNITY COSTS

Type of collection	Number of respondents	Time per response	Estimated burden hours	Opportunity cost per response	Estimated opportunity cost
Customer Satisfaction Surveys (Office of Communications).	16,400	3 min	820	$9.27	$7,601.40
Focus Groups (Office of Communications)	240	75 min	300	37.09	11,127.00
Small Group Discussions	625	1 hour	625	37.09	23,171.25
Usability Study	50	1 hour	50	37.09	1,854.50
Total	17,315		1,795		43,764.15

Estimated Total Annual Burden Cost: $0.

Participation in this collection is voluntary, and there are no costs to respondents beyond the time spent participating in the surveys.

Public Comments Invited: You are asked to comment on any aspects of this information collection, including (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; 49 CFR 1.49; and DOT Order 1351.29A.

William Timothy Berry,

Director, Information Technology Compliance.

[FR Doc. 2025–20464 Filed 11–19–25; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2025–1073]

Pipeline Safety: Request for Special Permit; Gulfstream LNG Development, LLC

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA); Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: PHMSA is publishing this notice to solicit public comments on a request for a special permit for the proposed Gulfstream Liquefied Natural Gas (LNG) Project (Project) submitted by

Gulfstream LNG Development, LLC (Gulfstream LNG). Gulfstream LNG is seeking relief from compliance with certain requirements in the Federal pipeline safety regulations. PHMSA has proposed conditions to ensure the special permit is consistent with pipeline safety. At the conclusion of the 30-day comment period, PHMSA will review the comments received from this notice as part of its evaluation to grant or deny the special permit request.

DATES: Submit any comments regarding this special permit request by December 22, 2025.

ADDRESSES: Comments should reference the docket number for this special permit request and may be submitted in the following ways:

- *E-Gov Website: http://www.regulations.gov.* This site allows the public to enter comments on any **Federal Register** Notice issued by any agency.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management System: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Docket Management System: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

Instructions: You should identify the docket number for the special permit request you are commenting on at the beginning of your comments. If you submit your comments by mail, please submit two copies. To receive confirmation that PHMSA has received your comments, please include a self-addressed stamped postcard. Internet users may submit comments at *http://www.regulations.gov.*

Note: There is a privacy statement published on *http://www.regulations.gov.* Comments, including any personal information provided, are posted without changes or edits to *http://www.regulations.gov.*

Confidential Business Information: Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 United States Code § 552), CBI is exempt from public disclosure. If your comments responsive to this notice contain commercial or financial information that is customarily treated as private, that you treat as private, and that is relevant or responsive to this notice, it is important that you clearly designate the submitted comments as CBI. Pursuant to 49 Code of Federal Regulation (CFR) § 190.343, you may ask PHMSA to give confidential treatment to information you give to the Agency by taking the following steps: (1) mark each page of the original document submission containing CBI as ''Confidential''; (2) send PHMSA, along with the original document, a second copy of the original document with the CBI deleted; and (3) explain why the information you are submitting is CBI. Unless you are notified otherwise, PHMSA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this notice. Submissions containing CBI should be sent to Lee Cooper, DOT, PHMSA–PHP–80, 1200 New Jersey Avenue SE, Washington, DC 20590–0001. Any commentary PHMSA receives that is not specifically designated as CBI will be placed in the public docket for this matter.

FOR FURTHER INFORMATION CONTACT:

General: Mr. Lee Cooper by phone at 202–913–3171 or by email at *lee.cooper@dot.gov.*

Technical: Ms. Chau Tran by phone at 713–249–2483 or by email at *chau.tran@dot.gov.*

SUPPLEMENTARY INFORMATION: PHMSA received a special permit request from Gulfstream LNG on September 17, 2025, seeking to waive certain requirements in the Federal pipeline safety regulations that would apply otherwise to the design, construction, and testing of a proposed LNG storage tank in Plaquemines Parish, Louisiana.

Gulfstream LNG is proposing to construct and operate gas treatment, liquefaction, LNG storage, truck loading, and marine facilities (collectively known as the Gulfstream LNG Project or the Project) for the purpose of liquefying domestic natural gas for export to foreign markets as LNG. The proposed project would include a membrane tank, to be used for LNG storage, with a nominal working volume of 200,000 cubic meters or 1,258,000 barrels. Gulfstream LNG seeks to waive the requirements of 49 CFR 193.2101(a), 193.2301, and 193.2303, which incorporate by reference the 2001 edition of National Fire Protection Association (NFPA) 59A–2001, ''Standard for the Production, Storage, and Handling of Liquefied Natural Gas (LNG),'' for the design, construction, and testing of LNG facilities, including the design of LNG storage tanks. Specifically, Gulfstream LNG is applying for a special permit to authorize the design and construction of a membrane containment tank system (membrane tank) in accordance with the 2023 edition of NFPA–59A, which is not incorporated by reference in 49 CFR part 193.

The special permit request and the proposed special permit conditions for Gulfstream LNG's request are available for review and public comment in Docket No. PHMSA–2025–1073. PHMSA invites interested persons to review and submit comments in the docket on the special permit request and the proposed special permit conditions. Please submit comments on any potential safety, environmental, and other relevant considerations implicated by the special permit request. Comments may include relevant data.

Before issuing a decision on the special permit request, PHMSA will evaluate all comments received on or before the closing date. PHMSA will consider each relevant comment it receives in making its decision to grant or deny this special permit request.

Issued in Washington, DC, on November 17,2025, under authority delegated in 49 CFR 1.97.

Linda Daugherty,

Acting Associate Administrator for Pipeline Safety.

[FR Doc. 2025–20337 Filed 11–19–25; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0463]

Agency Information Collection Activity Under OMB Review: Notice of Waiver of VA Compensation or Pension To Receive Military Pay and Allowances

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden, and it includes the actual data collection instrument.

DATES: Comments and recommendations for the proposed

information collection should be sent by December 22, 2025.

ADDRESSES: To submit comments and recommendations for the proposed information collection, please type the following link into your browser: *www.reginfo.gov/public/do/PRAMain*, select ''Currently under Review—Open for Public Comments'', then search the list for the information collection by Title or ''OMB Control No. 2900–0463.''

FOR FURTHER INFORMATION CONTACT: VA PRA information: Dorothy Glasgow, 202–461–1084, *VAPRA@va.gov.*

SUPPLEMENTARY INFORMATION:

Title: Notice of Waiver of VA Compensation or Pension to Receive Military Pay and Allowances (VA Form 21–8951–2).

OMB Control Number: 2900–0463. *https://www.reginfo.gov/public/do/PRASearch.*

Type of Review: Revision of a currently approved collection.

Abstract: VA Form 21–8951–2 is used by reservists/guardsmen filing a waiver of VA disability benefits to receive active or inactive duty training pay or to notify VA to resume benefits as his/her active service has completed. Without this information, the reduction in overpayments and/or erroneous payments associated with receipt of VA disability compensation or pension could cause hardship on behalf of the claimant.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at [insert citation date]: 90 FR 44478, September 15, 2025.

Affected Public: Individuals or Households.

Estimated Annual Burden: 5,766 hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 34,594 per year.

Authority: 44 U.S.C. 3501 *et seq.*

Shunda Willis,

Acting, VA PRA Clearance Officer, (Alt.) Office of Information Technology, Department of Veterans Affairs.

[FR Doc. 2025–20351 Filed 11–19–25; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[Docket No. VA–2025–VACO–0001]

Decision Following the Formal Evaluation on the Relationship Between Exposure to Fine Particulate Matter and Certain Blood Conditions

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Department of Veterans Affairs (VA) is issuing notice of the Secretary's determination under title 38 United States Code (U.S.C.) 1174(a)(2) that a presumption of service connection is not warranted for polycythemia vera, essential thrombocythemia, histiocytosis, mastocytosis, and chronic myeloproliferative disease for veterans exposed to fine particulate matter ($PM_{2.5}$) while serving in the Southwest Asia Theater of Operations or Somalia on or after August 2, 1990, or in Afghanistan, Egypt, Jordan, Lebanon, Syria, Yemen, Djibouti, or Uzbekistan on or after September 11, 2001.

FOR FURTHER INFORMATION CONTACT: Dr. Erin Dursa, Veterans Health Administration, 202–461–7297.

SUPPLEMENTARY INFORMATION: 38 U.S.C. 1171–74 details the process for determining presumptions of service connection based on toxic exposures. On November 20, 2024, the Secretary of Veterans Affairs directed a formal evaluation [1] of five blood conditions, including polycythemia vera, essential thrombocythemia, histiocytosis, mastocytosis, and chronic myeloproliferative disease for veterans exposed to $PM_{2.5}$ while serving in the Southwest Asia theater of operations or Somalia on or after August 2, 1990, or in Afghanistan, Egypt, Jordan, Lebanon, Syria, Yemen, Djibouti, or Uzbekistan on or after September 11, 2001.

VA conducted a formal evaluation between November 2024 and March 2025 that considered available medical evidence, Veterans Health Administration (VHA) health care data, Veterans Benefits Administration (VBA) claims data, and other factors, as required by 38 U.S.C. 1173. A structured literature search did not yield any papers that were directly relevant to assessing the relationship between exposure to $PM_{2.5}$ and polycythemia vera, essential thrombocythemia, histiocytosis, mastocytosis, and chronic myeloproliferative disease.

Additionally, the formal evaluation analyzed VHA electronic medical record data for the five conditions of interest between Calendar Year (CY) 2016 and CY24. The results indicate that the nine-year prevalence of these conditions among post-9/11 veterans who served in the Southwest Asia theater of operations who use VHA health care was lower than the prevalence in the general population. The nine-year prevalence of these conditions among the 1990–1991 Gulf War Era veteran population utilizing VHA health care was higher than the general population, except for mastocytosis; this was observed in both veterans who deployed to Southwest Asia and those who served during the time period of the war but did not deploy. This is likely due to this veteran population's older age distribution.

The formal evaluation also analyzed VBA claims data for polycythemia vera, essential thrombocythemia, histiocytosis, mastocytosis, and chronic myeloproliferative disease across four Gulf War Era cohorts, encompassing a total of 11,022,410 veterans. Between 2005 and 2025, 3,507 of those veterans filed claims for these conditions. The claim filing rate for these blood conditions varied minimally across cohorts, ranging from 0.01% to 0.06%. Among the claims, 1,777 veterans were granted service connection. The grant rate across the four cohorts was 50.67%. The service connection prevalence rate was low and consistent across cohorts.

The formal evaluation report was reviewed by hematologists/oncologists at the National Oncology Program Office.

Based on the findings from the formal evaluation, including a literature search and the analysis of VHA and VBA data, the Secretary has determined that a presumption of service connection is not warranted for polycythemia vera, essential thrombocythemia, histiocytosis, mastocytosis, or chronic myeloproliferative disease for veterans exposed to fine particulate matter ($PM_{2.5}$) while serving in the Southwest Asia Theater of Operations or Somalia on or after August 2, 1990, or in Afghanistan, Egypt, Jordan, Lebanon, Syria, Yemen, Djibouti, or Uzbekistan on or after September 11, 2001. Currently available evidence is not sufficient to conclude, or is not sufficient to make a scientifically informed judgment, that a positive association as likely as not exists

[1] Report to The Secretary of Veterans Affairs on the Formal Evaluation on The Relationship Between Exposure to Fine Particulate Matter ($PM_{2.5}$) in the Southwest Theater of Operations or Somalia on or after August 2, 1990, or in Afghanistan, Egypt, Jordan, Lebanon, Syria, Yemen, Djibouti, or Uzbekistan on or after September 11, 2001, and Polycythemia Vera, Essential Thrombocythemia, Histiocytosis, Mastocytosis, and Chronic Myeloproliferative Disease, May 2025 (hereafter ''Formal Evaluation Report'') is available at *www.regulations.gov.*

between these blood conditions and exposure to $PM_{2.5}$. This determination that presumptions of service connection are not warranted at this time does not in any way preclude VA from granting service connection based on the evidence in a particular case for any disease, including those specifically discussed in this notice, nor does it change any existing rights or procedures.

Signing Authority

Douglas A. Collins, Secretary of Veterans Affairs, approved this document on October 24, 2025, and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

Joseph Montanye,

Alternate Federal Register Liaison Officer, Department of Veterans Affairs.

[FR Doc. 2025–20448 Filed 11–19–25; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0422]

Agency Information Collection Activity: VAAR Construction Provisions and Clauses

AGENCY: Office of Acquisition and Logistics, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Office of Acquisition and Logistics (OAL), Department of Veterans Affairs (VA), will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information and its expected cost and burden, and it includes the actual data collection instrument.

DATES: Comments and recommendations on the proposed information collection should be sent by December 22, 2025.

ADDRESSES: To submit comments and recommendations for the proposed information collection, please type the following link into your browser: *www.reginfo.gov/public/do/PRAMain,* select ''Currently under Review—Open for Public Comments'', then search the list for the information collection by Title or ''OMB Control No. 2900–0422.''

FOR FURTHER INFORMATION CONTACT: VA PRA information: Dorothy Glasgow, 202–461–1084, *VAPRA@va.gov*.

SUPPLEMENTARY INFORMATION:

Title: VAAR Construction Provisions and Clauses.

OMB Control Number: 2900–0422. *https://www.reginfo.gov/public/do/PRASearch*.

Type of Review: Extension without change of a currently approved collection.

Abstract: This Paperwork Reduction Act (PRA) submission seeks renewal without changes of OMB approval No. 2900–0422 for five collections of information for the Department of Veterans Affairs Acquisition Regulation (VAAR) clauses, as follows:

- Clause 852.232–70, Payment Under Fixed-Price Construction Contracts (without NAS–CPM), requires construction contractors not using Network Analysis System-Critical Path Method (NAS–CPM), to submit a schedule of costs for work to be performed under the contract.
- Clause 852.232–71, Payment Under Fixed-Price Construction Contracts (including NAS–CPM), requires construction contractors using NAS–CPM, to submit a schedule of costs for work to be performed under the contract.
- Clause 852.236–72, Performance of Work by the Contractor, requires contractors awarded a construction contract containing Federal Acquisition Regulation clause 52.236–1, Performance of Work by the Contractor, to submit a statement designating the branch or branches of contract work to be performed by the contractor's own forces.
- Clause 852.236–80, Subcontracts and Work Coordination, requires construction contractors, on contracts involving complex mechanical-electrical work, to furnish coordination drawings showing the manner in which utility lines will fit into available space and relate to each other and to the existing building elements.
- Clause 852.243–70, Construction Contract Changes-Supplement, requires contractors to submit cost proposals for changes ordered by the contracting officer or for changes proposed by the contractor.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments this collection of information was published at 90 FR 44907, September 17, 2025.

Affected Public: Business or other for-profit.

Estimated Annual Burden: 2,974 hours.

Estimated Average Burden per Respondent: 105 minutes.

Frequency of Response: More than quarterly.

Estimated Number of Respondents: 1,706.

Authority: 44 U.S.C. 3501 *et seq.*

Dorothy Glasgow,

Acting, VA PRA Clearance Officer, Office of Information Technology, Data Governance Analytics Department of Veterans Affairs.

[FR Doc. 2025–20438 Filed 11–19–25; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 90 Thursday,
No. 222 November 20, 2025

Part II

Department of Defense

Department of the Army, Corps of Engineers

Environmental Protection Agency

33 CFR Part 328
40 CFR Part 120
Updated Definition of ‘‘Waters of the United States’’; Proposed Rule

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

33 CFR Part 328

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 120

[EPA–HQ–OW–2025–0322; FRL 11132.1–01–OW]

RIN 2040–AG44

Updated Definition of ''Waters of the United States''

AGENCY: Department of the Army, Corps of Engineers, Department of Defense; and Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA) and the U.S. Department of the Army (''the agencies'') are publishing for public comment a proposed rule revising the regulations defining the scope of waters federally covered under the Federal Water Pollution Control Act, as amended, also known as the Clean Water Act, in light of the U.S. Supreme Court's 2023 decision in *Sackett* v. *Environmental Protection Agency.* With this proposed rule, the agencies intend to provide greater regulatory certainty and increase Clean Water Act program predictability and consistency by clarifying the definition of ''waters of the United States.'' This proposed rule is also intended to implement the overall objective of the Clean Water Act to restore and maintain the quality of the Nation's waters while respecting State and Tribal authority over their own land and water resources.

DATES: Comments must be received on or before January 5, 2026.

ADDRESSES: You may send comments, identified by Docket ID No. EPA–HQ–OW–2025–0322, by any of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov/* (our preferred method). Follow the online instructions for submitting comments.
- *Email: OW-Docket@epa.gov.* Include Docket ID No. EPA–HQ–OW–2025–0322 in the subject line of the message.
- *Mail:* U.S. Environmental Protection Agency, EPA Docket Center, Water Docket, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.
- *Hand Delivery or Courier:* EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. The Docket Center's hours of operations are 8:30 a.m. to 4:30 p.m., Monday–Friday (except Federal Holidays).

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

The agencies will hold two hybrid public meetings, and additional information can be found at *https://www.epa.gov/wotus/public-outreach-and-stakeholder-engagement-activities.* Refer to the **SUPPLEMENTARY INFORMATION** section below for additional information.

FOR FURTHER INFORMATION CONTACT: Stacey Jensen, Oceans, Wetlands and Communities Division, Office of Water (4504–T), Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460; telephone number: (202) 566–0657; email address: *CWAwotus@epa.gov,* and Milton Boyd, Office of the Assistant Secretary of the Army for Civil Works, Department of the Army, 108 Army Pentagon, Washington, DC 20310–0104; telephone number: (703) 693–3655; email address: *usarmy.pentagon.hqda-asa-cw.mbx.asa-cw-reporting@army.mil.*

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Executive Summary
A. Purpose of the Regulatory Action
B. Summary of the Major Provisions of the Regulatory Action
C. Costs and Benefits
II. Public Participation
A. Written Comments
B. Participation in Virtual and In-Person Public Meetings
III. General Information
A. What action are the Agencies taking?
B. What is the Agencies' authority for taking this action?
C. What are the incremental cost savings and forgone benefits of this action?
IV. Background
A. Legal Background
1. History of Federal Waterways Regulation
2. The Federal Water Pollution Control Act
3. U.S. Supreme Court Decisions
B. The Agencies' Rules and Regulatory Regimes
1. Pre-2015 Regulatory Regime (Prior to Sackett)
2. The 2020 Navigable Waters Protection Rule
3. January 2023 Rule
4. Conforming Rule
5. Current Applicable Regulatory Regimes
6. March 12, 2025, ''Continuous Surface Connection'' Guidance
C. WOTUS Notice and Summary of Stakeholder Outreach
1. Relatively Permanent Waters
2. Continuous Surface Connection
3. Ditches
4. Implementation
5. Additional Feedback Including Further Exclusions
V. Proposed Revised Definition
A. Basis of the Proposed Rule
B. Interstate Waters
1. Basis for Eliminating as an Independent Basis for Jurisdiction
C. Relatively Permanent Waters
1. Definition and Scope of ''Relatively Permanent'' Waters
2. Basis for the Proposed Definition
3. Alternative Approaches
4. Definition of ''Tributary''
5. Implementation
a. Implementation of ''Relatively Permanent''
b. Implementation of Tributaries
D. ''Continuous Surface Connection''
1. Definition and Scope of ''Continuous Surface Connection''
2. Basis for the Proposed Definition
3. Alternative Approaches
4. Implementation of Adjacent Wetlands
E. Lakes and Ponds Assessed Under Paragraph (a)(5)
1. Deletion of ''Intrastate''
2. Alternative Approaches
3. Implementation
F. Exclusions From the Definition of ''Waters of the United States''
1. The Paragraph (b)(1) Waste Treatment System Exclusion and Paragraph (c)(11) Definition of ''Waste Treatment System''
a. The Agencies' Proposed Revisions to the Waste Treatment System Exclusion
b. Basis for the Proposed Definition
c. Alternative Approaches
d. Implementation of the Waste Treatment System Exclusion
2. Definition of ''Prior Converted Cropland'' Under Paragraph (c)(7) and Scope of the (b)(2) Prior Converted Cropland Exclusion
a. Basis for the Proposed Definition
b. Alternative Approaches
c. Implementation of the Prior Converted Cropland Exclusion
3. Definition of ''Ditch'' and Scope of the (b)(3) Ditch Exclusion
a. Basis for the Proposed Definition
b. Alternative Approaches
c. Implementation of Ditch Exclusion
4. The Paragraph (b)(9) Groundwater Exclusion
a. Basis for the Proposed Exclusion
b. Implementation of Groundwater Exclusion
G. Publicly Available Jurisdictional Information and Permit Data
H. Severability
VI. Supporting Information
A. Regulatory Impact Analysis
B. Children's Health
VII. Statutory and Executive Order Reviews
A. Executive Order 12866: Regulatory Planning and Review; Executive Order

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

I. Executive Summary

A. Purpose of the Regulatory Action

The U.S. Environmental Protection Agency (EPA) and the U.S. Department of the Army (Army) (together, the agencies) are seeking public comment on a proposed rule that revises key aspects of the definition of ''waters of the United States'' to clarify the scope of Federal jurisdiction under the Federal Water Pollution Control Act, as amended, also known as the Clean Water Act, in light of the U.S. Supreme Court's May 25, 2023, decision in *Sackett* v. *Environmental Protection Agency,* 598 U.S. 651 (2023).

In September 2023, the agencies issued a final rule without notice and comment amending the regulations defining ''waters of the United States'' to conform to the Supreme Court's *Sackett* decision. ''Revised Definition of 'Waters of the United States'; Conforming,'' 88 FR 61964 (September 8, 2023) (''Conforming Rule''). The agencies refer to the amended regulations following the Conforming Rule as the ''Amended 2023 Rule'' because the Conforming Rule amended regulations previously issued on January 18, 2023. *See* ''Revised Definition of 'Waters of the United States,' '' 88 FR 3004 (January 18, 2023).

The agencies have heard numerous concerns raised by stakeholders about the Amended 2023 Rule, including that the Amended 2023 Rule does not adequately comply with the Supreme Court's interpretation in *Sackett* of the scope of Federal jurisdiction under the Act as well as identifying implementation-related issues. With this action, the agencies are proposing to revise the Amended 2023 Rule to implement the *Sackett* decision, provide greater regulatory certainty, and increase Clean Water Act program predictability and consistency by clarifying the definition of ''waters of the United States.''

The agencies' fundamental basis for this proposed revised definition is the text, structure, and history of the Clean Water Act and Supreme Court precedent, taking into account other relevant factors. This proposed revision to the definition of ''waters of the United States'' is intended to adhere faithfully to the Supreme Court's direction, respect the Act's careful balance between Federal authority and State responsibilities over waters, and carry out Congress' overall objectives to restore and maintain the integrity of the Nation's waters in a manner that preserves the traditional sovereignty of States over their own land and water resources pursuant to the cooperative federalism framework predicated by the Act. The agencies believe the proposed revised definition would also ensure clarity and predictability for Federal agencies, States, Tribes, the regulated community, and the public, including by proposing to add definitions of ''relatively permanent'' and ''continuous surface connection'' for the first time to the agencies' regulations and by re-establishing definitions for ''ditch,'' ''tributary,'' ''prior converted cropland,'' and ''waste treatment system'' to ensure clear boundaries that indicate the distinction of Federal versus State and Tribal coverage of waters. Ultimately, the proposed rule is intended to ensure that the agencies are operating within the scope of the Federal Government's authority over navigable waters under the Clean Water Act and the Commerce Clause of the U.S. Constitution.

B. Summary of the Major Provisions of the Regulatory Action

The agencies are proposing to revise the following categories of ''waters of the United States'' under 33 CFR 328.3 and 40 CFR 120.2 paragraph (a) by deleting the interstate waters category under paragraph (a)(1)(iii) and deleting ''intrastate'' from the paragraph (a)(5) category for lakes and ponds. In addition, ministerial changes are proposed to add in one place and delete in another place an ''or'' from paragraph (a)(1) to conform to the deletion of the interstate waters category. In addition, the agencies are proposing to revise the following exclusions: the (b)(1) waste treatment system exclusion, the (b)(2) prior converted cropland exclusion, and the (b)(3) ditch exclusion. The agencies are also proposing to add an exclusion for groundwater at (b)(9). The agencies are also proposing to add definitions of ''continuous surface connection,'' ''ditch,'' ''prior converted cropland,'' ''relatively permanent,'' ''tributary,'' ''and waste treatment system'' in paragraph (c) of their regulations.

C. Costs and Benefits

Potential costs and benefits would be incurred as a result of actions taken under existing Clean Water Act programs (*i.e.,* sections 303, 311, 401, 402, and 404) that implement and follow this proposed rulemaking. Entities currently are, and would continue to be, regulated under these programs that rely on the definition of ''waters of the United States'' under the Clean Water Act.

The agencies prepared the Regulatory Impact Analysis for the Proposed Rule *Updated Definition of Waters of the United States* (''Regulatory Impact Analysis for the Proposed Rule''), available in the rulemaking docket, for informational purposes to analyze the potential cost savings and forgone benefits associated with this proposed action. The agencies analyzed the potential cost savings and forgone benefits against the baseline of the Amended 2023 Rule. The analysis is summarized in section VI of this preamble.

II. Public Participation

A. Written Comments

Submit your comments, identified by Docket ID No. EPA–HQ–OW–2025–0322, at *https://www.regulations.gov* (our preferred method), or the other methods identified in the **ADDRESSES** section. Once submitted, comments cannot be edited or removed from the docket. EPA may publish any comment received to its public docket. Do not submit to EPA's docket at *https://www.regulations.gov* any information you consider to be Confidential Business Information (CBI), Proprietary Business Information (PBI), or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). Please visit *https://www.epa.gov/dockets/commenting-epa-dockets* for additional submission methods; the full EPA public comment policy; information about CBI, PBI, or multimedia submissions; and general guidance on making effective comments.

B. Participation in Virtual and In-Person Public Meetings

The agencies will hold two in-person public meetings, with an option for virtual participation. To register to speak at the public meetings, please visit *https://www.epa.gov/wotus/public-outreach-and-stakeholder-engagement-activities* or contact EPA staff at *wotus-outreach@epa.gov.* On the last working day before each meeting, EPA will post a general agenda for the meeting that will list pre-registered speakers in approximate order at *https://www.epa.gov/wotus/public-outreach-and-stakeholder-engagement-activities.*

The agencies will make every effort to follow the schedule as closely as possible on the day of the public meeting; however, please plan for the meetings to run either ahead of schedule or behind schedule. Additionally, requests to speak will be taken the day of the meeting at the meeting registration desk for those participating in-person and during the speaker waitlist for those participating virtually. EPA and the Army will make every effort to accommodate all speakers who arrive and register, although preferences on speaking times may not be able to be fulfilled.

Each commenter will have three minutes to provide oral testimony. EPA and the Army encourage commenters to provide the agencies with a copy of their oral testimony electronically by emailing it to *wotus-outreach@epa.gov.* EPA and the Army also recommend submitting the text of your oral comments as written comments to the rulemaking docket.

The agencies may ask clarifying questions during the oral presentations but will not respond to the presentations at that time. Written statements and supporting information submitted during the comment period will be considered with the same weight as oral comments and supporting information presented at the public meeting.

Please note that any updates made to any aspect of the public meetings are posted online at *https://www.epa.gov/wotus/public-outreach-and-stakeholder-engagement-activities.* While EPA and the Army expect the meetings to go forward as set forth above, please monitor our website or contact *wotus-outreach@epa.gov* to determine if there are any updates. EPA and the Army do not intend to publish a document in the **Federal Register** announcing updates.

The agencies will not provide audiovisual equipment for presentations unless we receive special requests in advance. Commenters should notify *wotus-outreach@epa.gov* when they pre-register to speak that they will need specific equipment. If you require the services of an interpreter or special accommodations such as audio description, please pre-register for the meeting with *wotus-outreach@epa.gov* and describe your needs by at least one week before the meeting. The agencies may not be able to arrange accommodations without advance notice.

III. General Information

A. What action are the Agencies taking?

In this action, the agencies are publishing a proposed rule revising key aspects of the definition of ''waters of the United States'' in 33 CFR 328.3 and 40 CFR 120.2.

B. What is the Agencies' authority for taking this action?

The authority for this action is the Federal Water Pollution Control Act, 33 U.S.C. 1251 *et seq.,* including sections 301, 304, 311, 401, 402, 404, and 501.

C. What are the incremental cost savings and forgone benefits of this action?

The Regulatory Impact Analysis for the Proposed Rule assesses the potential impacts of the changes to the definition of ''waters of the United States'' based on the potential effects to Clean Water Act programs that rely on the definition of ''waters of the United States.'' The Regulatory Impact Analysis is the agencies' qualitative assessment of the potential effects of the revised definition on the Federal coverage of waters and water resources, including wetlands, across the country, as well as the potential effects on Clean Water Act programs and certain other programs under other Federal statutes. The Regulatory Impact Analysis also provides snapshots of the applicable regulatory and legal framework currently in place in States and some Tribes to provide context for how aquatic resources outside of Federal jurisdiction are covered under State and Tribal laws and regulations.

The agencies anticipate that the impacts of the proposed rule, as a result of implementing the *Sackett* decision, would be most significant for the Clean Water Act section 404 program, reducing the number of 404 permits issued and acres of wetland impacts mitigated relative to the baseline. The agencies expect the changes to produce cost savings to project proponents from avoided permitting and mitigation activities, as well as potential indirect benefits from long-term reduction in regulatory burden. The agencies also expect forgone benefits from avoided impact minimization and mitigation measures. Notably, both the potential cost savings and forgone benefits are contingent on a number of factors, including decisions by States with respect to areas that would fall solely within State or Tribal and local jurisdiction. The agencies are considering methods to estimate the changes in the number of 404 permits issued by the U.S. Army Corps of Engineers (Corps) and the characteristics of the projects, notably the magnitude of wetland impacts that would no longer be minimized and mitigated, for the final rule Regulatory Impact Analysis. The agencies welcome input as to how this could be accomplished, for example, using geospatial analysis and Corps permit data. To estimate cost savings and forgone benefits for the final rule, the agencies could use similar methodologies to those used in previous economic analyses. In addition to direct burden reductions, small entities may also see benefits from this proposed rulemaking as the agencies anticipate increased opportunities and shorter delays for approved jurisdictional determinations (AJDs) for projects still requiring a permit due to less demand for AJDs and clearer regulatory language.

The agencies expect the proposed rule to be deregulatory in nature, and to have cost savings and forgone benefits. However, the agencies have not quantified cost savings and forgone benefits for the purposes of this proposed rule (*see* the Regulatory Impact Analysis for the Proposed Rule for information on uncertainties associated with the available data). The agencies seek input on ways that they could address any uncertainties, on other data relevant to cost savings and forgone benefits of the proposed rule, and on opportunities for quantification. The agencies identify potential data and propose potential methodologies to quantify such costs and benefits in the Regulatory Impact Analysis. Specifically, the agencies highlight potential approaches to quantitatively estimate the impact of the proposed rule through changes to coverage of interstate waters, relatively permanent waters, continuous surface connection, lakes and ponds, and to exclusions for waste treatment systems, prior converted cropland, and ditches. At present, the agencies do not have sufficient information available to quantify all of the cost savings and forgone benefits that individual States or Tribes would receive under the

proposed rule. Although some States and Tribes already have laws or regulations in place that exceed the requirements of the current regulation and/or of the proposed rule, the way States or Tribes would interpret and apply their own laws and regulations is unknown. Further, the extent to which States and Tribes may enact new laws or regulations or alter their interpretations of existing laws and regulations in the future is also unknown. Consequently, the agencies invite comment to assess what proportion of cost savings and forgone benefits States and Tribes would receive.

Importantly, while the potential cost savings or forgone benefits of the rule inform the agencies' interpretation of the definition of ''waters of the United States,'' they cannot dictate where to draw the line between Federal and State or Tribal waters, as those are legal distinctions that have been established within the overall framework and construct of the Clean Water Act. The agencies therefore do not view the results of the Regulatory Impact Analysis as dictating the proper interpretation of ''waters of the United States.'' In previous rules the agencies have considered impacts as a factor in defining the scope of ''waters of the United States.'' The agencies now recognize that, as the Supreme Court explained in *Sackett,* ''the CWA does not define the EPA's jurisdiction based on ecological importance'' or similar impacts. 598 U.S. at 683. Rather, the impacts of faithfully implementing the statute's jurisdictional reach are a result of ''the Act's allocation of authority'' between the Federal Government and the States, and States, Tribes, and localities ''can and will continue to exercise their primary authority to combat water pollution by regulating land and water use.'' *Id.* The agencies seek comment on the view that impacts are not an appropriate decisional basis in implementing the Act's jurisdictional scope and, if so, on what basis and to what extent the agencies may consider such impacts.

IV. Background

A. Legal Background

1. History of Federal Waterways Regulation

Congress' authority to regulate navigable waters derives from its Commerce Clause power over the channels of interstate commerce. *See Solid Waste Agency of Northern Cook Cnty* v. *Army Corps of Eng'rs,* 531 U.S. 159, 168 & n.3, 172, 173–174 (2001) (*SWANCC*). Navigable waterways facilitating interstate and international commerce were understood at the Founding as an important asset worthy of protection and promotion. *See Ordinance of 1787,* § 14, art. IV (''The navigable waters leading into the Mississippi and Saint Lawrence, and the carrying places between the same, shall be common highways.''); *The Federalist No. 2,* at 6 (John Jay) (Gideon Ed., Carey & McClellan eds. 2001) (''Providence has in a particular manner blessed [the Nation] . . . with innumerable streams, for the delight and accommodation of its inhabitants. A succession of navigable waters forms a kind of chain round its borders, as if to bind it together; while the most noble rivers in the world, running at convenient distances, present them with highways for the easy communication of friendly aids, and the mutual transportation and exchange of their various commodities.''), *No. 14,* at 65 (James Madison) (''[T]he intercourse throughout the union will be daily facilitated by new improvements. . . . The communication between the western and Atlantic districts, and between different parts of each, will be rendered more and more easy, by those numerous canals, with which the beneficence of nature has intersected our country, and which art finds it so little difficult to connect and complete.''). Consistent with that understanding, early authorities embraced the concept that waterways used in navigation were subject to Federal regulation while, at the same time, States continued to exercise sovereign prerogative to regulate water and land within their borders. *Gibbons* v. *Ogden,* 9 Wheat. (22 U.S.) 1, 218, 240 (1824); *see Sackett,* 598 U.S. at 673 (''Ever since *Gibbons* v. *Ogden,* this Court has used 'waters of the United States' to refer to similar bodies of water, almost always in relation to ships.'').

Navigability remained the lodestar of Federal authority over water regulation for most of our Nation's history prior to the Clean Water Act. *See Gibbons,* 9 Wheat. (22 U.S.) at 193, 203 (the Commerce Clause ''has been always understood to comprehend, navigation within its meaning,'' but did not encompass ''[i]nspection laws, quarantine laws, health laws . . . [or] laws for regulating the internal commerce of a State''). Even as States shifted away from common-law nuisance suits against polluters, ''federal regulation was largely limited to ensuring that 'traditional navigable waters'—that is, interstate waters that were either navigable in fact and used in commerce or readily susceptible of being used in this way—remained free of impediments.'' *Sackett,* 598 U.S. at 659. In other words, Federal power traditionally encompassed navigable waters capable of being used ''as a highway for interstate or foreign commerce [and] Congress could regulate such waters only for purposes of their navigability.'' *Id.* at 694 (Thomas, J., concurring).

The navigability of United States waterways—and the extent of Congress' authority to regulate them—has been the subject of extensive litigation before the U.S. Supreme Court. In early cases, the Court held that the term ''navigable'' refers to waters that are ''navigable in fact,'' meaning that ''they are used, or are susceptible of being used, in their ordinary condition, as highways for commerce, over which trade and travel are or may be conducted in the customary modes of trade and travel on water.'' *Daniel Ball,* 10 Wall. (77 U.S.) 557, 563 (1871). Over time, the Court also recognized that Federal authority could extend to waterways susceptible to navigation through improvements that facilitated modern navigation. In *The Montello,* for example, the Court held that waterways were susceptible to navigation, and thus Federal authority, based on their ''capability of use by the public for purposes of transportation and commerce'' through improvement. 20 Wall. (87 U.S.) 430, 441–42 (1874). At the same time, not ''every small creek in which a fishing skiff or gunning canoe can be made to float at high water'' fell within this ambit; rather, ''to give it the character of a navigable stream, it must be generally and commonly useful to some purpose of trade.'' *Id.* Thus, Federal ''authority over navigable waters'' extended to '' 'regulating and improving navigation.' '' *Sackett,* 598 U.S. at 688 (Thomas, J., concurring) (quoting *Gibson* v. *United States,* 166 U.S. 269, 271–72 (1897)).

After the Supreme Court found that no Federal law banned obstructions of navigable waterways, *see Willamette Iron Bridge Co.* v. *Hatch,* 125 U.S. 1 (1888), Congress responded by enacting the Rivers and Harbors Act of 1899 (RHA). Section 10 of the RHA prohibits ''[t]he creation of any obstruction . . . to the navigable capacity of any of the waters of the United States,'' requires a permit to build ''structures in any . . . water of the United States,'' and makes it unlawful ''to excavate or fill, or in any manner to alter or modify the course, location, condition, or capacity'' of any water, ''within the limits of any breakwater, or of the channel of any navigable water of the United States.'' 33 U.S.C. 403. Section 13 of the RHA,

often called the Refuse Act, made it illegal to dump refuse ''into any navigable waters of the United States, or into any tributary of any navigable water,'' and gave the Corps the authority to regulate certain discharges into navigable waters of the United States. *Id.;* 33 U.S.C. 407. In interpreting the RHA, the Supreme Court reaffirmed the principle that Federal authority over waters arose from navigability and that States may continue to exercise their traditional authority over land and water.[1]

Over time, the Federal Government began applying the RHA, and the Refuse Act in particular, to regulate pollution that interfered with the navigable waters of the United States. *See, e.g., United States* v. *Standard Oil,* 384 U.S. 224 (1966) (holding commercially valuable substances such as oil could be considered refuse); *United States* v. *Republic Steel Corp.,* 362 U.S. 482 (1960) (holding industrial solid waste is refuse); *see also SWANCC,* 531 U.S. at 178 (Stevens, J., dissenting) (''the goals of federal water regulation began to shift away from an exclusive focus on protecting navigability and toward a concern for preventing environmental degradation.''). Federal regulators sought to adopt an *ex ante* permitting scheme for discharges, but courts held that the Refuse Act provided insufficient authority. *See, e.g., Kalur* v. *Resor,* 335 F. Supp. 1, 10–11 (D.D.C. 1972). When these concerns and others prompted Congress to further legislative action, ''a comprehensive program for controlling and abating water pollution'' was born. *SWANCC,* 531 U.S. at 179 (Stevens, J., dissenting) (quoting *Train* v. *City of New York,* 420 U.S. 35, 37 (1975)).

2. The Federal Water Pollution Control Act

Prior to 1972, the ability to control and redress water pollution in the Nation's waters largely fell to the Corps under the RHA. While much of that statute focused on restricting obstructions to navigation on the Nation's major waterways, section 13 of the RHA made it unlawful to discharge refuse ''into any navigable water of the United States, or into any tributary of any navigable water from which the same shall float or be washed into such navigable water.'' [2] 33 U.S.C. 407. Congress had enacted the Water Pollution Control Act of 1948, Public Law 80–845, 62 Stat. 1155 (June 30, 1948), to address interstate water pollution, and subsequently amended that statute in 1956 (giving the statute its current formal name), 1961, and 1965. The early versions of the Act promoted the development of pollution abatement programs, required States to develop water quality standards, and authorized the Federal Government to bring enforcement actions to abate water pollution.

These early statutory efforts, however, proved inadequate to address the decline in the quality of the Nation's waters, *see City of Milwaukee* v. *Illinois,* 451 U.S. 304, 310 (1981), so Congress performed a ''total restructuring'' and ''complete rewriting'' of the existing statutory framework in 1972, *id.* at 317 (quoting legislative history of 1972 amendments) by amending the Federal Water Pollution Control Act, also known as the Clean Water Act, to address longstanding concerns regarding the quality of the Nation's waters and the Federal Government's ability to address those concerns under existing law.[3] That restructuring resulted in the enactment of a comprehensive scheme (including voluntary as well as regulatory programs) designed to prevent, reduce, and eliminate pollution in the Nation's waters generally, and to regulate the discharge of pollutants into ''navigable waters'' specifically, defined in the Act as ''the waters of the United States, including the territorial seas,'' 33 U.S.C. 1362(7). *See, e.g., S.D. Warren Co.* v. *Maine Bd. of Envtl. Prot.,* 547 U.S. 370, 385 (2006) (noting that ''the Act does not stop at controlling the 'addition of pollutants,' but deals with 'pollution' generally'').

The objective of the new statutory scheme was ''to restore and maintain the chemical, physical, and biological integrity of the Nation's waters.'' 33 U.S.C. 1251(a). In order to meet that objective, Congress declared two national goals: (1) ''that the discharge of pollutants into the navigable waters be eliminated by 1985''; and (2) ''that wherever attainable, an interim goal of water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water be achieved by July 1, 1983 . . . .'' *Id.* 1251(a)(1)–(2). Congress also established several key policies that direct the work of the agencies to effectuate those goals. For example, Congress declared as a national policy ''that the discharge of toxic pollutants in toxic amounts be prohibited; . . . that Federal financial assistance be provided to construct publicly owned waste treatment works; . . . that areawide waste treatment management planning processes be developed and implemented to assure adequate control of sources of pollutants in each State; . . . [and] that programs for the control of nonpoint sources of pollution be developed and implemented in an expeditious manner so as to enable the goals of this Act to be met through the control of both point and nonpoint sources of pollution.'' *Id.* 1251(a)(3)–(7).

Congress recognized that States retained primary authority over the regulation of water and land within their borders and, at the same time, provided a major role for the States in implementing the Clean Water Act. For example, the statute highlighted ''the policy of the Congress to recognize, preserve, and protect the primary responsibilities and rights of States to prevent, reduce, and eliminate pollution'' and ''to plan the development and use . . . of land and water resources.'' *Id.* 1251(b). Congress also declared as a national policy that States manage the major construction grant program and implement the core permitting programs authorized by the statute, among other responsibilities. *Id.* Congress added that ''[e]xcept as expressly provided in this Act, nothing in this Act shall . . . be construed as impairing or in any manner affecting any right or jurisdiction of the States with respect to the waters (including boundary waters) of such States.'' *Id.* 1370.[4]

To carry out these policies, Congress broadly defined ''pollution'' to mean ''the man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water,'' *id.* 1362(19), in keeping with the objective of the Act ''to restore and

[1] The Corps currently defines the scope of ''navigable waters of the United States'' under the RHA as encompassing ''those waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.'' 33 CFR 329.4. This definition does not apply to the scope of ''waters of the United States'' under the Clean Water Act. *See* 33 CFR 329.1.

[2] The term ''navigable water of the United States'' is a term of art used to refer to waters subject to Federal jurisdiction under the RHA. *See, e.g.,* 33 CFR 329.1. The term is not synonymous with the phrase ''waters of the United States'' under the Clean Water Act, *see id.,* and the general term ''navigable waters'' has different meanings depending on the context of the statute in which it is used. *See, e.g., PPL Montana, LLC* v. *Montana,* 565 U.S. 576, 591–93 (2012).

[3] Following amendments in 1972 and 1977, the Federal Water Pollution Control Act became more commonly referred to as the Clean Water Act. *See* Public Law 92–500, 86 Stat. 816 (1972); Public Law 95–217, 91 Stat. 1566 (1977). In this document, for ease of reference, the agencies will generally refer to the Act as the Clean Water Act or the Act.

[4] 33 U.S.C. 1370 also prohibits authorized States from adopting any limitations, prohibitions, or standards that are less stringent than required by the Clean Water Act.

maintain the chemical, physical, and biological integrity of the Nation's waters.'' *Id.* 1251(a). Congress then crafted a non-regulatory statutory framework to provide technical and financial assistance to the States to prevent, reduce, and eliminate pollution in the Nation's waters generally. For example, section 105 of the Act, ''Grants for research and development,'' authorizes the EPA ''to make grants to any State, municipality, or intermunicipal or interstate agency for the purpose of assisting in the development of any project which will demonstrate a new or improved method of preventing, reducing, and eliminating the discharge into *any waters* of pollutants from sewers which carry storm water or both storm water and pollutants.'' *Id.* 1255(a)(1) (emphasis added). Section 105 also authorizes the EPA ''to make grants to any State or States or interstate agency to demonstrate, in *river basins or portions thereof,* advanced treatment and environmental enhancement techniques to control pollution from all sources . . . including nonpoint sources, . . . [and] . . . to carry out the purposes of section 301 of this Act . . . for research and demonstration projects for prevention of pollution of *any waters* by industry including, but not limited to, the prevention, reduction, and elimination of the discharge of pollutants.'' *Id.* 1255(b)–(c) (emphasis added); *see also id.* 1256(a) (authorizing the EPA to issue ''grants to States and to interstate agencies to assist them in administering programs for the prevention, reduction, and elimination of pollution'').

Section 108, ''Pollution control in the Great Lakes,'' authorizes the EPA to enter into agreements with any State to develop plans for the ''elimination or control of pollution, *within all or any part of the watersheds* of the Great Lakes.'' 33 U.S.C. 1258(a) (emphasis added); *see also id.* 1268(a)(3)(C) (defining the ''Great Lakes System'' as ''*all* the streams, rivers, lakes, and other bodies of water within the drainage basin of the Great Lakes'') (emphasis added). Similar broad pollution control programs were created for other major watersheds, including, for example, the Chesapeake Bay, *see id.* 1267(a)(3), Long Island Sound, *see id.* 1269(c)(2)(D), and Lake Champlain, *see id.* 1270(g)(2).

In addition to the Act's non-regulatory measures to control pollution of the Nation's waters generally, Congress created a permitting program designed to address the discharge of pollutants into a subset of those waters identified as ''navigable waters.'' *Id.* 1362(7). Section 301 contains the key regulatory mechanism: ''Except as in compliance with this section and sections 302, 306, 307, 318, 402, and 404 of this Act, the discharge of any pollutant by any person shall be unlawful.'' *Id.* 1311(a). A ''discharge of a pollutant'' is defined to include ''any addition of any pollutant to navigable waters from any point source,'' defined to mean ''any discernible, confined and discrete conveyance'' such as a pipe or ditch. *Id.* 1362(12), (14). The term ''pollutant'' means ''dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.'' *Id.* 1362(6). Thus, it is unlawful to discharge pollutants into the ''waters of the United States'' from a point source unless the discharge is in compliance with certain enumerated sections of the Clean Water Act. Under section 402 of the Clean Water Act, a National Pollutant Discharge Elimination System (NPDES) permit is required where a point source discharges a pollutant to ''waters of the United States.'' [5] *Id.* 1342. Clean Water Act section 404 requires a permit before dredged or fill material may be discharged to ''waters of the United States,'' with exemptions for certain activities, including normal farming, ranching, and forestry activities.[6] *Id.* 1344. Congress therefore intended to achieve the Act's objective ''to restore and maintain the chemical, physical, and biological integrity of the Nation's waters'' by addressing pollution of all waters via non-regulatory means *and* federally regulating the discharge of pollutants to the subset of waters identified as ''navigable waters.''

Fundamental principles of statutory interpretation support this distinction between the ''nation's waters'' and ''navigable waters.'' As the Supreme Court has observed, ''[w]e assume that Congress used two terms because it intended each term to have a particular, nonsuperfluous meaning.'' *Bailey* v. *United States,* 516 U.S. 137, 146 (1995) (recognizing the canon of statutory construction against superfluity). Further, ''the words of a statute must be read in their context and with a view to their place in the overall statutory scheme.'' *FDA* v. *Brown & Williamson Tobacco Corp.,* 529 U.S. 120, 133 (2000) (internal quotation marks and citation omitted); *see also United Sav. Ass'n of Tex.* v. *Timbers of Inwood Forest Assocs.,* 484 U.S. 365, 371 (1988) (''Statutory construction . . . is a holistic endeavor. A provision that may seem ambiguous in isolation is often clarified by the remainder of the statutory scheme—because the same terminology is used elsewhere in a context that makes its meaning clear[.]'') (citation omitted). Here, the non-regulatory sections of the Clean Water Act reveal Congress' intent to restore and maintain the integrity of the Nation's waters using Federal assistance to support State and local partnerships to control pollution in the Nation's waters *and* a Federal regulatory prohibition on the discharge of pollutants to the ''navigable waters.'' If Congress had intended the terms to be synonymous, it would have used identical terminology. Instead, Congress chose to use separate terms, and the agencies are instructed by the Supreme Court to presume Congress did so intentionally. *See Sackett,* 598 U.S. at 661, 673 (recognizing distinction between a predecessor statute's definition of ''interstate or navigable waters'' and the Act's definition of ''navigable waters''); 674 (''It is hard to see how the States' role in regulating water resources would remain 'primary' if the EPA had jurisdiction over anything defined by the presence of water.'').

The term ''navigable waters'' is used in most of the key programs established by the Clean Water Act, including the section 402 and section 404 permitting programs; the section 311 oil spill prevention, preparedness, and response program; [7] the water quality standards,

[5] The term ''point source'' is defined in Clean Water Act section 502(14) and 40 CFR 122.2 to include ''any discernible, confined and discrete conveyance . . . from which pollutants are or may be discharged.'' This definition specifically excludes return flows from irrigated agriculture and agricultural stormwater runoff. *See also infra* note 8 (discussing discharges of pollutants subject to the section 402 program).

[6] Clean Water Act section 404(f) exempts several activities from the section 404 permitting requirement including many ''normal farming, silviculture, and ranching activities'' and the ''construction or maintenance of farm or stock ponds or irrigation ditches, or the maintenance of drainage ditches.'' 33 U.S.C. 1344(f)(1).

[7] While Clean Water Act section 311 uses the phrase ''navigable waters of the United States,'' EPA has interpreted it to have the same breadth as the phrase ''navigable waters'' used elsewhere in section 311, and in other sections of the Clean Water Act. *See United States* v. *Texas Pipe Line Co.,* 611 F.2d 345, 347 (10th Cir. 1979); *United States* v. *Ashland Oil & Transp. Co.,* 504 F.2d 1317, 1324–25 (6th Cir. 1974). In 2002, EPA revised its regulations defining ''waters of the United States'' in 40 CFR part 112 to ensure that the rule's language was consistent with the regulatory language used in other Clean Water Act programs. Oil Pollution Prevention & Response; Non-Transportation-Related Onshore & Offshore Facilities, 67 FR 47042 (July 17, 2002). A district court vacated the rule for failure to comply with the

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impaired waters, and total maximum daily load programs under section 303; and the section 401 State and Tribal water quality certification process. *See* additional discussion on ''navigable waters'' *supra.* Waters that meet the definition of ''waters of the United States'' are often called ''covered'' or ''jurisdictional'' waters. While there is only one definition of ''waters of the United States'' for purposes of the Clean Water Act, there may be other contextual factors that define the reach of a particular Clean Water Act program or provision.[8] Additionally, as noted above, some Clean Water Act programs do not rely on the definition of ''waters of the United States,'' such as the EPA's financial assistance programs under the Act.[9]

Since the Federal Water Pollution Control Act Amendments of 1972, the agencies have defined the scope of jurisdictional ''navigable waters'' or ''waters of the United States'' in regulations. *See* section IV.B of this preamble, *infra,* for an overview of the history of the agencies' regulations defining ''waters of the United States.'' Most recently, the agencies issued a revised definition of ''waters of the United States'' in January 2023 that was then amended in September 2023 in light of the Supreme Court's *Sackett* decision. ''Revised Definition of 'Waters of the United States,' '' 88 FR 3004 (January 18, 2023) (''2023 Rule''); ''Revised Definition of 'Waters of the United States'; Conforming,'' 88 FR 61964, 61968 (September 8, 2023) (''Conforming Rule''); *see* sections IV.B.3, IV.B.4, and IV.B.5 of this preamble, *infra,* for more information about these actions. The agencies refer to the 2023 Rule as amended by the Conforming Rule as the ''Amended 2023 Rule.''

The EPA administers the Clean Water Act except as otherwise explicitly provided. 33 U.S.C. 1251(d). The Secretary of the Army, through the Corps, has authority to issue permits for the discharge of dredged or fill material pursuant to Clean Water Act section 404. *Id.* 1344. The United States Attorney General long ago determined that the ''ultimate administrative authority to determine the reach of the term 'navigable waters' for purposes of § 404'' resides with the EPA. Administrative Authority to Construe § 404 of the Federal Water Pollution Control Act, 43 Op. Att'y Gen. 197 (1979) (''Civiletti Memorandum''). The Act enables the Federal Government to implement certain Clean Water Act programs, and it gives direct grants of authority to States and authorized Tribes for implementation and enforcement of others.

In some cases, the Act provides States the option to administer certain Clean Water Act programs.[10] For example, States implement the Clean Water Act section 401 water quality certification program and may request approval from the EPA to administer a Clean Water Act section 402 or 404 permitting program. Moreover, consistent with the Act, States and Tribes retain authority to implement their own programs to protect the waters in their jurisdiction more broadly and more stringently than the Federal Government. Section 510 of the Clean Water Act stipulates that, unless expressly stated, nothing in the Act precludes or denies the right of any State or Tribe to establish more protective standards or limits than the Act.[11]

Under the enacted statutory scheme under Clean Water Act section 303, the States are primarily responsible for developing water quality standards for ''waters of the United States'' within their borders and reporting on the condition of those waters to the EPA every two years. 33 U.S.C. 1313, 1315. States must develop total maximum daily loads (TMDLs) for waters that are not meeting established water quality standards and must submit those TMDLs to the EPA for approval under section 303(d). *Id.* 1313(d). Section 303(d) applies to ''waters of the United States.'' Non-jurisdictional waterbodies are not required to be assessed or otherwise identified as impaired. Total maximum daily loads likewise apply only to ''waters of the United States.'' *Id.* 1313(d). States also have authority to issue water quality certifications or waive certification for every Federal permit or license issued within their borders that may result in a discharge to navigable waters under section 401. *Id.* 1341. The definition of ''waters of the United States'' affects where Federal permits and licenses are required and thus where Clean Water Act section 401 certification applies.

These same regulatory authorities can be assumed by Tribes under section 518 of the Clean Water Act, which authorizes the EPA to treat eligible Tribes with reservations in a manner similar to States for a variety of purposes, including administering each of the principal Clean Water Act regulatory programs.[12] *Id.* 1377(e). In addition, States and Tribes retain authority to protect and manage the use of those waters that are not ''navigable waters'' under the Clean Water Act. *See, e.g., id.* 1251(b), 1251(g), 1370, 1377(a). Currently, all States and 83 Tribes have authority to implement section 401 water quality certification programs. All States and 53 Tribes have established water quality standards pursuant to section 303 of the Clean Water Act, which form a legal basis for limitations on discharges of pollutants to ''waters of the United States.'' At this time, 47 States and one Territory have authority

Administrative Procedure Act and reinstated the prior regulatory language. *Am. Petroleum Inst.* v. *Johnson,* 541 F. Supp. 2d 165 (D.D.C. 2008). However, EPA interprets ''navigable waters of the United States'' in Clean Water Act section 311(b), in both the pre-2002 regulations and the 2002 rule, to have the same meaning as ''navigable waters'' in Clean Water Act section 502(7).

[8] For example, the Clean Water Act section 402 permit program regulates discharges of pollutants from ''point sources'' to ''navigable waters'' whether the pollutants reach jurisdictional waters directly or indirectly. *See United States* v. *Rapanos,* 547 U.S. 715, 743 (2006) (Scalia, J., plurality opinion); *see also Cnty. of Maui* v. *Hawaii Wildlife Fund,* 590 U.S. 165, 183–84 (2020) (holding that the statute also requires a permit ''when there is the functional equivalent of a direct discharge''). Section 402 also regulates ''any addition of any pollutant to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft.'' *See* 33 U.S.C. 1362(12). As another example, section 311 applies to ''discharges of oil or hazardous substances into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone, or in connection with activities under the Outer Continental Shelf Lands Act [43 U.S.C. 1331 *et seq.*] or the Deepwater Port Act of 1974 [33 U.S.C. 1501 *et seq.*], or which may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (including resources under the Magnuson-Stevens Fishery Conservation and Management Act [16 U.S.C. 1801 *et seq.*])." *Id.* 1321(b)(1). And section 404(g) authorizes EPA to approve State and Tribal assumption of the section 404 dredged and fill permitting programs for certain waters of the United States; the Federal Government retains permitting authority over discharges into waters used as a means to transport interstate or foreign commerce. *Id.* 1344(g).

[9] For example, with respect to the Clean Water Act sections 106 and 319 grant programs, the authorizing language and the range of programmatic activities are sufficiently broad such that they have long addressed both jurisdictional and non-jurisdictional waters, so it is unlikely that a change in the definition of ''waters of the United States'' would affect those programs and funding allocations.

[10] The Clean Water Act defines ''State'' as ''a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.'' 33 U.S.C. 1362(3).

[11] Congress has provided for eligible Tribes to administer Clean Water Act programs over their reservations and expressed a preference for Tribal regulation of surface water quality on reservations to ensure compliance with the goals of the statute. *See* 33 U.S.C. 1377; 56 FR 64876, 64878–79 (December 12, 1991). Where appropriate, references to States in this preamble may also include eligible Tribes.

[12] Tribes must apply for and receive EPA approval to be eligible for treatment in a manner similar as a State (TAS) for each Clean Water Act program they wish to administer.

to administer all or portions of the Clean Water Act section 402 permit program for those ''waters of the United States'' within their boundaries.[13] To date, three States (Florida, Michigan, and New Jersey) have been approved to administer an authorized section 404 permit program for certain waters in their boundaries pursuant to section 404(g),[14] with two States (New Jersey and Michigan) actively administering such programs. At present, no Tribes administer the section 402 or 404 programs, although at least one is exploring the possibility. For additional information regarding State and Tribal programs, see the Regulatory Impact Analysis for the proposed rule.

Clean Water Act section 311 and the Oil Pollution Act of 1990 authorize the Oil Spill Liability Trust Fund (OSLTF) to pay for or reimburse costs of assessing and responding to oil spills to ''waters of the United States'' or adjoining shorelines or the Exclusive Economic Zone.[15] The OSLTF enables an immediate response to a spill, including containment, countermeasures, cleanup, and disposal activities. The OSLTF can only reimburse States and Tribes for cleanup costs and damages to businesses and citizens (*e.g.,* lost wages and damages) for spills affecting waters subject to Clean Water Act jurisdiction. EPA also lacks authority under the Clean Water Act to take enforcement actions based on spills solely affecting waters not subject to Clean Water Act jurisdiction under section 311(b). Moreover, section 311 requires that EPA establish an oil spill prevention program ''to prevent discharges of oil and hazardous substances from vessels and from onshore facilities and offshore facilities, and to contain such discharges.'' 33 U.S.C. 1321. Discharges of pollutants, such as oil and hazardous substances, are defined, as discussed above, as ''any addition of any pollutant to navigable waters [*i.e.,* 'waters of the United States'] from any point source.'' *Id.* at 1362(12).

The scope of facilities required to prepare oil spill prevention and response plans is also affected by the definition of ''waters of the United States.'' EPA-regulated oil storage facilities with storage capacities greater than 1,320 gallons (except facilities located on farms) that have a reasonable expectation of an oil discharge to ''waters of the United States'' or adjoining shorelines [16] are required to prepare and implement spill prevention plans. High-risk oil storage facilities that meet certain higher storage thresholds and related harm factors are required to prepare and submit oil spill preparedness plans to EPA for review. The U.S. Coast Guard and Department of Transportation also require oil spill response plans under their respective authorities. However, section 311 spill prevention and preparedness plan requirements do not apply to a facility if there is no reasonable expectation that an oil discharge from that facility could reach a jurisdictional water or adjoining shoreline or the Exclusive Economic Zone.

It is important to note that just because a water meets the definition of ''waters of the United States'' does not imply that activities such as farming, construction, infrastructure development, or resource extraction cannot take place in or near that water. For example, the Clean Water Act exempts a number of activities from permitting or from the definition of ''point source,'' including agricultural storm water and irrigation return flows. *See* 33 U.S.C. 1342(*l*)(2), 1362(14). Moreover, since 1977, the Clean Water Act in section 404(f) has exempted activities such as many ''normal farming, silviculture, and ranching activities'' from the section 404 permitting requirement, including seeding, harvesting, cultivating, planting, and soil and water conservation practices. *Id.* 1344(f)(1). This proposed rulemaking would not affect these statutory exemptions.

In addition, permits are routinely issued under Clean Water Act sections 402 and 404 to authorize certain discharges to ''waters of the United States.'' Further, under both permitting programs, the agencies have established general permits for categories of activities that are similar in nature. General permits provide dischargers with knowledge about applicable requirements before dischargers may obtain coverage under them. Obtaining coverage under a general permit is typically quicker than obtaining coverage under an individual permit, with coverage under a general permit often occurring immediately (depending on how the permit is written) or after a short review period. The permitting authority [17] generally works with permit applicants to ensure that activities can occur consistent with the agencies' regulations. Thus, the permitting programs allow for discharges to ''waters of the United States'' to occur while also ensuring that those discharges meet statutory and regulatory requirements designed to protect water quality.[18]

A jurisdictional determination is ''a written Corps determination that a wetland and/or waterbody is subject to regulatory jurisdiction under Section 404 of the Clean Water Act (33 U.S.C. 1344) or a written determination that a waterbody is subject to regulatory jurisdiction under Section 9 or 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 401 *et seq.*).'' 33 CFR 331.2. Jurisdictional determinations are identified as either preliminary or approved. An approved jurisdictional determination (AJD) is ''a Corps document stating the presence or absence of waters of the United States on a parcel or a written statement and map identifying the limits of waters of the United States on a parcel.'' *Id.* An approved jurisdictional determination is administratively appealable and is a final agency action subject to judicial review. *U.S. Army Corps of Eng'rs* v. *Hawkes Co., Inc.,* 578 U.S. 590 (2016). AJDs are valid for five years from the date of issuance, unless new information warrants revision of the determination before the expiration date. Regulatory Guidance Letter (RGL) 05–02 (June 14, 2005). Applicants may also request a new AJD before the five-year expiration date.

[13] Three States (Massachusetts, New Hampshire, and New Mexico) do not currently administer any part of the Clean Water Act section 402 program.

[14] When a State or eligible Tribe assumes a section 404 program, the Corps retains permitting authority over certain waters. The scope of Clean Water Act jurisdiction as defined by ''waters of the United States'' is distinct from the scope of waters over which the Corps retains authority following State or Tribal assumption of the section 404 program. Corps-retained waters are identified during approval of a State or Tribal section 404 program, and any modifications are approved through a formal process. 40 CFR 233.11(i), 233.14(b)(4), and 233.16. This proposed rulemaking does not address the scope of Corps-retained waters, and nothing in this proposed rulemaking should be interpreted to affect the process for determining the scope of Corps-retained waters.

[15] *See* 33 U.S.C. 1321(b) for the full jurisdictional scope of Clean Water Act section 311.

[16] *See supra* note 7.

[17] Generally, the permitting authority is either EPA or an authorized State for the NPDES program and either the Corps or an authorized State for the section 404 program. No eligible Tribes have requested authority to administer a Clean Water Act section 402 or section 404 program at this time.

[18] Regarding section 404 permits, the Corps or authorized State works with the applicant to avoid, minimize, and compensate for any unavoidable impacts to ''waters of the United States.'' For most discharges that ''will cause only minimal adverse environmental effects,'' a general permit (*e.g.,* a ''nationwide'' permit) may be suitable. 33 U.S.C. 1344(e)(1). General permits are issued on a nationwide, regional, or State basis for particular categories of activities. While some general permits require the applicant to submit a pre-construction notification to the Corps or the State, others allow the applicant to proceed with no formal notification. The general permit process allows certain activities to proceed with little or no delay, provided the general or specific conditions for the general permit are met.

The agencies have consistently maintained that AJDs and permits issued under a previous regulatory definition of ''waters of the United States'' would still be considered valid and would not necessarily be reopened due to a subsequent rule change, unless requested by the landowner or applicant. *See, e.g.,* 84 FR 56626, 56664 (October 22, 2019) (2019 Repeal Rule); 85 FR 22250, 22331–32 (April 21, 2020) (NWPR).[19]

A preliminary jurisdictional determination (PJD) is a non-binding ''written indication that there may be waters of the United States on a parcel or indications of the approximate location(s) of waters of the United States on a parcel.'' 33 CFR 331.2. An applicant can elect to use a PJD to voluntarily waive or set aside questions regarding Clean Water Act jurisdiction over a particular site and thus move forward assuming that all waters will be treated as jurisdictional without the Corps making a formal determination. The Corps does not charge a fee for these jurisdictional determinations. *See id.* 325.1 (omitting mention of fees for jurisdictional determinations); Regulatory Guidance Letter 16–01 (2016) (stating that such determinations are issued as a ''public service'').

3. U.S. Supreme Court Decisions

From the earliest rulemaking efforts following adoption of the 1972 Federal Water Pollution Control Act amendments, to the agencies' most recent attempt to define ''waters of the United States'' in 2023, the agencies' definition and interpretation of their regulations has spurred substantial litigation testing the meaning of the phrase. Hundreds of cases and dozens of courts have attempted to discern the intent of Congress when crafting the phrase. *See, e.g., Sackett,* 598 U.S. at 664–59 (summarizing history); *Rapanos* v. *United States,* 547 U.S. 715, 739 (2006) (Scalia, J., plurality opinion) (same); *see also* discussion *supra* of history of Federal waterways regulation in section 1.A.

As part of this complex litigation history, several key U.S. Supreme Court decisions have contributed to the agencies' interpretation of the phrase ''waters of the United States'' in the proposed rule. *See* discussion of early interpretations of ''navigable waters'' and ''waters of the United States'' *supra* in section 1.A. The agencies note that, in the first instance, the Court has long interpreted the term ''navigable waters'' to mean waters used in interstate commerce. *See, e.g., Daniel Ball,* 10 Wall. (77 U.S.) at 563; *The Montello,* 20 Wall. (87 U.S.) at 441–42. The Court has also used the phrase ''waters of the United States'' in this context for centuries to mean ''similar bodies of water, almost always in relation to ships.'' *Sackett,* 598 U.S. at 673 (quoting *Gibbons,* 9 Wheat. (22 U.S.) at 218). As discussed in section IV.A.2 of this preamble, enactment of the Federal Water Pollution Control Act expanded the scope of Federal jurisdiction over waters from what was covered under the RHA. Yet as the Supreme Court emphasized in *Sackett,* Federal jurisdiction under the Clean Water Act is not unlimited. The agencies' proposal is intended to appropriately limit the scope of Federal authority consistent with the centuries-old boundaries of Congress' Commerce Clause authority. *See Sackett,* 598 U.S. at 704 (Thomas, J., concurring).

In 1985, the Supreme Court deferred to the Corps' assertion of jurisdiction over wetlands actually abutting a traditional navigable water in Michigan, stating that adjacent wetlands may be regulated as ''waters of the United States'' because ''in the majority of cases'' they have ''significant effects on water quality and the aquatic ecosystem'' in those waters. *United States* v. *Riverside Bayview Homes,* 474 U.S. 121, 135 n.9 (1985). The Court recognized that ''[i]n determining the limits of its power to regulate discharges under the Act, the Corps must necessarily choose some point at which water ends and land begins . . . Where on this continuum to find the limit of 'waters' is far from obvious.'' *Id.* at 132. The Court acknowledged the ''inherent difficulties of defining precise bounds to regulable waters,'' and recognized that ''wetlands adjacent to lakes, rivers, streams, and other bodies of water may function as integral parts of the aquatic environment . . .'' *Id.* at 135. The Court also ''conclude[d] that a definition of 'waters of the United States' encompassing all wetlands adjacent to other bodies of water over which the Corps has jurisdiction is a permissible interpretation of the Act.'' *Id.*

The Supreme Court again addressed the definition of ''waters of the United States'' in *SWANCC* by rejecting a claim of Federal jurisdiction over nonnavigable, isolated, intrastate ponds that lack a sufficient connection to traditional navigable waters, noting that the term ''navigable'' must be given meaning within the context and application of the statute. 531 U.S. at 172. The Court held that interpreting the statute to extend to nonnavigable, isolated, intrastate ponds that lack a sufficient connection to traditional navigable waters would invoke the outer limits of Congress' power under the Commerce Clause. *Id.* The *SWANCC* Court found that Congress' ''use of the phrase 'waters of the United States' '' in the Clean Water Act is not ''a basis for reading the term 'navigable waters' out of the statute.'' *Id.* Where an administrative interpretation of a statute presses against the outer limits of Congress' constitutional authority, the Court explained, it expects a clear statement from Congress that it intended that result, and even more so when the broad interpretation authorizes Federal encroachment upon a traditional State power. *Id.* at 172–73. The Clean Water Act contains no such clear statement that Congress intended Federal jurisdiction to extend to the abandoned sand and gravel pit at issue. *Id.* at 174.

In January 2003, the EPA and the Corps issued joint guidance interpreting the Supreme Court decision in *SWANCC.*[20] The guidance indicated that *SWANCC* focused on nonnavigable, isolated, intrastate waters, and called for field staff to coordinate with their respective Corps or EPA Headquarters on jurisdictional determinations that asserted jurisdiction over such waters. The agencies at that time focused their interpretation of *SWANCC* to its facts, and applied the decision narrowly as restricting the exercise of Federal jurisdiction solely based on the Migratory Bird Rule.

In 2006, the Supreme Court interpreted the term ''waters of the United States'' in *Rapanos* v. *United States,* 547 U.S. 715 (2006). In *Rapanos,* the Supreme Court consolidated appeals of two Sixth Circuit cases, *United States* v. *Rapanos,* 235 F.3d 256 (6th Cir. 2000) and *Carabell* v. *U.S. Army Corps of Engineers,* 391 F.3d 704 (6th Cir. 2004), in which the Clean Water Act had been applied to wetlands located near man-made ditches that were ultimately connected to traditional navigable waters. All members of the Court agreed that the term ''waters of the United States'' encompasses some waters that are not navigable in the traditional sense. *Rapanos,* 547 U.S. at 731 (Scalia, J., plurality opinion) (''We have twice stated that the meaning of 'navigable waters' in the Act is broader than the traditional understanding of that term,

[19] An applicant or landowner may believe the permit includes conditions that are no longer required if this proposed rulemaking were to be finalized. If requested, the agencies stand ready to assist the applicant or landowner, consistent with regulatory requirements and prior practice.

[20] *See* U.S. EPA and U.S. Army Corps of Engineers. Legal Memoranda Regarding *Solid Waste Agency of Northern Cook County (SWANCC)* v. *United States* (January 15, 2003), *available at https://www.epa.gov/sites/production/files/2016-04/documents/swancc_guidance_jan_03.pdf.*

SWANCC, 531 U.S. at 167; *Riverside Bayview,* 474 U.S. at 133.'').

A four-Justice plurality in *Rapanos* interpreted the term ''waters of the United States'' to ''include[ ] only those relatively permanent, standing or continuously flowing bodies of water 'forming geographic features' that are described in ordinary parlance as 'streams[,] . . . oceans, rivers, [and] lakes,' '' *id.* at 739 (Scalia, J., plurality opinion) (quoting *Webster's New International Dictionary* 2882 (2d ed. 1954)), and ''wetlands with a continuous surface connection'' to a ''relatively permanent body of water connected to traditional interstate navigable waters.'' *Id.* at 742. The plurality explained that ''[w]etlands with only an intermittent, physically remote hydrologic connection to 'waters of the United States' do not implicate the boundary-drawing problem of *Riverside Bayview,*'' and thus do not have the ''necessary connection'' to covered waters that triggers Clean Water Act jurisdiction. *Id.* at 742. The plurality also noted that its reference to ''relatively permanent'' waters did ''not necessarily exclude streams, rivers, or lakes that might dry up in extraordinary circumstances, such as drought,'' or ''*seasonal* rivers, which contain continuous flow during some months of the year but no flow during dry months.'' *Id.* at 732 n.5 (emphasis in original). The plurality said that ''adjacent'' means ''physically abutting,'' and used ''abutting'' and ''adjacent'' interchangeably. *Id.* at 748; *see also id.* at 742 (''*Riverside Bayview* rested upon the inherent ambiguity in defining where water ends and abutting (''adjacent'') wetlands begin[.]''). The plurality clarified that ''the statutory definition [of 'navigable waters' at 33 U.S.C. 1362(7)] can be read to include *some* wetlands—namely, those that directly 'abut' covered waters.'' *Id.* at 747 n.12 (emphasis in original). The plurality also explained how its standard for Clean Water Act jurisdiction remained consistent with the Court's precedent interpreting ''waters of the United States,'' including *Riverside Bayview. See id.* at 734–35, 740–42, 746–48 (Scalia, J., plurality opinion).

In a concurring opinion, Justice Kennedy took a different approach, concluding that ''to constitute '' 'navigable waters' '' under the Act, a water or wetland must possess a 'significant nexus' to waters that are or were navigable in fact or that could reasonably be so made.'' *Id.* at 759 (Kennedy, J., concurring in the judgment) (citing *SWANCC,* 531 U.S. at 167, 172). He stated that adjacent wetlands possess the requisite significant nexus if the wetlands ''either alone or in combination with similarly situated lands in the region, significantly affect the chemical, physical, and biological integrity of other covered waters more readily understood as 'navigable.' '' *Id.* at 780.

Following *Rapanos,* Federal courts took different approaches to determining which *Rapanos* standard applied. On June 7, 2007, the agencies issued joint guidance entitled ''Clean Water Act Jurisdiction Following the U.S. Supreme Court's Decision in *Rapanos* v. *United States* and *Carabell* v. *United States*'' to address the waters at issue in that decision. The guidance did not change the codified definition of ''waters of the United States.'' The guidance indicated that the agencies would assert jurisdiction over traditional navigable waters and their adjacent wetlands, relatively permanent nonnavigable tributaries of traditional navigable waters and wetlands that abut them, nonnavigable tributaries that are not relatively permanent if they have a significant nexus with a traditional navigable water, and wetlands adjacent to nonnavigable tributaries that are not relatively permanent if they have a significant nexus with a traditional navigable water. The guidance was reissued with minor changes on December 2, 2008 (hereinafter, the ''*Rapanos* Guidance'').[21] After issuance of the *Rapanos* Guidance, Members of Congress, developers, farmers, State and local governments, environmental organizations, energy companies, and others asked the agencies to replace the guidance with a regulation that would provide clarity and certainty regarding the scope of the waters federally regulated under the Clean Water Act.

On May 25, 2023, the Supreme Court decided *Sackett* v. *EPA.* In its majority opinion, the Supreme Court held that the Clean Water Act extends to relatively permanent bodies of water connected to traditional navigable waters and wetlands with a continuous surface connection to those waters ''so that there is no clear demarcation between 'waters' and wetlands.'' 598 U.S. 651, 678 (quoting *Rapanos,* 547 U.S. at 742, 755 (plurality opinion)). The Court concluded that the significant nexus standard was ''inconsistent with the text and structure of the [Clean Water Act].'' *Id.* at 679. Instead, the Court held that the *Rapanos* plurality was correct: the [Clean Water Act]'s use of 'waters' encompasses 'only those relatively permanent, standing or continuously flowing bodies of water ''forming geographic[al] features'' that are described in ordinary parlance as ''streams, oceans, rivers, and lakes.'' ' '' *Id.* at 671 (quoting *Rapanos,* 547 U.S. at 739). The Court also ''agree[d] with [the plurality's] formulation of when wetlands are part of 'the waters of the United States,' '' *id.* at 678, explaining:

> In *Rapanos,* the plurality spelled out clearly when adjacent wetlands are part of covered waters. It explained that ''waters'' may fairly be read to include only those wetlands that are ''as a practical matter indistinguishable from waters of the United States,'' such that it is ''difficult to determine where the 'water' ends and the 'wetland' begins.'' That occurs when wetlands have ''a continuous surface connection to bodies that are 'waters of the United States' in their own right, so that there is no clear demarcation between 'waters' and wetlands.''

Id. at 678 (citing *Rapanos,* 547 U.S. at 742, 755).

The *Sackett* Court also found that ''[w]etlands that are separate from traditional navigable waters cannot be considered part of those waters, even if they are located nearby,'' *id.* at 678, and that '' 'adjacent' cannot include wetlands that are not part of covered 'waters,' '' *id.* at 682. Additionally, the Court found it ''instructive'' that section 101(b) of the Act expressly ''protect[s] the primary responsibilities and rights of States to prevent, reduce, and eliminate pollution'' and ''to plan the development and use . . . of land and water resources,'' observing that ''[i]t is hard to see how the States' role in regulating water resources would remain 'primary' if the [agencies] had jurisdiction over anything defined by the presence of water.'' *Id.* at 674. Finally, the Court emphasized that ''the CWA does not define the EPA's jurisdiction based on ecological importance'' and instead draws a careful balance that recognizes States' ''primary authority to combat water pollution by regulating land and water use.'' *Id.* at 683.

B. The Agencies' Rules and Regulatory Regimes

In May 1973, the EPA issued its first set of regulations to implement the new NPDES permit program established in the 1972 Federal Water Pollution Control Act amendments. Those regulations defined the phrase ''navigable waters'' as:

- All navigable waters of the United States;

[21] *See* U.S. EPA and U.S. Army Corps of Engineers. Clean Water Act Jurisdiction Following the U.S. Supreme Court's Decision in *Rapanos* v. *United States & Carabell v. United States* at 1 (December 2, 2008) (''*Rapanos* Guidance''), *available at https://www.epa.gov/sites/production/files/2016-02/documents/cwa_jurisdiction_following_rapanos120208.pdf.*

- Tributaries of navigable waters of the United States;
- Interstate waters;
- Intrastate lakes, rivers, and streams which are utilized by interstate travelers for recreational or other purposes;
- Intrastate lakes, rivers, and streams from which fish or shellfish are taken and sold in interstate commerce; and
- Intrastate lakes, rivers, and streams which are utilized for industrial purposes by industries in interstate commerce.

38 FR 13528, 13529 (May 22, 1973) (codified at 40 CFR 125.1 (1973)).

In 1974, the Corps issued its first set of regulations defining the term ''navigable waters'' for the purpose of implementing section 404 of the Clean Water Act as well as sections 9, 10, 11, 13, and 14 of the Rivers and Harbors Act. 39 FR 12115, 12119 (April 3, 1974) (codified at 33 CFR 209.120). These regulations reaffirmed the Corps' view at the time that its dredged and fill jurisdiction under section 404 was the same as its traditional jurisdiction under the Rivers and Harbors Act. Specifically, the Corps defined the ''navigable waters'' as waters that ''are subject to the ebb and flow of the tide, and/or are presently, or have been in the past, or may be in the future susceptible for use for purposes of interstate or foreign commerce.'' *Id.*

Environmental organizations challenged the Corps' 1974 regulation in the U.S. District Court for the District of Columbia, arguing that the Corps' definition of ''navigable waters'' was inadequate because it did not include tributaries or coastal marshes above the mean high tide mark or wetlands above the ordinary high water mark. In a brief summary judgment order, the district court held that the term ''navigable waters'' is not limited to the traditional tests of navigability and ordered the Corps to revoke its definition and publish a new one ''clearly recognizing the full regulatory mandate of the Water Act.'' *Natural Resources Defense Council, Inc.* v. *Callaway,* 392 F. Supp. 685 (D.D.C. 1975).

In response to this decision, the Corps issued interim regulations in 1975 that defined the term ''navigable waters'' to include periodically inundated coastal wetlands contiguous with or adjacent to navigable waters, periodically inundated freshwater wetlands contiguous with or adjacent to navigable waters, and, as in the EPA's 1973 regulations, certain intrastate waters based on non-transportation impacts on interstate commerce. The Corps revised the definition in 1977 to encompass traditional navigable waters, tributaries to navigable waters, interstate waters, adjacent wetlands to those categories of waters, and ''[a]ll other waters'' the ''degradation or destruction of which could affect interstate commerce.'' 42 FR 37122, 37144 (July 19, 1977).

The agencies have revised the definition of ''waters of the United States'' multiple times since then.[22] In fact, since 2015, EPA and the Army have finalized five rules revising the definition of ''waters of the United States.'' Additional information regarding the agencies' prior rulemakings on ''waters of the United States,'' including the 2015 Clean Water Rule and the 2019 Repeal Rule, can be found in the preambles for the agencies' prior rules.[23] The remainder of section IV.B of this preamble focuses on the agencies' most recent rules and regulatory regimes—namely, the pre-2015 regulatory regime, the 2020 Navigable Waters Protection Rule, the 2023 Rule, the Conforming Rule, and resulting Amended 2023 Rule regulatory regime.

1. Pre-2015 Regulatory Regime (Prior to Sackett)

The ''pre-2015 regulatory regime'' refers to the agencies' pre-2015 regulations defining ''waters of the United States,'' implemented in light of relevant case law and longstanding practice, as informed by applicable guidance, training, and experience. The pre-2015 regulations are commonly referred to as ''the 1986 regulations.''

In 1986, the Corps consolidated and recodified its regulations defining ''waters of the United States'' for purposes of implementing the section 404 program to align with clarifications that the EPA had previously promulgated. *See* 51 FR 41206, 41216–17 (November 13, 1986). While EPA and the Corps have maintained separate regulations defining the statutory term ''waters of the United States,'' their interpretations, reflected in the 1986 regulations, were identical and remained largely unchanged from 1977 to 2015. *See* 42 FR 37122, 37124, 37127 (July 19, 1977).[24] [25] EPA's comparable regulations were recodified in 1988. *See* 53 FR 20764 (June 6, 1988). While the Corps stated in 1986 that the recodified regulation neither reduced nor expanded jurisdiction, its previous exclusion for ditches was moved from the regulatory text to the final rule preamble. *Id.* at 41216–17. And the Corps added to the preamble what later became known as the ''Migratory Bird Rule,'' which claimed jurisdiction over any waters which are or may be used by birds protected by migratory bird treaties, waters which may be used as habitat for birds flying across State lines, waters which may be used by endangered species, and waters used to irrigate crops sold in interstate commerce. *Id.* at 41217.

The 1986 regulatory text identified the following waters as ''waters of the United States'' (33 CFR 328.3 (2014)): [26]

[22] The Corps has revised the definition of ''navigable waters'' or ''waters of the United States'' for its section 404 regulations in 1975 (40 FR 31320, 31324, 31326 (July 25, 1975) (interim final regulations)), 1977 (42 FR 37122, 37144 (July 19, 1977) (including a definition of ''wetlands''; ''freshwater wetlands'' had been defined in 1975)), 1982 (47 FR 31794 (July 22, 1982) (interim final regulations)), 1984 (49 FR 39478 (October 5, 1984)), and 1986 (51 FR 41250 (November 13, 1986)). For its part, EPA has revised the definition of ''navigable waters'' or ''waters of the United States'' in 1979 (44 FR 32854 (June 7, 1979) (promulgating the waste treatment system exclusion)), 1980 (45 FR 48620 (July 21, 1980) (revising the waste treatment system exclusion in its NPDES regulations only at 40 CFR 122.3) and 45 FR 48620 (July 21, 1980) (suspending a portion of the waste treatment system exclusion in its NPDES regulations)), 1983 (48 FR 14146, 14157 (April 1, 1983) (republishing the waste treatment system exclusion in its NPDES regulations at 40 CFR 122.2)), 1988 (53 FR 20764, 20774 (June 6, 1988) (revising EPA's section 404 program definitions at 40 CFR 232.2)), and 2002 (67 FR 47042 (July 17, 2002) (revising the definition of ''waters of the United States'' in EPA's section 311 regulations at 40 CFR part 112 to ensure consistency with other Clean Water Act programs)). The agencies have also issued several joint revisions to their regulations, including in 1993 (58 FR 45008, 45031 (August 25, 1993) (adding an exclusion for prior converted cropland)), 2015 (80 FR 37045 (June 29, 2015) (''Clean Water Rule: Definition of 'Waters of the United States' '' or 2015 Clean Water Rule)), 2019 (84 FR 56626 (October 22, 2019) (''Definition of 'Waters of the United States'—Recodification of Pre-Existing Rules'' or the 2019 Repeal Rule)), 2020 (85 FR 22250 (April 21, 2020) (''Navigable Waters Protection Rule'')), and 2023 (88 FR 3004 (January 18, 2023) (''Revised Definition of 'Waters of the United States' '') and 88 FR 61964, 61968 (September 8, 2023) (''Revised Definition of 'Waters of the United States' ; Conforming'')).

[23] *See supra* note 22.

[24] Multiple provisions in the Code of Federal Regulations contained the definition of the phrases ''navigable waters'' and ''waters of the United States'' for purposes of implementing the Clean Water Act, 33 U.S.C. 1362(7), and other water pollution protection statutes such as the Oil Pollution Act, 33 U.S.C. 2701(21). Some EPA definitions were added after 1986, but each conformed to the 1986 regulations except for variations in the waste treatment system exclusion. *See, e.g.,* 55 FR 8666 (March 8, 1990); 73 FR 71941 (November 26, 2008); *see also supra* note 22.

[25] For convenience, the agencies generally refer to the Corps' regulations throughout this document at 33 CFR 328.3. The EPA's codification of the definition of ''waters of the United States'' is found at 40 CFR 120.2. EPA's regulations defining ''waters of the United States'' or ''navigable waters'' at 40 CFR 110.1, 112.2, 116.3, 117.1, 122.2, 230.3, 232.2, 300.5, 302.3, 401.11, and Appendix E to Part 300 all refer to the definition at 40 CFR 120.2.

[26] ''Waters of the United States'' is defined in both the U.S. Army Corps of Engineers' regulations, at 33 CFR part 328, and in the EPA's regulations, at 40 CFR part 120. For the sake of convenience, in this preamble the agencies will generally just refer to the Corps' regulations at 33 CFR 328.3.

• All traditional navigable waters,[27] interstate waters, and the territorial seas;
• All impoundments of jurisdictional waters;
• All ''other waters'' such as lakes, ponds, and sloughs the ''use, degradation, or destruction of which would or could affect interstate or foreign commerce'' (''other waters'');
• Tributaries of traditional navigable waters, interstate waters, impoundments, or ''other waters''; and
• Wetlands adjacent to traditional navigable waters, interstate waters, the territorial seas, impoundments, tributaries, or ''other waters'' (other than waters that are themselves wetlands).

33 CFR 328.3(a)(1)–(7) (1987). The 1986 regulations also excluded ''waste treatment systems'' from the definition of ''waters of the United States,'' consistent with the EPA's regulatory definition. *Id.* 328.3 (a)(7), (b) (1987); *see also* 44 FR 32854 (June 7, 1979).[28] Additionally, the 1986 regulations defined ''adjacent'' to mean ''bordering, contiguous, or neighboring,'' and specified that ''[w]etlands separated from other waters of the United States by man-made dikes or barriers, natural river berms, beach dunes and the like are 'adjacent wetlands.' ''

On August 25, 1993, the agencies amended the regulatory definition of ''waters of the United States'' to categorically exclude ''prior converted croplands.'' 58 FR 45008, 45031 (August 25, 1993) (''1993 Rule'') (codified at 33 CFR 328.3(a)(8) (1994)). The stated purpose of the amendment was to promote ''consistency among various Federal programs affecting wetlands,'' in particular the Food Security Act of 1985 programs implemented by the U.S. Department of Agriculture (USDA) and the Clean Water Act programs implemented by the agencies.[29] 58 FR 45031. The agencies did not include a definition of ''prior converted cropland'' in the text of the Code of Federal Regulations but noted in the preamble to the 1993 Rule that the term was defined at that time by the USDA National Food Security Act Manual (NFSAM). *Id.* The agencies at that time also declined to establish regulatory text specifying when the prior converted cropland designation is no longer applicable. In the preamble to the 1993 Rule, the agencies stated that ''[t]he Corps and EPA will use the [Natural Resources Conservation Service's] provisions on 'abandonment,' thereby ensuring that [prior converted] cropland that is abandoned within the meaning of those provisions and which exhibit[s] wetlands characteristics will be considered wetlands subject to Section 404 regulation.'' *Id.* at 45034. The agencies summarized these abandonment provisions by explaining that prior converted cropland which meets wetland criteria is considered to be abandoned unless: at least once in every five years the area has been used for the production of an agricultural commodity, or the area has been used and will continue to be used for the production of an agricultural commodity in a commonly used rotation with aquaculture, grasses, legumes, or pasture production. *Id.*

Congress amended the Food Security Act wetland conservation provisions in 1996 to state that USDA certifications of wetland delineation maps for purposes of the Food Security Act (*e.g.,* determinations by the Natural Resources Conservation Service (NRCS) that particular areas constitute prior converted cropland) ''shall remain valid and in effect as long as the area is devoted to an agricultural use or until such time as the person affected by the certification requests review of the certification by the Secretary [of Agriculture].'' Public Law 104–127, 322(a)(4), 110 Stat. 888 (1996); 16 U.S.C. 3822(a)(4). Thus, for purposes of farm program eligibility, the 1996 amendments meant that prior converted cropland would only be abandoned if the area was no longer devoted to an agriculture use, while the 1993 preamble abandonment principles would have disqualified such areas for the Clean Water Act exclusion if their specific conditions were not met. The agencies did not update their prior converted cropland regulations for purposes of the Clean Water Act following the 1996 amendments to wetland conservation provisions of the Food Security Act, as those regulations neither defined prior converted cropland nor specified when a valid prior converted cropland determination might cease to be valid. However, in 2005, the Army and the USDA issued a joint Memorandum to the Field (the 2005 Memorandum) in an effort to align the Clean Water Act section 404 program with the Food Security Act wetland conservation provisions.[30] The 2005 Memorandum provided that a ''certified [prior converted] determination made by [USDA] remains valid as long as the area is devoted to an agricultural use. If the land changes to a non-agricultural use, the [prior converted] determination is no longer applicable and a new wetland determination is required for CWA purposes.'' 2005 Memorandum at 4.

The 2005 Memorandum did not clearly address the abandonment principle that the agencies had been implementing since the 1993 rulemaking. The change in use policy was also never promulgated as a rule and was declared unlawful by one district court because it effectively modified the 1993 preamble language without any rulemaking process. *New Hope Power Co.* v. *U.S. Army Corps of Eng'rs,* 746 F. Supp. 2d 1272, 1282 (S.D. Fla. 2010). As discussed in section V.F.2 of this preamble, USDA and the Army rescinded the 2005 Memorandum in 2020 in light of promulgation of the NWPR.[31] Thus, under pre-2015 practice, EPA and the Army once again began implementing the abandonment principle to determine if an area has lost its prior converted cropland status.

The agencies have implemented the pre-2015 regulatory regime consistent

[27] ''Traditional navigable waters'' (or waters that are traditionally understood as navigable) refers to all waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters subject to the ebb and flow of the tide.

[28] There are some variations in the waste treatment system exclusion across the EPA's regulations defining ''waters of the United States.'' The placement of the waste treatment system and prior converted cropland exclusions also varies in the EPA's regulations.

[29] Title XII of the Food Security Act of 1985, as amended, encourages participants in USDA programs to adopt land management measures by linking eligibility for USDA program benefits to farming practices on highly erodible land and wetlands (*i.e.,* the wetland conservation provisions). USDA policy guidance regarding implementation of the wetland conservation provisions is found in the current edition of the Natural Resources Conservation Service National Food Security Act Manual (NFSAM), including the procedures for how to delineate wetlands and make wetland determinations in accordance with Subpart C of 7 CFR part 12. Due to the unique statutory provisions of the Food Security Act, USDA wetland determinations may identify certain areas as exempt under the 1985 Act but remain subject to the requirements of the Clean Water Act. To avoid potential confusion, USDA clearly informs program participants that USDA wetland determinations are for purposes of implementing the wetland conservation provisions only, and that participants should contact the Corps for information as to whether a particular activity will require a Clean Water Act section 404 permit.

[30] U.S. Department of Agriculture, Natural Resources Conservation Service and U.S. Department of the Army, Office of the Assistant Secretary of the Army (Civil Works). *Memorandum to the Field on Guidance on Conducting Wetland Determinations for the Food Security Act of 1985 and Section 404 of the Clean Water Act* (February 25, 2005), *available at https://usace.contentdm.oclc.org/utils/getfile/collection/p16021coll11/id/2508.*

[31] U.S. Department of the Army, Office of the Assistant Secretary of the Army (Civil Works), and U.S. Department of Agriculture, Natural Resources Conservation Service. 2020. ''Memorandum for the Field: Rescission of the 2005 Joint Memorandum to the Field Regarding Guidance on Conducting Wetland Determinations for the Food Security Act of 1985 and Section 404 of the Clean Water Act.'' January 28, 2020. Available in the docket for this action.

with *SWANCC* and *Rapanos* after those Supreme Court decisions were issued in 2001 and 2006, respectively. The agencies issued guidance on *SWANCC* in 2001 and then in 2003. 68 FR 1991 (January 15, 2003) (superseding the agencies' 2001 guidance). To ensure that any assertion of jurisdiction over the ''other waters'' category (*i.e.,* paragraph (a)(3) waters in the 1986 regulations) is consistent with the Supreme Court's ruling in *SWANCC,* the agencies have required that field staff get approval from headquarters before exercising jurisdiction over an (a)(3) water. As a practical matter, field staff have rarely, if ever, sought such approval and therefore the agencies have not asserted jurisdiction under the ''other waters'' category of the 1986 regulations since *SWANCC.*

For nearly a decade after *Rapanos,* the agencies did not revise their regulations but instead determined jurisdiction under the 1986 regulations consistent with the two standards established in *Rapanos* (the plurality's relatively permanent standard and Justice Kennedy's significant nexus standard) and by using guidance issued jointly by the agencies. *See Rapanos* Guidance. Under the *Rapanos* Guidance,[32] the agencies concluded that Clean Water Act jurisdiction exists if a water meets either the relatively permanent standard or the significant nexus standard. The agencies' assertion of jurisdiction over traditional navigable waters and their adjacent wetlands remained unchanged by *Rapanos.* Under the relatively permanent standard, the guidance stated that the agencies would assert jurisdiction over: non-navigable tributaries of traditional navigable waters that typically flow year-round or have continuous flow at least seasonally; and wetlands that directly abut such tributaries. *Id.* at 4–7. The guidance further stated that the agencies would determine jurisdiction under the significant nexus standard for the following waters: non-navigable tributaries that are not relatively permanent, wetlands adjacent to non-navigable tributaries that are not relatively permanent, and wetlands adjacent to but not directly abutting a relatively permanent non-navigable tributary. *Id.* at 8–12. The agencies generally did not assert jurisdiction over non-wetland swales or erosional features (*e.g.,* gullies and small washes characterized by low volume or infrequent or short duration flow) or ditches (including roadside ditches) excavated wholly in and draining only uplands and that did not carry a relatively permanent flow of water. *Id.* at 11–12.

Even after promulgating a revised definition of ''waters of the United States'' that went into effect in 2015 (the 2015 Clean Water Rule), the agencies continued implementing the pre-2015 regulatory regime in certain States and, for a period of time, nationwide due to court orders staying implementation of the 2015 rule.[33] In 2018, the agencies again implemented the pre-2015 regulatory regime nationwide for about six months following the agencies' addition of an applicability date to the 2015 Clean Water Rule.[34] The next year, after proceeding through public notice and comment, the agencies published a final rule repealing the 2015 Clean Water Rule and recodifying the 1986 regulations without any changes to the regulatory text. 84 FR 56626 (October 22, 2019). The agencies indicated that they would implement the 1986 regulations informed by applicable agency guidance documents and consistent with Supreme Court decisions and longstanding agency practice, thus restoring implementation of the pre-2015 regulatory regime nationwide after the 2019 Repeal Rule went into effect on December 23, 2019.

2. The 2020 Navigable Waters Protection Rule

On January 23, 2020, the agencies signed the Navigable Waters Protection Rule: Definition of ''Waters of the United States'' (NWPR), a rule that for the first time defined ''waters of the United States'' based generally on the *Rapanos* plurality's standard. The NWPR was published on April 21, 2020, and went into effect on June 22, 2020. 85 FR 22250 (April 21, 2020).[35] The NWPR interpreted the term ''the waters'' within ''the waters of the United States'' to ''encompass relatively permanent flowing and standing waterbodies that are traditional navigable waters in their own right or that have a specific surface water connection to traditional navigable waters, as well as wetlands that abut or are otherwise inseparably bound up with such relatively permanent waters.'' *Id.* at 22273. Specifically, the rule established four categories of jurisdictional waters: (1) the territorial seas and traditional navigable waters; (2) tributaries of such waters; (3) certain lakes, ponds, and impoundments of jurisdictional waters; and (4) wetlands adjacent to the above three categories of jurisdictional waters. *Id.* at 22273.

The NWPR defined the scope of each of these four categories. The territorial seas and traditional navigable waters were defined consistent with the agencies' longstanding interpretations of those terms. *Id.* at 22280–81. A ''tributary'' was defined as a river, stream, or similar naturally occurring surface water channel that contributes surface water flow to a territorial sea or traditional navigable water in a typical year either directly or indirectly through other tributaries, jurisdictional lakes, ponds, or impoundments, or adjacent wetlands. *Id.* at 22286. A jurisdictional tributary was required to be perennial or intermittent in a typical year. *Id.* Additionally, the term ''tributary'' included a ditch that either relocates a tributary, is constructed in a tributary, or is constructed in an adjacent wetland as long as the ditch is perennial or intermittent and contributes surface water flow to a traditional navigable water or territorial sea in a typical year. *Id.* at 22251. The NWPR's ''tributary'' definition did not include ephemeral features, which were defined as surface waters that flow only in direct response to precipitation, including ephemeral streams, swales, gullies, rills, and pools. *Id.*

The NWPR defined ''lakes and ponds, and impoundments of jurisdictional waters'' as ''standing bodies of open water that contribute surface water flow

[32] The agencies note that the guidance ''does not impose legally binding requirements on EPA, the Corps, or the regulated community, and may not apply to a particular situation depending on the circumstances.'' *Rapanos* Guidance at 4 n.17.

[33] *See, e.g., North Dakota* v. *EPA,* 127 F. Supp. 3d 1047 (D.N.D. 2015) (preliminary injunction barring implementation of the 2015 Clean Water Rule in 13 States); *Georgia* v. *Pruitt,* 326 F. Supp. 3d 1356 (S.D. Ga. June 6, 2018) (same as to 11 States); *Texas* v. *EPA,* No. 3:15–cv–162, 2018 WL 4518230 (S.D. Tex. Sept. 12, 2018) (same as to three States). *See* section I.A of the Technical Support Document for the Proposed ''Revised Definition of 'Waters of the United States' '' Rule (*available at https://www.regulations.gov/document/EPA-HQ-OW-2021-0602-0081*), for a comprehensive history of the effects of the litigation against the 2015 Clean Water Rule.

[34] In February 2018, the agencies issued a rule that added an applicability date of February 6, 2020 to the 2015 Clean Water Rule. 83 FR 5200 (February 6, 2018) (''Applicability Date Rule''). The Applicability Date Rule was challenged in several district court actions, and on August 16, 2018 the rule was vacated and enjoined nationwide. *See S.C. Coastal Conservation League* v. *Pruitt,* 318 F. Supp. 3d 959 (D.S.C. Aug. 16, 2018); *see also Puget Soundkeeper All.* v. *Wheeler,* No. 15–01342 (W.D. Wash. Nov. 26, 2018) (vacating the Applicability Date Rule nationwide).

[35] The NWPR went into effect on June 22, 2020 in all States except Colorado. 85 FR 22250 (April 21, 2020). In Colorado, the NWPR was subject to a preliminary injunction issued by the U.S. District Court for the District of Colorado. *Colorado* v. *EPA,* 445 F. Supp. 3d 1295 (D. Colo. 2020). The Tenth Circuit later reversed the Colorado district court's order on appeal; as a result, the NWPR went into effect in Colorado on April 26, 2021. *Colorado* v. *EPA,* 989 F.3d 874 (10th Cir. 2021); *Colorado* v. *EPA,* No. 20–1238, ECF No. 010110512604 (Doc. 10825032) (10th Cir. Apr. 26, 2021).

in a typical year to a territorial sea or traditional navigable water either directly or through a tributary, another jurisdictional lake, pond, or impoundment, or an adjacent wetland.'' *Id.* at 22251. A lake, pond, or impoundment of a jurisdictional water did not lose its jurisdictional status if it contributes surface water flow to a downstream jurisdictional water in a typical year through certain artificial or natural features. *Id.* Under the NWPR, a lake, pond, or impoundment of a jurisdictional water was also jurisdictional if it was inundated by flooding from a jurisdictional water in a typical year. *Id.*

As for wetlands, the NWPR interpreted ''adjacent wetlands'' to be those wetlands that abut jurisdictional waters and those non-abutting wetlands that are (1) ''inundated by flooding'' from a jurisdictional water in a typical year, (2) physically separated from a jurisdictional water only by certain natural features (*e.g.,* a berm, bank, or dune), or (3) physically separated from a jurisdictional water by an artificial structure that ''allows for a direct hydrologic surface connection'' between the wetland and the jurisdictional water in a typical year. *Id.* at 22338, 22240. Wetlands that did not have these types of connections to other waters were not jurisdictional under the NWPR.

The NWPR's regulatory text expressly provided that waters that did not fall into its jurisdictional categories were not considered ''waters of the United States.'' *Id.* at 22338. Moreover, waters within these categories, including traditional navigable waters and the territorial seas, were not ''waters of the United States'' if they also fit within the NWPR's broad exclusions. *See id.* at 22325 (''If the water meets any of the[ ] exclusions, the water is excluded even if the water satisfies one or more conditions to be a [jurisdictional] water.'').[36] The rule excluded groundwater, including groundwater drained through subsurface drainage systems; ephemeral features; diffuse stormwater runoff and directional sheet flow over upland; ditches that are not traditional navigable waters, tributaries, or that are not constructed in adjacent wetlands, subject to certain limitations; prior converted cropland; artificially irrigated areas; artificial lakes and ponds; water-filled depressions constructed or excavated in upland or in non-jurisdictional waters incidental to mining or construction activity; pits excavated in upland or in non-jurisdictional waters for the purpose of obtaining fill, sand, or gravel; stormwater control features constructed or excavated in upland or in non-jurisdictional waters; groundwater recharge, water reuse, and wastewater recycling structures constructed or excavated in upland or in non-jurisdictional waters; and waste treatment systems. *Id.* at 22338–39.

Similar to other rulemakings to revise the definition of ''waters of the United States,'' the NWPR was subject to multiple legal challenges. On August 30, 2021, the U.S. District Court for the District of Arizona remanded the NWPR and vacated the rule. *Pascua Yaqui Tribe* v. *EPA,* No. 4:20–cv–00266, 2021 WL 3855977 (D. Ariz. Aug. 30, 2021). On September 27, 2021, the U.S. District Court for the District of New Mexico also issued an order vacating and remanding the NWPR. *Navajo Nation* v. *Regan,* No. 2:20–cv–00602 (D.N.M. Sept. 27, 2021). Six courts also remanded the NWPR without vacatur or without addressing vacatur.[37]

Following vacatur of the NWPR, the agencies resumed implementing the pre-2015 regulatory regime across the country.

3. January 2023 Rule

In January 2023, the EPA and the Army once again revised the definition of ''waters of the United States.'' 88 FR 3004 (January 18, 2023). The 2023 Rule incorporated the two jurisdictional standards from *Rapanos* into the definition of the term ''waters of the United States.'' First, the ''relatively permanent standard'' under the 2023 Rule referred to the test to identify: relatively permanent, standing or continuously flowing tributaries connected to traditional navigable waters, the territorial seas, or interstate waters; relatively permanent, standing or continuously flowing additional waters with a continuous surface connection to such relatively permanent waters or to traditional navigable waters, the territorial seas, or interstate waters; and, adjacent wetlands and certain impoundments with a continuous surface connection to such relatively permanent waters or to traditional navigable waters, the territorial seas, or interstate waters. *See* 88 FR 3006, 3038–39. Second, the ''significant nexus standard'' under the 2023 Rule referred to the test to identify waters that, either alone or in combination with similarly situated waters in the region, significantly affect the chemical, physical, or biological integrity of traditional navigable waters, the territorial seas, or interstate waters. *Id.* at 3006. The regulatory text also defined ''significantly affect'' for purposes of the significant nexus standard. *Id.* Under the 2023 Rule, waters were jurisdictional if they met either standard. *Id.*

The 2023 Rule also defined the term ''adjacent'' with no changes from the agencies' longstanding regulatory definition of ''adjacent'' as ''bordering, contiguous, or neighboring.'' 88 FR 3116–17. Wetlands separated from other ''waters of the United States'' by man-made dikes or barriers, natural river berms, beach dunes and the like were defined as ''adjacent'' wetlands. *Id.*

While the 2023 Rule was not before the Supreme Court in *Sackett,* the Court did review the rule's two jurisdictional standards and concluded that the significant nexus standard was ''inconsistent with the text and structure of the [Clean Water Act].'' 598 U.S. at 679.

4. Conforming Rule

In September 2023, EPA and the Army published a final rule amending the 2023 Rule's definition of ''waters of the United States'' in response to the Supreme Court decision in *Sackett.* ''Revised Definition of 'Waters of the United States'; Conforming,'' 88 FR 61964, 61968 (September 8, 2023) (''Conforming Rule''). The Conforming Rule published in the **Federal Register** and became effective on September 8, 2023.

The Conforming Rule amended the provisions of the 2023 Rule that were invalid under the Supreme Court's interpretation of the Clean Water Act in *Sackett. See* 88 FR 61964. In particular, the agencies revised the 2023 Rule to remove the significant nexus standard and to amend its definition of ''adjacent'' as these provisions were rendered invalid by *Sackett. Id.* at 61965–66. Per *Sackett,* waters are not jurisdictional under the Clean Water Act based on the significant nexus standard. *Id.* In addition, under the decision in

[36] The NWPR's exclusion for ditches, however, explicitly did not encompass ditches that are traditional navigable waters or jurisdictional tributaries. 33 CFR 328.3(b)(5) (2020).

[37] Order, *Pueblo of Laguna* v. *Regan,* No. 1:21–cv–00277, ECF No. 40 (D.N.M. Sept. 21, 2021) (declining to reach issue of vacatur in light of the *Pascua* decision); Order, *California* v. *Wheeler,* No. 3:20–cv–03005, ECF No. 271 (N.D. Cal. Sept. 16, 2021) (same); *Waterkeeper All.* v. *Regan,* No. 3:18–cv–03521, ECF No. 125 (N.D. Cal. Sept. 16, 2021) (same); Order, *Conservation Law Found.* v. *EPA,* No. 1:20–cv–10820, ECF No. 122 (D. Mass. Sept. 1, 2021) (same); Order, *S.C. Coastal Conservation League* v. *Regan,* No. 2:20–cv–01687, ECF No. 147 (D.S.C. July 15, 2021) (remanding without vacating); Order, *Murray* v. *Wheeler,* No. 1:19–cv–01498, ECF No. 46 (N.D.N.Y. Sept. 7, 2021) (same). In this litigation, EPA and the Army had filed motions for remand without vacatur. *See, e.g.,* U.S. Motion for Remand without Vacatur, *Conservation Law Found.* v. *EPA,* No. 1:20–cv–10820, ECF No. 112 (D. Mass. June 9, 2021).

Sackett, wetlands are not defined as ''adjacent'' or jurisdictional under the Clean Water Act solely because they are ''bordering, contiguous, or neighboring . . . [or] separated from other 'waters of the United States' by man-made dikes or barriers, natural river berms, beach dunes and the like.'' *Id.* at 61965. Therefore, waters cannot be found to be jurisdictional because they meet the significant nexus standard; nor can wetlands be found to be jurisdictional based on the definition of ''adjacent'' previously codified in the 2023 Rule. *Id.* Consistent with the *Sackett* decision, the agencies in the Conforming Rule revised the definition of ''adjacent'' to mean ''having a continuous surface connection.'' *Id.* Furthermore, because *Sackett* invalidated the significant nexus standard, the agencies removed the provision for assessment of streams and wetlands under the additional waters provision of paragraph (a)(5) as no longer valid since any jurisdictional streams or wetlands would fall within paragraphs (a)(1) through (4) of the 2023 Rule.[38] *Id.*

Finally, the agencies removed ''interstate wetlands'' from the 2023 Rule to conform with the decision in *Sackett. Id.* at 61966. The Supreme Court in *Sackett* examined the Clean Water Act and its statutory history and found the predecessor statute to the Clean Water Act covered and defined ''interstate waters'' as ''all *rivers, lakes, and other waters* that flow across or form a part of State boundaries.'' 598 U.S. at 673 (citing 33 U.S.C. 1160(a), 1173(e) (1970 ed.)) (emphasis in original). The Court concluded that the use of the term ''waters'' refers to such ''open waters'' and not wetlands. *Id.* As a result, under *Sackett,* the provision authorizing the assertion of Clean Water Act jurisdiction over wetlands simply because they are interstate is invalid. 88 FR 61966.

5. Current Applicable Regulatory Regimes

As noted above, the agencies refer to the regulations defining ''waters of the United States'' under the 2023 Rule, as amended by the Conforming Rule, as the ''Amended 2023 Rule.'' The Amended 2023 Rule is the regulatory regime that is currently codified in the Code of Federal Regulations and that serves as the baseline for the regulatory impact analysis for this proposal. In this action, the agencies are proposing to revise the Amended 2023 Rule.

Due to preliminary injunctions of the Amended 2023 Rule in several States, the agencies are implementing two regulatory regimes across the country as of the signature date of this proposed rule.[39] The EPA and the Army are implementing the Amended 2023 Rule in 24 States, the District of Columbia, and the U.S. Territories. In the other 26 States, the agencies are interpreting ''waters of the United States'' consistent with the pre-2015 regulatory regime and the Supreme Court's *Sackett* decision.[40]

6. March 12, 2025, ''Continuous Surface Connection'' Guidance

On March 12, 2025, the EPA and the Army signed a joint memorandum to provide guidance to the agencies' field staff regarding implementation of ''continuous surface connection'' for adjacent wetlands. ''Memorandum to the Field between the U.S. Department of the Army, U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency Concerning the Proper Implementation of 'Continuous Surface Connection' under the Definition of 'Waters of the United States' under the Clean Water Act'' (March 12, 2025) (''continuous surface connection guidance''), *available at https://www.epa.gov/system/files/documents/2025-03/2025cscguidance.pdf.* Consistent with this guidance, and consistent with *Sackett,* the agencies are interpreting ''continuous surface connection'' to mean abutting (or touching) a requisite jurisdictional water. The agencies issued the guidance in response to requests for clarification on the scope of adjacent wetlands in light of the Supreme Court's decision in *Sackett.*

Specifically, the agencies had heard from a variety of co-regulators and stakeholders that the preamble to both the 2023 Rule and the Conforming Rule did not include adequate direction or guidance on the meaning of the ''continuous surface connection'' requirement, and the agencies' case-specific policy memoranda[41] issued post-*Sackett* neither provided national guidance on the topic nor clear and transparent direction for the public or the agencies. The agencies determined that the case-specific policy memoranda also contained conclusions which are inconsistent with the discussion of ''continuous surface connection'' as described in the pre-2015 regulatory regime guidance documents and the *Sackett* decision.

C. WOTUS Notice and Summary of Stakeholder Outreach

On March 21, 2025, the agencies signed a **Federal Register** document publicizing a series of listening sessions and a 30-day recommendations docket to solicit feedback on key aspects of the definition of ''waters of the United States.'' ''WOTUS Notice: The Final Response to SCOTUS'' (90 FR 13428, March 24, 2025). The agencies accepted written pre-proposal recommendations from members of the public from March 24, 2025, to April 23, 2025, which can be found in the docket (Docket ID EPA–HQ–OW–2025–0093). The agencies held a series of stakeholder and co-regulator listening sessions to hear pre-proposal input and recommendations including specific meetings in March, April, May and June of 2025 with Tribes, States and State associations, local governments, industry, environmental organizations, agricultural organizations, small businesses and congressional staff, and

[38] Lakes and ponds, however, may still have been jurisdictional under paragraph (a)(5) of the 2023 Rule if they did not fall within paragraphs (a)(1) through (3) of the 2023 Rule (for example, if they were not tributaries connected to waters identified in paragraph (a)(1) or (2)) and they were relatively permanent, standing or continuously flowing bodies of water with a continuous surface connection to the waters identified in paragraph (a)(1) or (3).

[39] States and business groups challenged the 2023 Rule in three courts. Two district courts preliminarily enjoined the 2023 Rule as to the plaintiff-States. *Texas* v. *EPA,* 662 F. Supp. 3d 739 (S.D. Tex. 2023); *West Virginia* v. *EPA,* 669 F. Supp. 3d 781 (D.N.D. 2023). The Eastern District of Kentucky dismissed on standing and ripeness grounds. *Kentucky* v. *EPA,* No. 3:23–cv–7 (E.D. Ky. Mar. 31, 2023). Subsequently, the Sixth Circuit granted an injunction pending appeal of the Eastern District of Kentucky's order to Kentucky and business plaintiffs, which dissolved when the Sixth Circuit's mandate issued on September 23, 2024, following the Sixth Circuit's ruling vacating and remanding the district court's dismissal. Order, *Kentucky* v. *EPA,* No. 23–5345, ECF No. 28 (6th Cir. May 10, 2023); Opinion, *Kentucky* v. *EPA,* No. 23–5345, ECF No. 56–2 (6th Cir. July 29, 2024); Mandate Issued, *Kentucky* v. *EPA,* No. 23–5345, ECF No. 57 (6th Cir. Sept. 23, 2024). Kentucky then amended its complaint, and the business plaintiffs filed a notice of voluntary dismissal. Amended Complaint, *Kentucky* v. *EPA,* No. 3:23–cv–7, ECF No. 78 (E.D. Ky. Nov. 8, 2024); Notice of Voluntary Dismissal, *Kentucky* v. *EPA,* No. 3:23–cv–7, ECF No. 73 (E.D. Ky. Oct. 4, 2024). While these cases were pending, the Supreme Court decided *Sackett* and the agencies issued the Conforming Rule. After the agencies issued the Conforming Rule, plaintiffs challenging the 2023 Rule amended their complaints to challenge the Amended 2023 Rule and certain aspects of the Conforming Rule and 2023 Rule. *See also White* v. *EPA,* No. 24–00013 (E.D.N.C.); *White* v. *EPA,* No. 24–1635 (4th Cir.). As of the signature date of this proposed rule, this ongoing litigation is in abeyance.

[40] The latest information on the status of this litigation can be found on the EPA's Rule Status and Litigation Update web page at *https://www.epa.gov/wotus/definition-waters-united-states-rule-status-and-litigation-update.*

[41] The agencies issued several case-specific policy memoranda in 2024 and 2025 as part of the process in place at the time for coordination of Corps draft AJDs. Such case-specific policy memoranda were issued by the agencies to provide guidance to the respective EPA regional and Corps district offices. Additional information regarding the agencies' coordination processes is available on EPA's website at *https://www.epa.gov/wotus/coordination-process-approved-jurisdictional-determinations-and-field-memoranda.*

two in-person public listening sessions held in communities outside of Washington, DC. A summary of the agencies' pre-proposal listening sessions is available in the docket (Docket ID No. EPA–HQ–OW–2025–0322) for this proposed rule.

The **Federal Register** announcement outlined three key topics the agencies were particularly interested in receiving recommendations on, including the scope of ''relatively permanent'' waters and to what features this phrase applies, the scope of ''continuous surface connection'' and to which features this phrase applies, and the scope of jurisdictional ditches. The agencies also sought input on implementation challenges related to these key topic areas.

Additionally, the agencies engaged State and local governments in a 60-day federalism consultation period during development of this proposed rule, beginning with an initial federalism consultation meeting on April 3, 2025, and concluding on June 2, 2025. The agencies also initiated a 60-day consultation period with federally recognized Indian Tribes, beginning March 21, 2025, and concluding May 20, 2025. Information about the federalism and Tribal consultation can be found in sections VII.F and VII.G of this preamble, respectively, and in the federalism and Tribal consultation reports, available in the docket (Docket ID No. EPA–HQ–OW–2025–0322) for this proposed rule.

The agencies received input from a wide variety of Tribes, States, local governments, environmental organizations, industry, agriculture organizations, small businesses, and the public through virtual meetings, consultation letters, and recommendation letters submitted to the docket. Of the more than 45,000 recommendations received, the docket included 48 letters from States and State associations, 25 letters from Tribes and Tribal associations, 97 letters from industry, 31 letters from agriculture organizations, 65 letters from environmental organizations, 37 letters from local governments and local government associations, two letters from Federal agencies, four from other non-governmental organizations, approximately 3,900 letters from the general public, and over a dozen mass mail campaigns. Through the conclusion of all listening sessions, the agencies documented 228 individual verbal remarks.

The agencies received broad support for robust stakeholder outreach and the development of a rule that is consistent with Supreme Court precedent. Many stakeholders also emphasized the importance of regional geographic variability across the United States, and some stakeholders suggested the agencies consider regionally specific criteria for jurisdictional waters. Most recommendations focused on the three key topics for which the agencies solicited input (''relatively permanent'' waters, ''continuous surface connection,'' and ditches), as well as consideration for implementation and further exclusions.

1. Relatively Permanent Waters

A broad range of recommendations were submitted on the scope of ''relatively permanent'' from a diverse array of stakeholder and co-regulator groups. One common theme across most stakeholder and co-regulator recommendations included the need for the definition to account for regional differences in hydrologic variability across the country. Of those who submitted recommendations, most of the States, State associations, agriculture organizations and many industry groups recommended that relatively permanent waters be defined as perennial waters only, or continuously flowing year-round. Conversely, of those who submitted recommendations, many Tribes, environmental advocacy groups, and some industry groups recommended against further revisions to the definition of ''waters of the United States,'' stating that the Amended 2023 Rule accurately implements the *Sackett* decision. In addition, Tribal and environmental advocacy groups broadly recommended interpreting relatively permanent to include intermittent (including seasonal) and perennial waters. The majority of local governments providing feedback recommended that they and local flood control districts be responsible for making jurisdictional determinations and for oversight. Nearly all individual citizens providing recommendations called for broad protection of water resources, including protecting intermittent (including seasonal) and perennial waters. Some States and industry supported the use of the streamflow duration assessment methods (SDAMs) to identify relatively permanent waters and requested the methods be available for all States.[42] Some agriculture organizations and industry stakeholders suggested SDAMs and ordinary high water mark (OHWM) not be used on their own to assess jurisdiction due in part to the implementation challenges they pose.

2. Continuous Surface Connection

The recommendations received on the scope of ''continuous surface connection'' focused mainly on whether discrete features such as natural or man-made features sever continuous surface connection for wetlands and whether wetlands separated by such features are ''abutting,'' as that term has been understood by the Supreme Court. Of those providing feedback, most agriculture organizations, many industry groups, some local governments, and some States recommended that discrete features such as culverts and berms sever jurisdiction for wetlands. Of those providing recommendations, the majority of States, Tribes, environmental advocacy groups, some industry groups, some local governments, and nearly all individual citizens expressed that discrete features do not inherently sever jurisdiction. Many of those recommendations included a call for case-by-case consideration of seasonal dry period variations as well as precipitation-driven connectivity, whether the continuous surface connection has characteristics of a relatively permanent water, and evidence of a continuous surface connection. Individual citizens providing recommendations generally called for an inclusive interpretation of continuous surface connection, asserting that all water has connectivity, even in dry periods. Many recommendations from environmental advocacy stakeholders cited or broadly discussed connectivity, including the EPA's 2015 Connectivity Report.[43]

3. Ditches

The recommendations received on ditches focused on whether ditches should be excluded from the definition of ''waters of the United States'' and whether the function of the ditch should be considered in identifying excluded ditches. Of those providing feedback, agriculture organizations, some industry stakeholders, some local governments, and a few States recommended excluding all ditches from the definition of ''waters of the United States.'' On the other hand, of those providing feedback, most States, State associations, Tribes, some environmental advocacy groups,

[42] Information on the SDAMs is available on EPA's website at *https://www.epa.gov/streamflow-duration-assessment.* The SDAMs are discussed in more detail in section V.5 of this preamble.

[43] U.S. EPA. *Connectivity of Streams and Wetlands to Downstream Waters: A Review and Synthesis of the Scientific Evidence* (Final Report). U.S. Environmental Protection Agency, Washington, DC, EPA/600/R–14/475F, 2015. *Available at https://cfpub.epa.gov/ncea/risk/recordisplay.cfm?deid=296414.*

several local governments, and some industry stakeholders recommended that ditches that function as natural, relatively permanent features should be jurisdictional. Many of these recommendations also stated that ditches excavated only in uplands or non-jurisdictional waters and ditches that have no more than ephemeral flow should be excluded. Many local governments and agriculture organizations providing recommendations showed support for the 2020 Ditch Exemption Memo,[44] though they recommended limited revisions to clarify the Clean Water Act section 404(f) exemptions for construction or maintenance of irrigation ditches and maintenance of drainage ditches.

4. Implementation

A wide variety of recommendations on the definition of ''waters of the United States'' and on Clean Water Act program process and implementation fell outside of the three key definition topics, including: (1) encouraging more voluntary incentives for landowners to protect wetlands, (2) offering compensatory mitigation solutions such as streamlining the mitigation bank review and approval process, (3) improving the process for obtaining a U.S. Department of Agriculture (USDA) determination for prior converted cropland, (4) updating training for field staff and developing regional guidance, (5) creating maps and tools to determine ''waters of the United States,'' and (6) including Tribes and States in further Federal rulemaking development.

5. Additional Feedback Including Further Exclusions

Some States recommended that the intrastate waters category (*e.g.,* paragraph (a)(5) of the Amended 2023 Rule) not be included as a separate basis of jurisdiction. Stakeholders and co-regulators expressed different views about which exclusions should be included in a revised definition of ''waters of the United States.'' Many States recommended excluding certain water features such as permafrost wetlands, ephemeral waters that only periodically provide drainage for rainfall or conveyances for irrigation water, isolated and artificial ponds, and excluding wetlands generally unless they qualify as waters on their own. Many stakeholders expressed support for the waste treatment system exclusion and prior converted cropland exclusions. Some stakeholders expressed support for adding other exclusions, such as an exclusion for groundwater and an exclusion for stormwater control features that do not exhibit continuous surface water flow to navigable waters. Some industry stakeholders recommended excluding features specific to mining operations until such time as they are reclaimed as part of a created or enhanced wetlands complex.

The agencies have thoroughly reviewed and considered the recommendations received for purposes of developing the proposed rulemaking. The agencies welcome feedback on this proposed rule through one of the upcoming public meetings and the 45-day public comment period initiated through publication of this action, as discussed in section II of this preamble. The agencies will consider all comments received during the comment period on this proposal during the development of the final rule and supporting documents.

V. Proposed Revised Definition

A. Basis of the Proposed Rule

The agencies are proposing to amend certain portions of the Amended 2023 Rule, as discussed below, with amendments to reflect the agencies' determination of the statutory limits on the scope of the ''waters of the United States'' consistent with, and informed by, Supreme Court precedent. Section I.B of this preamble contains a summary of the agencies' proposed revisions. All other aspects of the agencies' regulations defining ''waters of the United States'' would remain unchanged. Under the agencies' proposed rule, the term ''waters of the United States'' would include (1) traditional navigable waters and the territorial seas; (2) most impoundments of ''waters of the United States;'' (3) relatively permanent tributaries of traditional navigable waters, the territorial seas, and impoundments; (4) wetlands adjacent (*i.e.,* having a continuous surface connection) to traditional navigable waters, impoundments, and tributaries; and (5) lakes and ponds that are relatively permanent and have a continuous surface connection to a traditional navigable water, the territorial seas, or a tributary. The agencies are also proposing to amend the exclusions for waste treatment systems, prior converted cropland, and certain ditches, and to add an exclusion for groundwater. Finally, the agencies are proposing to add definitions for ''continuous surface connection,'' ''ditch,'' ''prior converted cropland,'' ''relatively permanent,'' ''tributary,'' and ''waste treatment system.''

The proposed rule reflects the balance Congress struck between the Clean Water Act section 101(a) statutory objective to ''restore and maintain the chemical, physical, and biological integrity of the Nation's waters,'' and the policy in Clean Water Act section 101(b) to ''recognize, preserve, and protect the primary responsibilities and rights of States to prevent, reduce, and eliminate pollution'' and ''to plan the development and use . . . of land and water resources.'' 33 U.S.C. 1251(a) and (b). In developing an appropriate regulatory framework for the proposed rule, the agencies recognize and respect the primary responsibilities and rights of States to regulate their land and water resources. *Id.* 1251(b), *see also id.* 1370. The oft-quoted objective of the Clean Water Act at 101(a) must be implemented in a manner consistent with Congress' directives to the agencies. The Supreme Court long ago recognized the distinction between Federal waters traditionally understood as navigable and waters ''subject to the control of the States.'' *Daniel Ball,* 77 U.S. (10 Wall.) at 557. Over a century later, the Supreme Court in *SWANCC* reaffirmed ''the States' traditional and primary power over land and water use.'' *SWANCC,* 531 U.S. at 174; *accord Rapanos,* 547 U.S. at 738 (Scalia, J., plurality opinion). And in *Sackett,* the Supreme Court confirmed that the balance between State and Federal authority embodied in the Act cannot be redrawn in response to ecological concerns. 598 U.S. at 683. While Clean Water Act section 101(b) does not specifically identify Tribes, the policy of preserving States' sovereign authority over land and water use is equally relevant to ensuring the primary authority of Tribes to address pollution and plan the development and use of Tribal land and water resources. This proposed rule recognizes and preserves the autonomy of Tribes just as it recognizes and preserves the authority of States.

Ensuring that States and Tribes retain authority over their land and water resources, reflecting the policy in section 101(b), helps carry out the overall objective of the Clean Water Act and ensures that the agencies are giving full effect and consideration to the entire structure and function of the Act. *See, e.g., Sackett,* 598 U.S. at 674 (''It is hard to see how the States' role in regulating water resources would remain 'primary' if the EPA had jurisdiction over anything defined by the presence of water.''); *Rapanos,* 547

[44] *https://www.epa.gov/sites/default/files/2020-07/documents/final_ditch_exemption_memo_july_2020_with_epa.pdf.*

U.S. at 755–56 (Scalia, J., plurality opinion) (''[C]lean water is not the *only* purpose of the statute. So is the preservation of primary state responsibility for ordinary land-use decisions. 33 U.S.C. 1251(b).'') (emphasis in original). That includes the dozens of non-regulatory grant, research, nonpoint source, groundwater, and watershed planning programs that were intended by Congress to assist the States in controlling pollution in the Nation's waters, not just its navigable waters. These non-regulatory sections of the Clean Water Act reveal Congress' intent to restore and maintain the integrity of the Nation's waters using Federal assistance to support State, Tribal, and local partnerships to control pollution of the Nation's waters in addition to a Federal regulatory prohibition on the discharge of pollutants to its navigable waters. *See, e.g., Rapanos,* 547 U.S. at 745 (''It is not clear that the state and local conservation efforts that the CWA explicitly calls for, *see* 33 U.S.C. 1251(b), are in any way inadequate for the goal of preservation.''). Including *all* of the Nation's waters within the Act's Federal regulatory mechanisms would call into question the need for the more holistic planning provisions of the Act and the State partnerships they entail. Therefore, by recognizing the distinctions between the Nation's waters and its navigable waters and between the overall objective and goals of the Clean Water Act and the specific policy directives from Congress, the agencies would fully implement the entire structure of the Act while respecting the specific word choices of Congress. *See, e.g., Bailey,* 516 U.S. at 146; *Nat'l Fed'n of Indep. Bus.,* 567 U.S. at 519, 544 (2012).

The proposed rule is also consistent with and informed by the Supreme Court's seminal decision in *Sackett.* In developing the proposed rule, the agencies considered the text and structure of the statute, other relevant precedents, and the agencies' experience and expertise implementing the definition of ''waters of the United States.'' The limitations in the proposed rule both reflect consideration of the comprehensive nature and objective of the Clean Water Act and avoid assertions of jurisdiction that exceed the agencies' statutory authority or raise federalism concerns. The *Sackett* decision clarifies where the agencies draw the boundaries of Federal jurisdiction in keeping with Congress's objective while preserving and protecting the responsibilities and rights of the States, as Congress recognized in the Clean Water Act. The proposed rule's limitations conform with the *Sackett* decision and thereby ensure that Clean Water Act regulatory programs will apply where waters meet the definition of ''waters of the United States.'' States and Tribes have authority to regulate waters that do not meet the proposed rule's definition of ''waters of the United States'' as they deem appropriate. Finally, the proposed rule would also achieve the agencies' goals of ensuring clarity, simplicity, and improvements that will stand the test of time, while providing for durable, stable, and more effective and efficient jurisdictional determinations and permitting actions.

The Regulatory Impact Analysis for the Proposed Rule provides information about the potential differences between current implementation and the proposed rule. The assessment can be found in the docket for this proposed action.

When preparing an approved jurisdictional determination,[45] which is typically made at the request of a landowner or applicant, the agencies bear the burden of proof in demonstrating that an aquatic resource meets the requirements under the proposed rule to be jurisdictional or excluded. The agencies' jurisdictional determinations must adequately document the basis of jurisdiction—that is, summarize the indicators that support the determination such as the information that demonstrates that the waters, including any wetlands, at issue meet the requirements of paragraphs (a) or (b) of the proposed rule, as applicable. Under any definition of ''waters of the United States,'' the agencies will rely on a weight of evidence approach when determining whether a water meets the regulatory requirements for asserting Federal jurisdiction. This means that if the agencies do not have adequate information to demonstrate that a water meets the jurisdictional standards to be a ''water of the United States,'' the agencies would find such a water to be non-jurisdictional. The agencies invite comment on approaches for increasing predictability in jurisdictional determinations, including options for leveraging data and tools discussed *infra* in section V of this preamble and in section 3 of the Regulatory Impact Analysis for the Proposed Rule.

This proposal does not propose to change the scope of paragraph (a)(1)(i), addressing traditional navigable waters. However, the agencies are considering whether clarifications to the scope of that provision may be warranted in the final rule preamble or in a separate administrative action. Specifically, the agencies are considering whether it may be necessary to elucidate what it means for a water to be ''susceptible to use in interstate or foreign commerce.'' The agencies welcome comments from members of the public about any experiences they may have had with findings that waters are ''susceptible to use in interstate or foreign commerce,'' any concerns they may have with current or potential future implementation of that provision, or other aspects of this provision that may warrant additional clarification or interpretation by the agencies. In addition, the agencies solicit input on whether the agencies should reinstate the joint agency coordination memorandum issued on June 30, 2020, requiring elevation of certain traditional navigable waters determinations (*See* U.S. Environmental Protection Agency (EPA) and U.S. Army Corps of Engineers (Corps) Process for Elevating and Coordinating Specific Draft Determinations under the Clean Water Act (CWA), available in the docket for this proposed rule).

The agencies also solicit comment on an alternative approach to the proposed rule, whereby ''waters of the United States'' would encompass traditional navigable waters, tributaries that directly flow into these waters, and wetlands with a continuous surface water connection to such waters. All other waters would be excluded. This alternative is informed by Justice Thomas's concurring opinion in *Sackett,* which emphasized that ''the term 'navigable waters' refers solely to the aquatic channels of interstate commerce over which Congress traditionally exercised authority.'' 598 U.S. at 697 (Thomas, J., concurring). The agencies seek comment on whether the statute and the relevant history of Federal authority over navigable waters support this approach, or whether they support the agencies' proposal to include a broader category of tributaries and adjacent wetlands within the scope of ''navigable waters,'' based on the plain meaning of the term ''waters'' (informed by the qualifier ''navigable'') and the continuous surface connection between such waters and wetlands.

[45] For convenience, EPA decisions on jurisdiction are referred to as jurisdictional determinations throughout this document, but such decisions are not ''approved jurisdictional determinations'' as defined and governed by the Corps' regulations at 33 CFR 331.2. Approved jurisdictional determinations are typically made at the request of a landowner or applicant. *See, e.g.,* Regulatory Guidance Letter (RGL) 16–01, *available at https://usace.contentdm.oclc.org/utils/getfile/collection/p16021coll9/id/1256.*

B. Interstate Waters

The proposed rule would remove the category of interstate waters from the definition of ''waters of the United States.'' Because this category can encompass bodies of water that are not relatively permanent, standing, or continuously flowing or that are not themselves connected to a downstream traditional navigable water or the territorial seas, either directly or through one or more waters or features that convey relatively permanent flow, its removal would ensure consistency with the *Sackett* decision as well as the Clean Water Act. This approach would also address persistent litigation over this category. Under the proposal, interstate waters would only be ''waters of the United States'' if they fall within another jurisdictional category in the definition. The change would likely have few practical impacts and would not undermine significant reliance interests, as the agencies rarely identify waters as jurisdictional solely because they are interstate as they often fall under one of the other categories of ''waters of the United States'' (*e.g.,* the waters are also traditional navigable waters or jurisdictional tributaries). Based on an analysis of data associated with approved jurisdictional determinations finalized by the Corps between August 28, 2015, and September 18, 2025, a total of 15 waters were found to be jurisdictional as interstate waters during that time frame. Under the proposed rule, rivers like the Amargosa River, which flows from Nevada into a dry playa in Death Valley, California, would not be jurisdictional simply because they cross a state boundary. Rather, these rivers would only be covered by Federal jurisdiction if they are themselves jurisdictional by some other means, such as being traditional navigable waters or jurisdictional tributaries.

The agencies previously eliminated the category of interstate wetlands from the interstate waters category in the Conforming Rule, *see* 88 FR 69166–69169 (September 8, 2023), meaning that the proposed rule's elimination of the interstate waters category water by itself would not impact the jurisdictional status of interstate wetlands like the Great Dismal Swamp, which crosses the border between Virginia and North Carolina—under both current implementation and the proposed rule, such wetlands are only jurisdictional if they meet another category of ''waters of the United States'' (*e.g.,* wetlands subject to the ebb and flow of the tide or adjacent wetlands).

Given the proposed deletion of the (a)(1)(iii) interstate waters category, the agencies are also proposing a ministerial change to paragraph (a) to add an ''or'' after the (a)(1)(i) category and delete the ''or'' after the (a)(1)(ii) category. This revision would be necessary as there would be only two remaining water types under category (a)(1) with the proposed deletion of interstate waters. The agencies are not proposing any other changes to the (a)(1)(i) or (ii) categories.

1. Basis for Eliminating as an Independent Basis for Jurisdiction

Removing the category of ''interstate waters'' as an independent basis for jurisdiction reflects the language of the Clean Water Act, as interpreted by the Supreme Court, as well as the history of the Act and Congress' authority under the Constitution to regulate ''waters of the United States.'' The Supreme Court has interpreted ''waters'' in the context of the Clean Water Act to encompass ''only those relatively permanent, standing or continuously flowing bodies of water 'forming geographic[al] features' that are described in ordinary parlance as 'streams, oceans, rivers, and lakes.' '' *Sackett,* 598 U.S. at 671 (citing *Rapanos,* 547 U.S. at 739 (plurality opinion)). Specifically with respect to ''waters of the United States,'' the *Sackett* Court held that a ''water of the United States'' must be ''a relatively permanent body of water connected to traditional interstate navigable waters'' or ''wetland[s] [with] a continuous surface connection with that water.'' *Id.* at 678 (citing *Rapanos,* 547 U.S. at 742, 755); *see* section IV.A of this preamble. Nothing in *Sackett* or the *Rapanos* plurality opinion suggests that Congress intended to separately regulate interstate waters that do *not* meet this test.

As discussed in section IV.A of this preamble, the Court has made clear that Congress' authority for enacting the Clean Water Act is derived from ''[i]ts traditional jurisdiction over waters that were or had been navigable in fact or which could reasonably be so made.'' *SWANCC,* 531 U.S. at 172. The Court explained in *SWANCC* that nothing in the legislative history of the Clean Water Act Amendments ''signifies that Congress intended to exert anything more than its commerce power over navigation.'' *Id.* at 168 n.3. The scope of the agencies' regulation must therefore reflect the limits imposed by the term, ''navigable waters.'' The agencies propose that regulating all interstate waters—from isolated ponds to ephemeral washes—regardless of their connection to navigability would impermissibly ''read[ ] the term 'navigable waters' out of the statute.'' *See id.* at 172.

The history of the Clean Water Act supports the agencies' proposed removal of the category of interstate waters. The original Water Pollution Control Act (WPCA) of 1948 regulated the ''pollution of interstate waters,'' defined as ''all rivers, lakes, and other waters that flow across, or form a part of, State boundaries.'' WPCA of 1948, 2(d)(1), (4), 10(e), 62 Stat. 1155, 1156–57, 1161. In 1961, Congress amended the statute to substitute the term ''interstate or navigable waters'' for ''interstate waters'' in the statute's enforcement provision while making minor changes to the definition of ''interstate waters.'' *See* Public Law 87–88, 75 Stat. 208 (1961). In 1965, Congress again amended the statute to require States to develop water quality standards for all ''interstate waters'' within their borders. *See* Public Law 89–234, 79 Stat. 908 (1965). In the 1972 Amendments, however, establishing the current statutory structure, Congress selected the term ''navigable waters'' as the operative term for the major regulatory programs established by the 1972 amendments, dropping the definition of ''interstate waters'' from the statute. *See, e.g.,* 33 U.S.C. 1362(7) (defining ''navigable waters'' as ''waters of the United States''). In doing so, however, Congress allowed States to retain existing water quality standards for interstate waters developed under the pre-1972 statutory program. *See* 33 U.S.C. 1313(a). Congress specifically did not carry the term ''interstate waters'' forward as the operative phrase for Federal jurisdiction. Following basic canons of statutory construction, the agencies now interpret Congress' removal of the term ''interstate waters'' as intentional. *See, e.g., Stone* v. *INS,* 514 U.S. 386, 397 (1995) (''When Congress acts to amend a statute, we presume it intends its amendment to have real and substantial effect.'').

Congress' removal of the prior term, ''interstate waters,'' and its replacement of that term with ''navigable waters,'' supports the agencies' view that interstate waters can only be jurisdictional if they have the requisite connection to traditional navigable waters and fall within the Supreme Court's interpretation of ''waters of the United States.'' After considering Congress' constitutional authority over navigable waters that forms the basis for Clean Water Act jurisdiction (*see* section IV.A of this preamble), the Supreme Court's interpretation of the term ''waters of the United States,'' and the history of the statute, the agencies

are proposing that only those interstate waters that would fall within another category in this proposed rule are jurisdictional. Other interstate waters fall beyond the agencies' authority under the Clean Water Act and are more appropriately regulated by the States and Tribes under their sovereign authorities.

The agencies evaluated their longstanding interpretation prior to 2020, and reinstated in 2023, which included interstate waters as a standalone jurisdictional category (though the agencies clarified that ''waters of the United States'' does not include ''interstate wetlands'' in the Conforming Rule following *Sackett*). 88 FR 61966. As discussed in section IV.B of this preamble above, the EPA promulgated its first regulatory definition for the term ''navigable waters'' in 1973. 38 FR 13528 (May 22, 1973). In that regulation, the EPA established ''interstate waters'' as a separate category of ''waters of the United States,'' distinct from the traditional navigable waters category, retained it as such until 2020, and restored it in 2023. The agencies are now proposing that the best interpretation of ''waters of the United States'' is that it only encompasses those interstate waters that meet the jurisdictional test laid out by the Supreme Court in *Sackett* and the *Rapanos* plurality opinion. As noted above, the agencies are not proposing any other changes to the (a)(1)(i) or (ii) categories.

In support of their prior interpretation, the agencies have argued that the term ''waters of the United States'' unambiguously covers ''interstate waters.'' The agencies have asserted that ''interstate waters'' are waters of the several States and, thus, the United States. However, the agencies now recognize that nothing in the *Rapanos* plurality or *Sackett* opinions provides a basis for interpreting interstate waters as jurisdictional if they are not themselves traditional navigable waters or the territorial seas, relatively permanent tributaries of traditional navigable waters or the territorial seas, wetlands with a continuous surface connection to these waters, or impoundments of otherwise jurisdictional waters.

The agencies have referred to section 303(a) of the Clean Water Act as further textual evidence that Congress intended ''interstate waters'' to be retained as an independent category of jurisdictional waters. That provision authorizes water quality standards for ''interstate waters'' developed following the 1965 amendments to remain in effect, subject to revision under the new statutory program. 33 U.S.C. 1313(a). Yet the legislative history of the 1972 amendments indicates that Congress did not consider interstate waters and navigable waters to be two distinct categories; rather, they referred to terms in the pre-1972 statutory regime conjunctively as ''interstate navigable waters.'' S. Rep. No. 92–414, at 2 (1971) (''Each State was required by the 1965 Act to develop standards for water quality within its boundaries. These standards were to be applied to all *interstate navigable waters* flowing through the State; intrastate waters were not included.'') (emphasis added); *id.* at 4 (''The setting of water quality standards for *interstate navigable waters* . . . is the keystone of the present program for control of water pollution.'') (emphasis added); *id.* (''The States have first responsibility for enforcement of their standards. When approved by the [EPA], however, the standards for *interstate navigable waters* become Federal-State standards.'') (emphasis added). In 1976, the Supreme Court shared the same view of the pre-1972 statutory scheme: ''Before it was amended in 1972, the Federal Water Pollution Control Act employed ambient water quality standards specifying the acceptable levels of pollution in a State's *interstate navigable waters* as the primary mechanism in its program for the control of water pollution.'' *EPA* v. *California,* 426 U.S. 200, 202 (1976) (emphasis added) (footnote omitted). In light of this history, the section 303(a) provision relating to existing water quality standards for ''interstate waters'' may be best understood as referring to ''interstate navigable waters,'' rather than *any* interstate waters regardless of their connection to traditional navigable waters.

The agencies also historically relied on two Supreme Court cases—*Illinois* v. *City of Milwaukee,* 406 U.S. 91 (1972) and *City of Milwaukee* v. *Illinois,* 451 U.S. 304 (1981)—addressing interstate water pollution to support their prior interpretation. Yet neither case addressed the specific question of whether ''interstate waters'' and ''navigable waters'' are separate categories of jurisdictional waters under the Clean Water Act. They instead addressed interstate water pollution generally, and the water at issue in those cases was Lake Michigan, a water that is *both* interstate *and* navigable. The 1972 case, which was decided prior to the 1972 Federal Water Pollution Control Act amendments, refers to the two categories in the disjunctive, implying that the Court viewed the pre-1972 statutory program as encompassing two separate categories. *See Illinois,* 406 U.S. at 102 (''it is federal, not state, law that in the end controls pollution of *interstate or navigable waters*'') (emphasis added). However, the 1981 decision refers to the 1972 Amendments as a '''total restructuring' and 'complete rewriting' of the existing water pollution legislation considered in that case.'' *Milwaukee,* 451 U.S. at 317 (citing legislative history of the 1972 Federal Water Pollution Control Act amendments). While *Milwaukee* refers to the 1972 Amendments of the Federal Water Pollution Control Act as affecting ''interstate waters,'' its language generally supports the agencies' interpretation that prior iterations of the statute referring to both interstate waters and navigable waters were replaced with a completely new program in 1972. The agencies therefore no longer find these cases a persuasive basis for regulating ''interstate waters'' as a distinct category of ''waters of the United States.''

The proposed rule's approach to interstate waters is consistent with a district court decision that ruled on a motion for summary judgment on this issue following *SWANCC* and *Rapanos.* In *Georgia* v. *Wheeler,* the court directly addressed the 2015 Clean Water Rule's assertion of authority over all interstate waters, including nonnavigable interstate waters. 418 F. Supp. 3d 1336, 1358–59 (S.D. Ga. 2019). The court noted that under that rule, ''a mere trickle, an isolated pond, or some other small, non-navigable body of water would be under federal jurisdiction simply because it crosses a state line or lies along a state border.'' *Id.* at 1359. The court concluded that ''the inclusion of all interstate waters,'' including those with ''little or no connection to navigable-in-fact waters,'' exceeds the agencies' authority under the Clean Water Act, as discussed in *SWANCC. Id.* The agencies find persuasive the court's analysis and conclusion in *Georgia* v. *Wheeler.*

C. Relatively Permanent Waters

1. Definition and Scope of ''Relatively Permanent'' Waters

In this proposal, the agencies define ''relatively permanent'' to mean ''standing or continuously flowing bodies of surface water that are standing or continuously flowing year-round or at least during the wet season.'' Consistent with the *Sackett* decision, ephemeral waters (*i.e.,* those with surface water flowing or standing only in direct response to precipitation (*e.g.,*

rain or snow fall)) are not jurisdictional because they are not relatively permanent. The phrase ''at least during the wet season'' is intended to include extended periods of predictable, continuous surface hydrology occurring in the same geographic feature year after year in response to the wet season, such as when average monthly precipitation exceeds average monthly evapotranspiration. As proposed, surface hydrology would be required to be continuous throughout the entirety of the wet season. The temporal component for wet season is intended to be an extended period where there is continuous surface hydrology resulting from predictable seasonal precipitation patterns year after year. The agencies acknowledge that surface hydrology may not always exactly overlap with the wet season, for example in regions exhibiting a time lag or delay in demonstration of surface hydrology due to various factors. The latter may occur, for example, as a result of snowpack melt occurring several months after repeated snowfall creates a snowpack. In another example, some streams experience delayed (*i.e.,* lagged) surface hydrology during the transition from the dry season to the wet season, as it may take some time for the water table to rise due to seasonal precipitation patterns.

Under the proposed rule, ''relatively permanent'' applies to both tributaries under paragraph (a)(3) and lakes and ponds under paragraph (a)(5). The proposed definition of ''relatively permanent'' would also apply to determining when wetlands are adjacent to impoundments that are relatively permanent, standing or continuous flowing bodies of water. *See* section V.C.5.a of this preamble for additional information about implementation of ''relatively permanent.'' In light of the *Sackett* decision, the agencies solicit comment on the definition of ''relatively permanent'' in this proposed rule, including implementation of the definition and regional implications of the proposed approach.

2. Basis for the Proposed Definition

This proposed definition is based on the text of the Clean Water Act and recent Supreme Court decisions interpreting the term ''waters of the United States,'' as well as the agencies' expertise and desire to establish a clear and easily implementable definition. As discussed in section IV.A of this preamble, the plurality opinion in *Rapanos* interpreted the term ''waters of the United States'' as covering ''relatively permanent, standing or continuously flowing bodies of water'' that are connected to traditional navigable waters, as well as wetlands with a ''continuous surface connection'' to such waterbodies. 547 U.S. at 739, 742 (Scalia, J., plurality opinion). The *Rapanos* plurality noted that its reference to ''relatively permanent'' waters did ''not necessarily exclude streams, rivers, or lakes that might dry up in extraordinary circumstances, such as drought,'' or ''*seasonal* rivers, which contain continuous flow during some months of the year but no flow during dry months.'' *Id.* at 732 n.5 (emphasis in original).

In *Sackett,* the Supreme Court concluded that the *Rapanos* plurality was ''correct'' in interpreting ''waters of the United States'' (for purposes of surface waters, as opposed to wetlands) as ''encompassing 'only those relatively permanent, standing or continuously flowing bodies of water forming geographic[al] features that are described in ordinary parlance as streams, oceans, rivers, and lakes.' '' 598 U.S. at 671 (quoting *Rapanos,* 547 U.S. at 739).

The agencies' proposed definition of ''relatively permanent'' implements the Court's interpretation of ''waters of the United States'' in the *Rapanos* plurality decision, adopted by the majority in *Sackett,* in an understandable and implementable way for both ordinary citizens and expertly trained scientists. It is faithful to the *Rapanos* plurality opinion and the *Sackett* decision because bodies of water that have standing or flowing surface water year-round are, by definition, permanent. And while the *Rapanos* plurality noted that waters of the United States do not include ''ordinarily dry channels through which water occasionally or intermittently flows,'' 547 U.S. at 733, it would ''not necessarily exclude *seasonal* rivers, which contain continuous flow during some months of the year but no flow during dry months.'' *Id.* at 732 n.5. The proposed definition of ''relatively permanent'' includes water features that are standing or flowing continuously ''at least during the wet season,'' which is consistent with the plain meaning of ''waters,'' ''lakes'' and ''streams'' and with the *Rapanos* plurality's intent to avoid excluding seasonal waters. The *Sackett* decision adopted the *Rapanos* plurality's interpretation of ''relatively permanent,'' 598 U.S. at 671, although the agencies acknowledge that the *Sackett* decision did not specifically address the reference to seasonal waters in the *Rapanos* plurality. Having standing or continuous flow at least during the wet season most typically occurs in surface waters at the same time each year; for example, during times when groundwater tables are elevated or when snowpack runoff produces relatively permanent flow, returning on an annual basis during the wet season in known, fixed geographic locations. The proposed definition is thus consistent with the *Rapanos* plurality's concepts of ''relatively permanent,'' as explicitly endorsed by the *Sackett* decision, and ''seasonal,'' while not capturing features that are ephemeral. Moreover, while excluding features that lack flow during the wet season, the agencies are implementing Clean Water Act section 101(b), which ''protect[s] the primary responsibilities and rights of States to prevent, reduce, and eliminate pollution'' and ''to plan the development and use . . . of land and water resources.'' 33 U.S.C. 1251(b); *see also Sackett,* 598 U.S. at 674 (''It is hard to see how the States' role in regulating water resources would remain ''primary'' if the EPA had jurisdiction over anything defined by the presence of water.'') 33 U.S.C. 1251(b); *see also Sackett,* 598 U.S. at 674 (''It is hard to see how the States' role in regulating water resources would remain ''primary'' if the EPA had jurisdiction over anything defined by the presence of water.'')

Finally, the proposed definition incorporates terms that are easily understood in ordinary parlance and should be implementable by both ordinary citizens and trained professionals. In a similar way, scientists, environmental consultants, and other water resource professionals, including the agencies' staff, have used the concept of the ''wet season'' for decades to assess water features—including to assess if observations made during a site visit or through interpretation of aerial photography are made under normal, wetter than normal, or drier than normal climatic conditions, and to assist with delineating wetlands—and the concept of a body of surface water that is standing or continuously flowing year-round has been a part of the relatively permanent standard since the *Rapanos* guidance. Indeed, the agencies apply the concept of ''wet season'' in the use of the Corps' Antecedent Precipitation Tool (APT),[46] which is routinely used to inform wetland delineations and jurisdictional determinations.[47] *See*

[46] *Available at https://github.com/erdc/Antecedent-Precipitation-Tool/releases.*

[47] Sparrow, K.H., Brown, SW, French, C.E., Gutenson, J.L., Hamilton, C.O., and Deters, J.C. 2025. *Antecedent Precipitation Tool (APT) Version 3.0: Technical and User Guide.* U.S. Army Corps of Engineers. ERDC/TN WRAP–25–1. *Available at https://erdc-library.erdc.dren.mil/items/af14290c-ed08-411b-ae5d-effa5b5b947d.*

section V.C.5.b of this preamble for further discussion of implementation of ''relatively permanent.'' The agencies intend to use the metrics from the Web-based Water-Budget Interactive Modeling Program (WebWIMP), which are reported in the APT, as a primary source for identifying the wet season.[48] The agencies also believe that the incorporation of wet season into the proposed definition of ''relatively permanent'' can be viewed as a bright line test, as it would provide a required duration threshold for which a water must have standing or flowing water in order to be considered jurisdictional. Unlike typical bright line approaches, however, the agencies' proposed approach would also allow for regional variation given the range of hydrology and precipitation throughout the country. The line the agencies propose to draw between relatively permanent and non-relatively permanent waters enhances administrative efficiency and reflects a balancing of the law, common sense, science, and stakeholder input received pre-proposal.

3. Alternative Approaches

The agencies considered proposing to limit the definition of ''relatively permanent waters'' to only ''perennial'' waters and solicit public comment as to whether the agencies should adopt this alternative definition. The agencies evaluated this interpretation because ''perennial'' streams are most obviously ''permanent,'' consistent with the *Sackett* decision and the *Rapanos* plurality opinion. The agencies are not proposing this approach, however, because the term ''relatively'' in *Sackett* and the *Rapanos* plurality suggests that Clean Water Act jurisdiction may not be limited to waters that are standing or continuously flowing every day or that always have standing water. Moreover, limiting the scope of relatively permanent waters to perennial streams would exclude waters that the *Rapanos* plurality stated are ''not *necessarily* exclude[d]'' (emphasis added): ''streams, rivers, or lakes that might dry up in extraordinary circumstances, such as drought,'' or ''*seasonal* rivers, which contain continuous flow during some months of the year but no flow during dry months.'' 547 U.S. at 732 n.5 (emphasis in original); *see also Sackett,* 598 U.S. at 651, 671 (''we conclude that the *Rapanos* plurality was correct.''). While this approach would exclude the ''seasonal'' streams that the *Rapanos* plurality may have not necessarily intended to exclude, the absence of an explicit reference to such ''seasonal'' streams in *Sackett* could be interpreted to mean that *Sackett* defined the scope of ''relatively permanent'' to exclude such water features.

Perennial streams are common in wetter parts of the country but are rare in the arid West, so this approach may result in Federal regulatory jurisdiction over a greater proportion of water bodies in certain parts of the country compared to other regions. However, as an implementation matter, limiting ''relatively permanent'' waters to ''perennial'' features may simplify implementation of the rule. If members of the public see that waters dry up on a regular basis other than in times of drought, they would know those waters are not jurisdictional simply by observation, without the need for any further analysis or professional consultation. However, it may be more challenging to identify whether a stream flows year-round or a few days less than year-round. Such methods or the use of remote tools may require repeated or continuous monitoring over the course of a year or longer to ensure water is standing or flowing year-round. In addition, stream assessment methods are sometimes more accurate in identifying streams with at least seasonal flow (~82–95% accuracy) than identifying streams with perennial flow (~75–91% accuracy), as indicators are more readily identifiable between seasonal streams and those that only flow in direct response to precipitation.[49] The agencies solicit comment as to whether ''relatively permanent'' should be limited to perennial waters or should otherwise be defined differently than what the agencies propose here. The agencies also solicit comment on whether the extent of the agencies' interpretation of ''wet season'' appropriately aligns with the *Rapanos* plurality's discussion of ''seasonal rivers'', or whether the agencies should interpret ''wet season'' to reflect a flow duration that is more than during the wet season but less than perennial flow.

The agencies also considered an approach that would set certain minimum flow volume thresholds in the proposed definition of ''relatively permanent.'' The proposed definition of ''relatively permanent'' does not establish bright line requirements, such as for a particular flow volume. In 1977, the Corps proposed to use flow volumes (*i.e.,* normally less than five cubic feet per second) to define ''headwaters'' in the definition of ''waters of the United States,'' and instead finalized the use of flow volumes for implementation of their general permit program. 42 FR 37129 (July 19, 1977). Stream flow volume is challenging to measure directly, in particular in a stream where flow is not always present and may require multiple field-based measurements that can make implementation inefficient and result in delays in making a jurisdictional determination. While the proposed approach to ''relatively permanent'' may also be supported by field measurements, remote tools may also be used to observe presence or absence of flow and identify flow during the wet season. Those remote tools can assess flow frequency, and some can provide flow volume estimates.[50] In addition, the agencies have not identified a rationale for a threshold of specific flow volumes that would establish jurisdiction given the broad nationwide applicability of the proposed rule and the regional variability in flow volumes.

Additionally, the agencies considered, but are not proposing, a minimum flow duration metric (*e.g.,* 30, 90, or 270 days[51]) or bright lines set by region, *e.g.,* by requiring flow a minimum of 270 days east of the Mississippi River and a minimum of 30 or 60 days west of the Mississippi, for relatively permanent waters. One such bright line approach would not rely on the proposed wet season approach but could require a minimum 90-day flow duration requirement to be consistent with what

[48] The APT reports an interpretation of the average monthly water-balance metrics from WebWIMP (*available at http://cyclops.deos.udel.edu/wimp/public_html/index.html*), as an estimation of the approximate dates of the wet and dry seasons for the observation location, including whether the date of observation falls within the wet season or the dry season. The interpretation of wet season using the results from WebWIMP is that the wet season corresponds to all periods of the year where precipitation is estimated to, on average, exceed evapotranspiration. *See* ''Additional Information on the Antecedent Precipitation Tool (APT),'' *available at https://www.epa.gov/system/files/documents/2022-12/Additional%20Information%20on%20the%20APT.pdf.*

[49] *See, e.g.,* James, A., McCune, K., Mazor, R. 2021. *Review of Flow Duration Methods and Indicators of Flow Duration in the Scientific Literature, Northeast and Southeast of the United States.* Document No. EPA–840–B–22007. *Available at https://www.epa.gov/system/files/documents/2023-05/Literature-Review-Beta-SDAM-NE-and-SE.pdf.*

[50] *See* USGS Enhanced Runoff Method, or EROM, used to compute estimates of the mean annual flow for the National Hydrography Dataset (NHD) Plus flowline features in the NHDPlus High Resolution network. *See also* USGS Dynamic Surface Water Extent (DSWE). *Available at: https://www.usgs.gov/landsat-missions/landsat-dynamic-surface-water-extent-science-products.*

[51] *Rapanos,* 547 U.S. at 739, n.5 (''By describing 'waters' as 'relatively permanent,' we do not necessarily exclude streams, rivers, or lakes that might dry up in extraordinary circumstances, such as drought. We also do not necessarily exclude *seasonal* rivers, which contain continuous flow during some months of the year but no flow during dry months.'').

is generally considered a ''season'' (*i.e.,* with each of the four ''seasons'' lasting three months of the year) or a 270-day flow duration requirement to exclude the driest of seasons. This bright line approach would provide transparency and regulatory certainty for landowners and is easy to understand. This alternative approach would also provide a strict threshold cutoff for establishing jurisdiction. The proposed definition considers streamflow duration in the flow classification definitions generally (*e.g.,* ''flowing continuously year-round,'' ''flowing continuously during the wet season'') but without specifying an exact number of days of flow. The time period that encompasses flow during the wet season can vary across the country based upon climate, hydrology, topography, soils, and other conditions. While establishing a minimum duration of flow could ultimately enhance national consistency per the regulatory text, it would likely be inconsistent with the regionalized implementation of relatively permanent tributaries in the proposed rule. For example, streams with continuous flow during the wet season in the arid West are fundamentally different from such streams in the Southeast. Similar to identifying flow duration year-round, a bright line for minimum flow durations can pose implementation challenges to identify that flow has occurred for that exact duration threshold—even landowners familiar with their properties may not know the exact number of days a stream flows per year. However, the agencies acknowledge there are benefits to setting bright lines as they can provide clarity to stakeholders and may provide additional transparency on the requirements for flow duration of relatively permanent waters without the use of additional tools; therefore, the agencies solicit comment and would welcome any supporting rationales for particular thresholds that take into account the broad nationwide applicability of the proposed rule, as well as address any implementation challenges, in particular related to the minimum 90-day or 270-day flow duration requirement under this alternative approach and whether and how continuous flow could be identified under such a regime. This same alternative approach could also be applied to the ''continuous surface connection'' definition, where surface water inundation would be required for at least 90 days or 270 days as opposed to ''surface water at least during the wet season,'' as proposed. *See* section V.D.3 of this preamble for a similar discussion on this alternative approach for continuous surface connection.

Furthermore, the agencies are not proposing to define ''relatively permanent'' using only physical indicators of flow, such as with a requirement for an ordinary high water mark and bed and banks. For purposes of implementation of the proposed rule, ''bed and banks'' means the substrate and sides of a channel, lake, or pond between which standing water or continuous flow is ordinarily confined, as discussed further in section V.5 of this preamble. Though the agencies consider indicators of flow to be appropriate for defining ''tributary,'' as discussed further below in section V.C.4 of this preamble, the agencies propose that physical indicators of flow would be inadequate to define relatively permanent because streams that flow only in direct response to precipitation, such as ephemeral streams, sometimes have an ordinary high water mark as well as bed and banks. The agencies and members of the public thus could struggle to consistently and effectively use physical indicators to distinguish between a non-relatively permanent stream flowing for a short duration only in response to precipitation and a jurisdictional relatively permanent tributary.

Similarly, the agencies solicit comment on whether relatively permanent should be defined consistent with the pre-2015 regulatory regime such that relatively permanent waters are those that typically have standing or flowing water year-round or that have standing or continuously flowing water at least seasonally (*e.g.,* typically three months).[52] This approach explicitly incorporates the ''seasonal'' term used in the *Rapanos* plurality opinion, although some stakeholders believe the seasonal approach may not be consistent with *Sackett*. In addition, it reflects the approach taken by the agencies since the 2008 *Rapanos* Guidance, so practitioners would have experience implementing it. This approach allows for regionalization given the three-month example provided which could vary to account for seasonal differences across the country. This approach differs from the proposed rule's approach because regions which have bodies of surface water that are standing or continuously flowing with seasonal flow for less than 90 days (*e.g.,* the arid West) would still be considered relatively permanent, while the rest of the country would simply need to demonstrate having at least seasonal flow, typically three months in duration, regardless of their specific wet season length. For example, under this alternative approach, even if the wet season is five months, continuous flow could occur for 90 days and be considered relatively permanent. Whereas under the proposed approach, the entire country would need to demonstrate flow at least during their regionally-specific wet season. Alternatively, the agencies could implement seasonal flow to mean continuous surface flow except during dry months.[53] This approach is similar to the proposed approach, incorporating concepts from the *Rapanos* plurality and *Sackett* while allowing for regional variation, and uses ''dry months'' language from the *Rapanos* plurality footnote, but could be read to require more extended periods of flow than the proposed approach. The agencies also solicit comment on these alternative approaches, including whether they are consistent with the *Rapanos* plurality and *Sackett,* as well as any accompanying implementation methods. The agencies welcome comments generally on the concept of a ''seasonal'' flow duration and what that term may include, as well as implementation tools that could be used to identify such flow duration.

The agencies also solicit comment on the most appropriate method to identify the wet season under the proposed definition of ''relatively permanent.'' The agencies propose to focus on precipitation as the one key driver for wet season identification and intend to use the WebWIMP outputs reported in APT as a primary tool to help identify the wet season when precipitation exceeds evapotranspiration rates. Streams that flow continuously during the wet season are distinct from streams that flow discontinuously or only in direct response to discrete precipitation events, such as ephemeral streams. The agencies recognize that the WebWIMP outputs reported in APT may not have complete functionality in certain territories, and the agencies are

[52] Three months was provided as an example of seasonal flow in the *Rapanos* Guidance, but under the pre-2015 regulatory regime the agencies have flexibility to determine what seasonally means in a specific case. *See Rapanos* Guidance at 6–7; U.S. Environmental Protection Agency and U.S. Army Corps of Engineers. ''Memorandum to Assert Jurisdiction for NWP–2007–945.'' *Available at https://usace.contentdm.oclc.org/utils/getfile/collection/p16021coll5/id/1437* (finding that two months of continuous flow was considered seasonal flow for site-specific tributaries in a semi-arid region).

[53] The *Rapanos* plurality noted that by describing ''relatively permanent'' waters, the plurality did ''not necessarily exclude *seasonal* rivers, which contain continuous flow during some months of the year but no flow during dry months.'' 547 U.S. at 732 n.5 (emphasis in original).

exploring ways to improve functionality in those limited circumstances. Another method could be to identify when the majority of precipitation occurs in a given location or region based on percentages and utilize that to identify the wet season, which may better account for continuous streamflow that can occur in the arid West during monsoon season. This approach could identify in which months greater than 50% (or another percentage such as 70%) of the rainfall occurs at the identified location or region and identify that as the wet season. In another approach, the agencies could adopt the Wet Season Totals, which identify the climatologically wettest three months (91 days) of the year.[54] The agencies could ensure that this would include multiple years of data analysis. The agencies solicit comment on whether a definition of ''wet season'' should be added to the regulatory text to provide clarity and transparency. The agencies could adopt a definition that includes the months when precipitation exceeds evapotranspiration or the agencies could adopt any of the options described above for a definition.

The agencies propose to have the flow ''at least during the wet season'' be specifically bound by the wet season such that the number of months with continuous flow would need to be at least throughout the entirety of the wet season. For example, if a wet season extended for six months, the stream would need to flow for at least six months coincident with the identified wet season to be considered relatively permanent. The agencies solicit comment on whether this is an appropriate approach for identifying ''at least during the wet season,'' and whether implementation of this approach is feasible. The agencies also specifically solicit comment on how this might be implemented when there may be a lag in the surface hydrology response to seasonal precipitation as described at section V.C.1 of this preamble above. Such an approach could result in many streams in the arid West not meeting the proposed definition of ''relatively permanent,'' and the agencies solicit comment on the implications of such an approach in those arid West States. In an alternative approach, the agencies could interpret ''at least during the wet season'' where surface hydrology must occur for at least a proportionate amount of time as the identified wet season duration which would be in response to the wet season but need not be coincident with the specific wet season timeframe. For example, if a wet season extended from December through March (a wet season of four months), the stream would need to flow for at least four months to be considered relatively permanent, even if the surface hydrology occurred for four months from February through May. In another alternative approach, the agencies could interpret ''at least during the wet season'' where surface hydrology must occur for at least some months in response to the wet season. Under this approach, the agencies would not require the flow to occur throughout the wet season but would still require flow to occur for at least some months of continuous flow. This duration would extend beyond merely weeks, or even one month, and would require flow for at least an extended period of time of some months during or in response to the wet season. This alternative approach differs from the one described immediately above in that the flow duration would not be required to be of equal duration as the duration of the wet season (*e.g.,* a wet season extending from December through April, a five-month duration, but the stream has flow duration from March through May, a three-month duration; such surface hydrology is in response to the wet season but is not of equal duration). This approach may better account for climatological differences in certain regions, such as the arid West. The agencies request comment on whether this alternative approach is consistent with the plurality opinion in *Rapanos* and *Sackett.* To be clear, the agencies do not intend for the proposed approach or any of the alternative approaches to encompass ephemeral streams or any streams that flow only in direct response to discrete precipitation events.

Another aspect of the proposed definition of ''relatively permanent'' is to identify when surface hydrology occurs in a given waterbody at least during the wet season, and a number of implementation methods and tools could be used. The agencies acknowledge that landowners often know when surface hydrology is occurring in waterbodies on their land, and such visual observations and other local knowledge and records would be helpful when identifying the occurrence and duration of surface hydrology. One specific tool that could also be used would be the agencies' regional streamflow duration assessment methods (SDAMs),[55] which are rapid field-based methods that can be used to identify both streams that contain flowing water continuously during a year of normal rainfall, as well as streams that contain sustained flowing water for part of the year, typically during the wet season, where the streambed may be below the water table and/or where snowmelt provides sustained flow. *See* section V.C.5 of this preamble for additional discussion of the agencies' regional SDAMs. Another tool that could be used under this approach is the USGS Enhanced Runoff Method, which provides mean annual flow estimates for streams mapped in the NHDPlus High Resolution. The agencies seek comment on whether any of these tools and approaches should be used to identify wet season, or whether there are other methods and tools available, and how such methods would be employed for lakes and ponds which would also require relatively permanent flow under either category (a)(3) or (a)(5).

The agencies also solicit comment on whether the terms ''standing or continuously flowing'' in the proposed definition of ''relatively permanent'' are a helpful clarification or if those terms should be deleted due to duplication of language in the paragraph (a)(3), (4), and (5) categories, which all use the phrase ''relatively permanent, standing or continuously flowing.''

4. Definition of ''Tributary''

The agencies propose to define ''tributary'' to mean ''a body of water with relatively permanent flow, and a bed and bank, that connects to a downstream traditional navigable water or the territorial seas, either directly or through one or more waters or features that convey relatively permanent flow.'' Further, the agencies' proposed definition of ''tributary'' clarifies that a ''tributary does not include a body of water that contributes surface water flow to a downstream jurisdictional water through a feature such as a channelized non-jurisdictional surface water feature, subterranean river, culvert, dam, tunnel, or similar artificial feature, or through a debris pile, boulder field, wetland, or similar natural feature, if such feature does not convey relatively permanent flow. When the tributary is part of a water transfer (as that term is applied under 40 CFR 122.3) currently in operation, the tributary would retain jurisdictional status.'' Even if a waterbody does not satisfy the definition of ''tributary,'' it

[54] Funk, C., Harrison, S., Alexander, L., Peterson, P., Behrangi, A., and Husak, G. 2019. ''Exploring trends in wet-season precipitation and drought indices in wet, humid and dry regions.'' *Environmental Research Letters* 14(11): 115002. *Available at https://iopscience.iop.org/article/10.1088/1748-9326/ab4a6c.*

[55] *See https://www.epa.gov/streamflow-duration-assessment.*

may function as a point source (*i.e.,* ''discernible, confined, and discrete conveyance,'' 33 U.S.C. 1362(14)), such that discharges of pollutants from these features could require a Clean Water Act permit. *Rapanos,* 547 U.S. at 743–44 (Scalia, J., plurality opinion).

This proposed definition is informed by Supreme Court decisions and would also provide clarity to assist with implementation. Consistent with previous practice, tributaries under the proposed rule include natural, man-altered, and man-made waterbodies, such as rivers, streams, ditches, canals, lakes, ponds, and impoundments, so long as these waters meet the proposed definition of ''tributary.'' Under the proposed rule, tributaries can connect directly to a traditional navigable water or the territorial seas, or they may connect through other jurisdictional tributaries, adjacent wetlands that convey relatively permanent flow, certain jurisdictional impoundments, or jurisdictional paragraph (a)(5) lakes and ponds. Such waters would not sever upstream jurisdiction for tributaries if they have relatively permanent flow, or in the case of adjacent wetlands, if relatively permanent flow occurs through the wetlands, connecting the upstream and downstream portions of the tributary network. Tributaries under the proposed rule may also connect through certain features, both natural (*e.g.,* debris piles, boulder fields, beaver dams) and artificial (*e.g.,* culverts, ditches, pipes, tunnels, pumps, tide gates, dams), even if such features themselves are non-jurisdictional under the proposed rule, so long as those features convey relatively permanent flow. Features with non-relatively permanent flow, however, would sever jurisdiction upstream under the proposed rule, including flow through non-relatively permanent reaches or streams or wetlands, except when the tributary is part of a water transfer currently in operation. Features that sever jurisdiction under the proposed rule would only be relevant to the paragraph (a)(3) category. Additional information about implementation of ''tributary'' is discussed in section V.C.5.b of this preamble below.

With respect to tributaries specifically, the *Rapanos* plurality, which was adopted by *Sackett,* focuses in part on a tributary's contribution of flow to and connection with traditional navigable waters. *See Rapanos,* 547 U.S. at 742 (interpreting surface waters to be jurisdictional if they are ''relatively permanent bod[ies] of water connected to traditional interstate navigable waters''). The agencies' proposed definition of ''tributary'' requires relatively permanent flow and a connection to a downstream traditional navigable water, consistent with Supreme Court precedent.

In addition, the agencies' proposal would require that tributaries have a bed and banks to clearly identify those waters that are considered tributaries under the proposed rule. The agencies believe that the proposed definition would provide clear and predictable jurisdictional boundaries to guide the agencies and the regulated community. This proposed requirement reflects the approach taken in the NWPR to ensure that the agencies would not exercise jurisdiction beyond the scope of clearly definable tributaries and is therefore familiar to the regulated community and practitioners in the field. Not all features with relatively permanent flow will have a bed and banks, however, and may instead display other ordinary high water mark indicators. Such geographical features with an ordinary high water mark would not be jurisdictional under the proposed rule. For example, certain features such as grassed waterways do not have bed and banks but may have relatively permanent flow and may still connect to a traditional navigable water or the territorial seas. The agencies propose that these features would fall beyond the scope of jurisdictional tributaries under the Clean Water Act, as grassed waterways are not the kind of ''bodies of water 'forming geographic[al] features' . . . described in ordinary parlance as 'streams, oceans, rivers, and lakes' '' that the *Rapanos* plurality and *Sackett* opinions interpreted to be ''waters of the United States.'' *Sackett,* 598 U.S. at 671 (quoting *Rapanos,* 547 U.S. at 739).

In addition, lakes and ponds may be considered a tributary consistent with the agencies' current implementation if they meet the proposed definition. Lakes, ponds, and impoundments that contain standing or continuous flowing water, year round or at least during the wet season, would be considered to be ''a body of water with relatively permanent flow'' under the proposed rule. Generally, lakes and ponds do have a bottom, or bed, as well as side slopes, or banks. These may look different than the bed and banks of more channelized version of streams which are tributaries, but the agencies intend that these in-line lakes and ponds that meet the proposed definition of ''tributary'' would be considered jurisdictional under paragraph (a)(3). Even though such waters are considered to be lentic or ''still'' systems, such waters still contribute flow downstream at the point that they outlet to the tributary network and therefore the agencies have long concluded it is appropriate to consider such waters to be tributaries where they otherwise meet the requirements of the category.

This proposed definition of tributary identifies a category of rivers and streams that, due to their flow duration (*i.e.,* relatively permanent flow) and their connection to traditional navigable waters or the territorial seas, should be deemed federally jurisdictional. Through this proposed definition of ''tributary,'' the agencies would also acknowledge the policy direction from Congress to ''recognize, preserve, and protect the primary responsibilities and rights of States to prevent, reduce, and eliminate pollution [and] to plan for the development and use (including restoration, preservation, and enhancement) of land and water resources.'' 33 U.S.C. 1251(b); *see also Rapanos,* 547 U.S. at 737 (Scalia, J., plurality). The proposed approach to defining ''tributary'' is also intended to limit Federal jurisdiction over streams and features with non-relatively permanent flow and other ordinarily dry land features in order to ''preserve, and protect the primary responsibilities and rights of States to . . . plan the development and use . . . of land . . . resources.'' *See id.* at 738 (Scalia, J., plurality) (''Regulation of land use, as through the issuance of the development permits sought by petitioners in both [*Rapanos* and *Carabell*], is a quintessential state and local power.''); *see also Sackett,* 598 U.S. at 674 (''It is hard to see how the States' role in regulating water resources would remain ''primary'' if the EPA had jurisdiction over anything defined by the presence of water.'').

With the proposed definition, the agencies seek to avoid ''impairing or in any manner affecting any right or jurisdiction of the States with respect to waters (including boundary waters) of such States.'' *See* 33 U.S.C. 1370. States and Tribes are free to address rivers, lakes, streams, ponds, and other features that do not meet the definition of ''relatively permanent'' as ''waters of the State'' or ''waters of the Tribe'' under their own laws to the extent they deem appropriate.

The agencies solicit comment on all aspects of the proposed definition of ''tributary'' and implementation of the definition. The agencies also seek comment on alternative approaches to the definition of ''tributary,'' such as whether to require ''bed and banks or additional physical characteristics,'' or whether the inclusion of ''relatively permanent'' is redundant given the regulatory text at paragraph (a)(3).

Additionally, the agencies request comment on the proposed provision of the ''tributary'' definition providing that a tributary does not include a body of water which contributes surface flow to a downstream jurisdictional water through a feature that does not convey relatively permanent flow and under what conditions that may happen. Hydrologic regime shifts of relatively permanent flow to non-relatively permanent flow back to relatively permanent flow may be commonly found in the arid West and mountainous regions. Under the proposed rule, these shifts from relatively permanent to non-relatively permanent flow would sever Federal jurisdiction of upstream reaches under the Clean Water Act. The proposed implementation of the definition of ''tributary'' would require knowledge of whether there are any non-relatively permanent features downstream of the review area that would sever jurisdiction.

The agencies also seek comment on the proposed treatment of natural and man-made features regarding the jurisdictional status of upstream waters, including whether these features can connect tributaries downstream when they convey relatively permanent flow or if they should sever downstream jurisdiction in all cases other than as part of a water transfer. The Supreme Court has not spoken directly to the question of whether a non-jurisdictional feature that lacks relatively permanent flow along or downstream of an otherwise jurisdictional tributary, lake, pond, or impoundment would sever jurisdiction of upstream waters. The agencies are interested in comments addressing whether the current approach is preferable because it avoids incentivizing the construction of certain features within the tributary network to prevent relatively permanent flow through the features with the intent to sever upstream jurisdiction. The agencies recognize, however, that the Supreme Court has stated that even when a barrier between a wetland and a water of the United States would ordinarily remove that wetland from Federal jurisdiction, a property owner may not carve out wetlands from Federal jurisdiction by illegally constructing a barrier on wetlands otherwise covered by the Clean Water Act. *Sackett,* 598 U.S. at 678 n.16.

The agencies also solicit comment on whether they should instead adopt the approach similar to the NWPR, whereby a tributary does not lose its jurisdictional status if it contributes surface water flow to a downstream jurisdictional water through a channelized non-jurisdictional surface water feature, through a subterranean river, through a culvert, dam, tunnel, or other similar artificial feature, or through a debris pile, boulder field, or similar natural feature. *See* 85 FR 22277, 22289 (April 21, 2020). The agencies solicit comment on whether the NWPR approach is easier to implement than the proposed approach and whether that approach better implements the objectives and policies of the Clean Water Act. Another approach could provide that a tributary would lose its jurisdictional status if it contributes surface water flow to a jurisdictional water through non-surface features (*e.g.,* subterranean rivers, underground tunnels), even if such features convey relatively permanent flow. The agencies solicit comment on such an alternative approach.

Similarly, the agencies seek comment on the proposed approach that adjacent wetlands with non-relatively permanent flow through them cannot serve as a connection and therefore sever jurisdiction upstream of the tributary network. This proposed approach is consistent with the other proposed approaches for non-relatively permanent flow features serving as breaks of upstream jurisdiction. The agencies believe this proposed approach is appropriate because the waterbody would not convey surface water to a paragraph (a)(1) water year-round or continuously for extended periods of time, and therefore would not exhibit relatively permanent flow. The agencies recognize that there are implementation challenges with the proposed approach as it may be difficult to ascertain if there are downstream wetlands located at any point in the tributary's path to a traditional navigable water and whether those wetlands have relatively permanent flow through them.

The agencies are also interested in hearing from the public regarding the proposed approach related to water transfers for non-relatively permanent waters establishing breaks of jurisdiction. The NPDES permitting exemption under the Water Transfers Rule, 73 FR 33697 (June 13, 2008), does not require NDPES permits for water transfers between ''waters of the United States'' because they do not result in the ''addition'' of a pollutant. *Id.* at 33699. For example, in many regions of the country, particularly the arid West, inter- and intra-basin water transfers may originate in relatively permanent waters that may be disconnected from downstream waters by non-relatively permanent stream reaches. In many circumstances, those non-relatively permanent stream reaches may be caused by water management systems, including through water transfers, water storage reservoirs, flood irrigation channels, and similar structures. The agencies recognize the importance of water management practices in the States and the explicit policy directives of Congress to recognize the authority of States to allocate and manage water resources within their respective jurisdictions. *See* 33 U.S.C. 1251(g), 1370. Under the proposed rule, if the upstream tributaries that are part of a water transfer ultimately flow through non-relatively permanent reaches that eventually connect to traditional navigable waters or the territorial seas, the upstream tributaries would retain their jurisdictional status as waters of the United States. The agencies believe this is appropriate to ensure vital water management practices continue as currently implemented regarding water transfers.

5. Implementation

a. Implementation of ''Relatively Permanent''

The agencies are proposing ''relatively permanent'' to mean ''standing or continuously flowing bodies of surface water that are standing or continuously flowing year-round or at least during the wet season.'' Bodies of surface water that are ''standing'' are meant to encompass lakes, ponds, and similar features that have standing water year-round or at least during the wet season and that are part of the tributary system, as such waters that outlet to the tributary network and contribute relatively permanent flow downstream at the outlet point. ''Continuously flowing'' waterbodies under this proposed rule is meant to encompass streams, rivers, ditches, and similar features that are considered under the paragraph (a)(3) tributaries categories. In addition, a tributary's frozen status for parts of the year does not preclude it from having flow year-round or at least during the wet season under this proposed rule. Such tributaries typically have flowing water underneath the frozen surface. Frozen segments of rivers and streams also are not intended to serve as features that sever jurisdiction. This section is meant to address implementation of the proposed definition of ''relatively permanent'' more broadly for both categories of waters. The agencies are seeking comment on all aspects of their proposed implementation of ''relatively permanent,'' including if there are additional tools and methods to assist with implementation.

A key factor the agencies typically consider when assessing the length and

timing of expected flow during the ''wet season'' is the geographic region. The time period, including duration, constituting a ''wet season'' varies across the country due to many relevant factors including climate, hydrology, topography, soils, and other conditions. For example, in parts of the Southeast, precipitation may be distributed somewhat uniformly throughout the year, but increased evapotranspiration during the growing season can reduce surficial ground water levels and lead to reduced or absent surface flows late in the growing season (*e.g.,* late summer or early autumn). Consequently, ''wet season'' flows in the Southeast may typically occur in the winter or early spring. In other areas, snowmelt drives streamflow more than rainfall, with wet season flow coinciding with warming temperatures typically in the spring or early summer.[56] In some parts of the country, there may be two distinct wet seasons that are separated by drier months,[57] and in such cases, the tributary would need to have continuous surface hydrology at least during both wet seasons to meet the definition of ''relatively permanent'' under the proposed rule. Precipitation includes both rain and snow, as some wet seasons across the country encompass the winter months and the precipitation events may often include snowfall.

The agencies have experience evaluating if a water is standing or continuously flowing at least during the wet season and will continue to use multiple tools, including remote and field-based indicators to inform decisions. As stated earlier, the agencies intend to use the WebWIMP outputs as a primary tool for determining the wet season at a given location. The WebWIMP outputs reported by APT can also be used to assess the presence of drought conditions, as well as the approximate dates of the wet and dry seasons for a given location. APT provides outputs from WebWIMP,[58] which the agencies intend to use to calculate wet season. In general, dry months are calculated in WebWIMP (and displayed in APT outputs) when potential evapotranspiration exceeds precipitation, resulting in drawdown of soil moisture storage and/or a moisture deficit. Conversely, the wet season would be calculated when precipitation exceeds evapotranspiration. In addition, other sources of information on identification of wet season could include NOAA,[59] NRCS,[60] and USGS [61] sources, among others such as the Frequent Rainfall Observations on GridS (FROGs).[62]

Implementation of ''relatively permanent'' in this proposed rule does not require that relatively permanent standing or continuously flowing water come from particular sources, such as groundwater, upstream contributions, effluent flow, or snowpack melts. This proposed rule's approach is consistent with the plurality opinion in *Rapanos,* which lays out the relatively permanent standard and does not require that relatively permanent waters originate from any particular source. *See, e.g.,* 547 U.S. at 739.

In addition, in certain regions relatively permanent standing or continuously flowing water could result from a concentrated period of back-to-back precipitation events that leads to sustained standing or flowing water through a combination of runoff and upstream contributions of water or an elevated groundwater table that provides baseflow to the channel bed or groundwater inflow to lakes or ponds. However, in all circumstances, such flow must also occur for a duration that extends through at least the wet season. In contrast, under the proposed rule, tributaries would be determined to have non-relatively permanent flow where the feature flows only during, or shortly after, individual precipitation events (including rainfall or snowfall events), and lakes and ponds would be determined to be non-relatively permanent where the feature has standing water only during, or shortly after, individual precipitation events. Non-relatively permanent flowing or standing water may occur simply because it is raining or has very recently rained, or because recent snowfall has melted, but in any case, would not be determined to be federally jurisdictional under this proposed rule. Streamflow that occurs during the monsoon season in certain parts of the country (typically June through September in the arid West) may be relatively permanent or non-relatively permanent under the proposed rule, depending on the whether there is flow at least continuously during the ''wet season'' and lakes and ponds that have standing water during the ''wet season'' would be considered relatively permanent waters under this proposed rule regardless of the source of water during the wet season.

Documenting jurisdiction is typically accomplished by the Corps,[63] including for determining if a water is relatively permanent. The Corps is responsible for conducting or verifying jurisdictional determinations on a case-by-case basis. The agencies do not intend for their analysis of any features outside of a jurisdictional determination review area to result in an official approved jurisdictional determination on those other water bodies. Jurisdictional determinations can be informed by observations made during one or more field investigations and/or the use of remote tools. When conducting field investigations, the Corps must determine whether the observations made during the field investigation represent normal climatic conditions, in other words, what is typical for the time of year the field investigation was performed. Conditions need not be normal at the time of the investigation (*e.g.,* they may be wetter or drier than normal) but understanding whether field conditions represent normal climatic conditions helps the Corps know how to interpret observations made during the field investigation (*e.g.,* the field investigator observed flowing water during drier than normal conditions). This proposal would consider these practices, and the Corps would utilize various types of tools, data, and methodologies to determine whether conditions are normal (*e.g.,* the APT).

b. Implementation of Tributaries

Under the proposed rule, relatively permanent tributaries include rivers, streams, lakes, ponds, and other standing or continuously flowing bodies of surface water that are standing or continuously flowing year-round or at

[56] NOAA's Climate Division Scale Palmer Drought Severity Index (PDSI) dataset is one drought index that may be used to observe dry and wet conditions in a given region, and the index is used to display monthly values in the APT. The PDSI integrates precipitation, evapotranspiration, and soil moisture data into the monthly drought index. The PDSI Divisional Time Series may be used to observe PDSI across States and ecoregion divisions on a monthly scale from a start year of 1895 to 2025. *Available at https://www.ncei.noaa.gov/access/monitoring/climate-at-a-glance/divisional/time-series/0101/pdsi/1/0/1895-2025.*

[57] *See supra* note 47.

[58] *Id.*

[59] NOAA, NCEI Climate Normals *available at https://www.ncei.noaa.gov/products/land-based-station/us-climate-normals; https://www.nohrsc.noaa.gov/nsa/.*

[60] Snow and Climate Monitoring *available at https://www.nrcs.usda.gov/resources/data-and-reports/snow-and-climate-monitoring-predefined-reports-and-maps.*

[61] Water Watch Streamflow conditions *available at https://waterwatch.usgs.gov/?id=wwsa.*

[62] *Available at https://www.aeris-data.fr/catalogue/?uuid=9d01e252-cc35-4849-9cc9-93c0a7e0fa7b.* Further metrics may be derived using precipitation indices from FROGS database to evaluate wet seasons such as the'' Wet Seasons Totals (WST)'' in Funk *et al.* 2019.

[63] *See, e.g.,* 33 CFR 331.2 and RGL 16–01, *available at https://usace.contentdm.oclc.org/utils/getfile/collection/p16021coll9/id/1256.*

least during the wet season, that have a bed and banks, and connect to a downstream traditional navigable water or the territorial seas, either directly or through one or more waters or features that convey relatively permanent flow. Consistent with longstanding practice, streams that have been altered or relocated can be tributaries under the proposed rule. An altered tributary is one in which the flow or geomorphic conditions have been modified in some way, for example, by straightening a sinuous tributary, adding concrete or riprap to stabilize the banks of a tributary, reducing flow conditions from year-round to continuous flow during the wet season due to water withdrawals, or widening or adding physical features (such as riffle/pool complex restoration or check dams) to the tributary to reduce the velocity of flow. A relocated tributary is one in which a portion of the tributary may be moved to a different location, as when a tributary is rerouted around a city center to protect it from flooding or around a mining complex to enable extraction of commercially valuable minerals. The agencies do not intend for the proposed ditch exclusion to be applied to these relocated tributaries. To be considered a jurisdictional tributary under the proposed rule, such features must continue to meet the proposed definition of ''tributary.'' The agencies are seeking comment on all aspects of implementation of tributaries under the proposed rule discussed in this section, including if there are additional tools and methods to assist with implementation.

For purposes of implementation of the proposed rule, ''bed and banks'' means the substrate and sides of a channel, lake, or pond between which standing water or continuous flow is confined. The banks constitute a break in slope between the edge of the bed and the surrounding terrain, and may vary from steep to gradual. In many tributaries, the bed is that part of the channel below the ordinary high water mark, and the banks often extend above the ordinary high water mark. For other tributaries, such as those that are incised, changes in vegetation, changes in sediment characteristics, staining, or other ordinary high water mark indicators may be found within the vertical profile of the banks. In concrete-lined channels, the concrete acts as the bed and banks. The agencies are not proposing to change their longstanding implementation that ordinary high water marks define the lateral limits of jurisdiction in non-tidal waters, provided that the limits of jurisdiction are not extended by adjacent wetlands. 33 CFR 328.4; RGL 05–05 at 1 (December 7, 2005). In addition, the agencies consider lakes and ponds to also have a bed (the bottom of lake or pond) and banks (the side slopes of the lake or pond), and as such, they would meet the definition of tributary and fall under category (a)(3) if they are a relatively permanent water.

Under this proposed rule, tributaries that meet the definition of ''relatively permanent'' are jurisdictional under the Clean Water Act as ''waters of the United States,'' as discussed in section V.C of this preamble. The agencies are proposing to evaluate tributaries to determine if they have relatively permanent flow on a ''reach'' basis utilizing the approach used in the NWPR, where ''reach'' would mean a section of a stream or river along which similar hydrologic conditions exist, such as discharge, depth, area, and slope.[64] If a relatively permanent tributary reach becomes non-relatively permanent and then relatively permanent and then non-relatively permanent again, it may be viewed as four separate reaches, especially if they also share other similarities with respect to depth, slope, or other factors. When such transitions of flow classification occur, the agencies would use best professional judgment and available tools to identify where the change in flow classification occurs under the proposed rule. The non-relatively permanent reaches would sever jurisdiction of upstream reaches under the proposed rule, except where the tributary is part of a water transfer currently in operation. In general, a reach can be any length of a stream or river, but the agencies are clarifying for implementation purposes for the proposed rule that such length is bounded by similar flow characteristics. The agencies seek comment on this approach to ''reach.''

Potential tributaries can be identified on the landscape using direct observation or various remote sensing resources such as USGS stream gage data,[65] USGS topographic maps,[66] high-resolution elevation data and associated derivatives (*e.g.,* slope or curvature metrics),[67] Federal Emergency Management Agency (FEMA) flood zone maps,[68] NRCS soil maps,[69] USGS hydrography datasets,[70] National Wetlands Inventory (NWI) data,[71] USGS Landsat Dynamic Surface Water Extent (DSWE) Science Products,[72] maps and geospatial datasets from State, Tribal, or local governments, and/or aerial or satellite imagery. Both direct field observations and remote tools may establish the presence of a bed and banks.

Visual observations of surface hydrology are a useful primary method to identify if a potential tributary has relatively permanent flow under the proposed rule. The agencies expect that landowners will often have sufficient knowledge to understand how water moves through their properties. The agencies also recognize that a single visual observation may not always be sufficient to accurately determine relatively permanent flow, and visual observations should generally be combined with precipitation and other climate data and expected flow seasonality to accurately determine flow duration. For example, observing flow only directly after a large rainfall or observing no flow during the dry season may not be good indicators of a stream's typical flow duration.

In addition to visual observations of surface hydrology, the agencies may use field-based indicators and tools as another line of evidence to determine flow duration. Regionalized SDAMs that use physical and biological field indicators, such as the presence of hydrophytic vegetation and benthic macroinvertebrates, can also be used to help determine if potential tributaries have continuously flowing water year-round or at least during the wet season.[73] SDAMs are a rapid field

[64] *See* Connectivity Report at A–10, defining ''reach'' as ''a length of stream channel with relatively uniform discharge, depth, area, and slope.'' A similar definition is used by the USGS (USGS. ''What is a reach?'' *Available at https://www.usgs.gov/faqs/what-a-reach*) (describing a reach as ''a section of a stream or river along which similar hydrologic conditions exist, such as discharge, depth, area, and slope'').

[65] *https://waterdata.usgs.gov/nwis/rt.*

[66] *https://www.usgs.gov/programs/national-geospatial-program/topographic-maps.*

[67] USGS 3D Elevation Program, *available at https://www.usgs.gov/3d-elevation-program.*

[68] *https://msc.fema.gov/portal/home.*

[69] *https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx.*

[70] NHD, *available at https://www.usgs.gov/national-hydrography/national-hydrography-dataset;* 3D Hydrography Program (3DHP), *available at https://www.usgs.gov/3dhp.*

[71] *https://www.fws.gov/program/national-wetlands-inventory/wetlands-data.*

[72] *https://www.usgs.gov/landsat-missions/landsat-dynamic-surface-water-extent-science-products.*

[73] In the regional SDAMs developed by EPA and the Corps, ephemeral reaches are channels that flow only in direct response to precipitation. Water typically flows only during and/or shortly after large precipitation events, the streambed is always above the water table, and stormwater runoff is the primary water source. Intermittent reaches are channels that contain sustained flowing water for only part of the year, typically during the wet season, where the streambed may be below the

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method that can be performed in a single site visit under normal climatic conditions. SDAMs are a regionally specific, publicly available, and time and cost effective alternative to prolonged hydrologic sampling methods. Other agencies have developed similar tools that may be useful in implementing this proposed rule.[74] Flow duration classifications can then be used to assist in determining the relative permanence of the tributary, as that term is defined in the proposed rule. Ultimately, multiple indicators, data points, and sources of information may be used to determine if the potential tributary has relatively permanent flow using the weight of evidence. The agencies are soliciting comment on implementation methods and tools that could be used to identify and distinguish relatively permanent flow durations from non-relatively permanent flow durations as defined in this proposal, including the tools and methods discussed in this section. The agencies are specifically interested in any challenges related to the use of SDAMs and comments related to how this tool could be refined to address such challenges moving forward. The proposed rule applies the same basic principles to the category of paragraph (a)(5) lakes and ponds to determine if they are relatively permanent waters. *See* section V.E of this preamble.

One step in determining whether a waterbody is a tributary under the proposed rule is to identify whether the waterbody is part of a tributary system of a paragraph (a)(1) water. A tributary under the proposed rule can connect to a downstream traditional navigable water or the territorial seas through other relatively permanent tributaries, category (a)(2) impoundments, or category (a)(5) lakes and ponds. Under the proposed rule, a tributary can also connect to a downstream traditional navigable water or the territorial seas through certain artificial or natural features, including a channelized non-jurisdictional surface water feature, subterranean river, culvert, dam, tunnel, or similar artificial feature, or through a debris pile, boulder field, wetland, or similar natural feature, so long as those features also convey relatively permanent flow. In evaluating the flowpath from a tributary to determine if it connects to a traditional navigable water or the territorial seas, the agencies can use USGS maps, NWI data, knowledge or maps developed at State, Tribal, or local levels, on the ground tests, including dye tests or tracers, field observations, or aerial and satellite imagery or other remote sensing information. The agencies can also use available models, including models developed by Federal, Tribal, State, and local governments, academia, and the regulated community.[75] These tools could be used in conjunction with field observations, data, and other desktop tools to evaluate whether a tributary flows to a paragraph (a)(1) water. The agencies seek input on other tools that may be helpful in such evaluation.

For tributaries that contribute flow to a downstream paragraph (a)(1) water through a ditch that is proposed to be excluded under paragraph (b)(3), so long as the ditch has relatively permanent flow, it does not sever jurisdiction upstream under the proposed rule. Under the proposed rule, adjacent wetlands that lie along the flowpath between the tributary and paragraph (a)(1) water[76] do not sever jurisdiction where the wetlands have relatively permanent flow, connecting the upstream and downstream reaches of the otherwise jurisdictional tributary. This can be demonstrated with physical indicators of relatively permanent flow through the wetland, including through discernible flow features. Conveyance of relatively permanent flow can occur as discernible flow channels (such as rivulets through marshes) or can be demonstrated by physical indicators such as bent over or matted vegetation, both of which can help trace the flow through the wetland. However, additional evidence would be needed to determine such flow is relatively permanent. Aerial or satellite imagery may also demonstrate the presence of discernible flow features through the wetland as well as demonstrate that the flow is relatively permanent.[77] The agencies seek comment on these aspects of implementation of the proposed definition of ''tributary.''

Even where there are downstream features that potentially sever jurisdiction upstream, additional analysis would be needed to see if the tributary is part of a water transfer in current operation exempt from NPDES permitting under EPA's Water Transfers Rule, 73 FR 33697 (June 13, 2008), as discussed in section V.F.2 of the preamble. In such a case, the tributary would retain its jurisdictional status. The agencies may rely on the coordination aspect of cooperative federalism practices with individual States to identify any water transfers in current operation, as records on water transfers are often available from relevant State agencies. The agencies seek comment on this aspect of implementation of the proposed definition of ''tributary,'' including on sources of information that can be relied on to determine if a tributary is part of a water transfer.

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water table and/or where the snowmelt from surrounding uplands provides sustained flow. The flow may vary greatly with stormwater runoff. Perennial reaches are channels that contain flowing water continuously during a year of normal rainfall, often with the streambed located below the water table for most of the year. Groundwater typically supplies the baseflow for perennial reaches, but the baseflow may also be supplemented by stormwater runoff and/or snowmelt. Although these terms are not synonymous with the terms non-relatively permanent and relatively permanent as used in this proposed rule, the SDAMs are still informative and can be used to demonstrate that a tributary is relatively permanent. *Available at https://www.epa.gov/streamflow-duration-assessment/learn-about-regional-sdams.*

[74] *E.g., Methodology for Identification of Intermittent and Perennial Streams and Their Origins,* developed by the North Carolina Division of Water Quality, *available at https://files.nc.gov/ncdeq/Water%20Quality/Surface%20Water%20Protection/401/Policies_Guides_Manuals/StreamID_v_4point11_Final_sept_01_2010.pdf. See also* Fairfax County. 2003. *Perennial Stream Field Identification Protocol.* Fairfax County Stormwater Planning Division, Fairfax County, Virginia. 16 pp. *Available at: https://www.fairfaxcounty.gov/publicworks/sites/publicworks/files/assets/documents/pdf/03_ps_protocol_ada.pdf.*

[75] One such model includes the USGS StreamStats ''Flow (Raindrop) Path'' GIS tool which allows the user to click a point on a map, after which a flowpath is drawn to estimate where water may flow from that point to the stream network, eventually making its way to the ocean if the tributary network allows for it *available at https://streamstats.usgs.gov/ss/.* The StreamStats tool may potentially be used to identify the flowpath from the subject waters to the downstream paragraph (a)(1) water using the ''Flow (Raindrop) Path'' component of the tool. Digital elevation models may also be useful in helping to model stream networks and flowpaths (*e.g.,* the National Elevation Dataset, *available at https://www.usgs.gov/publications/national-elevation-dataset*).

[76] These in-stream wetlands are sometimes called throughflow wetlands. *See, e.g.,* Tiner, R.W. 2014. *Dichotomous Keys and Mapping Codes for Wetland Landscape Position, Landform, Water Flow Path, and Waterbody Type: Version 3.0.* U.S. Fish and Wildlife Service, National Wetlands Inventory Program, Northeast Region, Hadley, MA, 65 pp plus Appendices. *Available at https://www.fws.gov/sites/default/files/documents/Dichotomous-Keys-and-Mapping-Codes-for-Wetland-Landscape-Position-Landform-Water-Flow-Path-and-Waterbody-Type-Version-3.pdf.* (Describing throughflow wetlands as those that receive surface water from a stream, other waterbody or wetland (*i.e.,* at a higher elevation) and surface water passes through the subject wetland to a stream, another wetland, or other waterbody at a lower elevation; a flow-through system). Note that some wetlands along the flowpath of a potential tributary to a paragraph (a)(1) water may be considered bidirectional in this report, though not all bidirectional wetlands addressed in the report would be flowpath wetlands.

[77] See the USGS Dynamic Surface Water Extent dataset. *Available at: https://www.usgs.gov/landsat-missions/landsat-dynamic-surface-water-extent-science-products.*

D. ''*Continuous Surface Connection*''

1. Definition and Scope of ''Continuous Surface Connection''

The agencies are not proposing to revise the definition of ''adjacent,'' which means ''having a continuous surface connection.'' 33 CFR 328.3(c)(2), 40 CFR 120.2(c)(2). Under the proposed rule, and consistent with current implementation, both paragraph (a)(4) adjacent wetlands and paragraph (a)(5) relatively permanent lakes and ponds must have a continuous surface connection to a water of the United States to be jurisdictional. In this proposal, however, the agencies would define ''continuous surface connection'' for the first time to mean ''having surface water at least during the wet season and abutting (*i.e.,* touching) a jurisdictional water.'' Thus, the agencies' proposed definition of ''continuous surface connection'' provides a two-prong test that requires both (1) abutment of a jurisdictional water; and (2) having surface water at least during the wet season.

The phrase ''abutting'' would be implemented consistent with the March 2025 Continuous Surface Connection Guidance to mean ''touching.'' The phrase ''having surface water at least during the wet season'' in the proposed definition is intended to include wetlands that have at least semipermanent surface hydrology that is persistent surface water hydrology uninterrupted throughout the wet season except in times of extreme drought and would not include wetlands without semipermanent surface hydrology, including wetlands with only saturated soil conditions supported by groundwater. Under this proposed approach, only those portions of a wetland with continuous surface hydrology at least during the wet season, and that are abutting, would be jurisdictional as adjacent wetlands, no matter the full delineated scope of the wetland. The use of ''surface water at least during the wet season'' does not require that the surface water be the result of flooding from an external waterbody or any other particular source, but rather the persistent presence of surface water uninterrupted throughout the wet season (*i.e.,* throughout the duration of the wet season) as described above. The agencies propose that wet season as used in the proposed continuous surface connection definition be implemented in the same manner as described under the proposed relatively permanent definition section of this preamble. As stated above, only the portion of an abutting wetland which demonstrates surface water at least during the wet season would be jurisdictional—for example, if the wetland transitions from having surface water at least during the wet season (where it abuts the jurisdictional water) to seasonally saturated, only the portion that has surface water at least during the wet season would be considered to be adjacent under the proposed rule. *See* section V.D.4 of this preamble for additional information about implementation of ''continuous surface connection.'' The agencies solicit comment on all aspects of the definition of ''continuous surface connection'' in this proposed rule. The agencies acknowledge that the requirement for surface water at least during the wet season might result in few wetlands being found to have a continuous surface connection under the proposed rule, particularly in the arid West. The agencies solicit comment on the implications of this requirement in the arid West and other regions.

2. Basis for the Proposed Definition

The proposed requirement that paragraph (a)(4) adjacent wetlands and paragraph (a)(5) relatively permanent lakes and ponds must have a continuous surface connection to be jurisdictional, and the agencies' proposed definition of ''continuous surface connection,'' reflects the agencies' best efforts to interpret the *SWANCC, Rapanos* plurality, and *Sackett* holdings with respect to adjacency in an implementable way, informed by the agencies' technical expertise in implementing the Clean Water Act for over fifty years.

The Supreme Court has articulated several key principles that have guided the agencies in determining the ''point at which water[s of the United States] end[ ] and land begins'' for purposes of this proposed rule. *See Riverside Bayview,* 474 U.S. at 132. First, the plurality opinion in *Rapanos* and the *Sackett* decision have recognized that the Clean Water Act term ''waters of the United States'' covers at least some wetlands; specifically, those wetlands that are ''adjacent'' to surface waters. *Rapanos,* 547 U.S. at 741 (Scalia, J., plurality opinion) (citing 33 U.S.C. 1344(g)(1)); *Sackett,* 598 U.S. at 676 (citing 33 U.S.C. 1344(g)(1)). Such wetlands ''must be indistinguishably part of a body of water that itself constitutes 'waters' under the CWA''—in other words, such wetlands are '' 'includ[ed]' within 'the waters of the United States' '' and may be federally regulated only when ''indistinguishable'' from the surface waters. *Sackett,* 598 U.S. at 677.

Second, and relatedly, the Supreme Court has defined the scope of adjacent wetlands to include only those with a continuous surface connection to jurisdictional surface waters. In *Rapanos,* the plurality held that ''only those wetlands with a continuous surface connection to bodies that are 'waters of the United States' in their own right, so that there is no clear demarcation between 'waters' and wetlands, are 'adjacent to' such waters and covered by the Act.'' *Rapanos,* 547 U.S. at 742 (Scalia, J., plurality opinion). In *Sackett,* the Supreme Court stated that it ''agree[s] with this formulation of when wetlands are part of 'the waters of the United States.' '' *Sackett,* 598 U.S. at 678 (citing *Rapanos,* 547 U.S. at 742, 755). *Sackett* explicitly held that ''the CWA extends to only those wetlands that are 'as a practical matter indistinguishable from waters of the United States.' '' *Id.* The Court stated that this test ''requires the party asserting jurisdiction over adjacent wetlands to establish 'first, that the adjacent [body of water constitutes] . . . ''water[s] of the United States,'' (*i.e.,* a relatively permanent body of water connected to traditional interstate navigable waters); and second, that the wetland has a continuous surface connection with that water, making it difficult to determine where the ''water'' ends and the ''wetland'' begins.' '' *Id.* at 678–79. The *Sackett* decision recognized that temporary interruptions in surface connection may occur, such as during periods of drought or low tide. *Id.* at 678. Importantly, the *Rapanos* plurality also held that ''adjacent'' means ''physically abutting,'' and used ''abutting'' and ''adjacent'' interchangeably. *Rapanos,* 547 U.S. at 748; *see also id.* at 747 n.12 (''[T]he statutory definition [of 'navigable waters'] can be read to include *some* wetlands—namely, those that directly 'abut' covered waters.'') (emphasis in original).

The proposed definition of ''continuous surface connection'' is based on two principles: the inclusion of ''adjacent wetlands'' in the scope of Clean Water Act jurisdiction and the interpretation of ''adjacency'' as a ''continuous surface connection.'' The agencies' proposed interpretation of ''continuous surface connection,'' in turn, has two parts: first, a requirement for having surface water at least during the wet season; and second, a requirement that the relevant feature abut, *i.e.,* touch, a jurisdictional water. When these requirements are satisfied, the wetland has a continuous surface connection and can be said to be

indistinguishable from the surface waters that form the core of Federal jurisdiction under the Clean Water Act.

With respect to surface water at least during the wet season, all paragraph (a)(5) relatively permanent lakes and ponds contain surface water at least during the wet season and would easily meet this part of the definition. By definition, lakes and ponds contain surface water.[78] Not all water features that meet the agencies' definition of ''wetlands'' would meet the test of having surface water at least during the wet season, however. The agencies' current definition of ''waters of the United States'' defines ''wetlands'' as ''those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.'' 33 CFR 328.3(c)(1). The agencies are not proposing to alter this longstanding definition. However, meeting the agencies' ''wetlands'' definition would not automatically render that wetland jurisdictional. Only those wetlands that meet the regulatory definition of ''wetlands,'' are abutting a water of the United States, *and* have surface water at least during the wet season would be jurisdictional as adjacent wetlands under the proposed rule. The agencies also believe that the incorporation of wet season into the proposed definition of ''continuous surface connection'' can be viewed as a bright line test, as it would provide a duration threshold requirement for which an abutting wetland or an abutting lake or pond must have surface water in order to be considered jurisdictional. Unlike typical bright line approaches, however, the agencies' proposed approach would also allow for regional variation given the range in hydrology and precipitation throughout the country.

The proposed requirement of having surface water at least during the wet season implements the ''indistinguishable'' concept articulated in the *Rapanos* plurality and *Sackett* opinions. A wetland that lacks surface water during the wet season may often look like dry land and can be easily distinguishable from the surface waters to which it abuts. The agencies propose to conclude that such wetlands could be ''clear[ly] demarcate[ed]'' from surface waters and therefore do not meet the *Rapanos* plurality and *Sackett* tests for adjacency. *See Rapanos,* 547 U.S. at 742 (Scalia, J., plurality opinion); *Sackett,* 598 U.S. at 678. The agencies acknowledge that during the dry season, when either relatively permanent surface waters or abutting wetlands are dry, or both, wetlands may potentially be more easily distinguishable from abutting waters. However, the agencies view indistinguishability during the wet season as sufficient to satisfy the *Sackett* test.

Requiring permanent indistinguishability based on permanent surface water in both the paragraphs (a)(1) through (3) and (a)(5) water and the adjacent wetland would read the modifier ''relatively'' out of the interpretation of ''relatively permanent'' (as discussed in section V.C.2 of this preamble) and render the vast majority of wetlands nonjurisdictional, which the agencies propose is not the best reading of the Clean Water Act under *Sackett.* It would also ignore the *Rapanos* plurality's statement that ''relatively permanent'' includes ''seasonal'' waters, such as those that do not flow during dry months. *See Rapanos,* 547 U.S. at 732 n.5. As discussed in the context of tributaries, the proposed definition of ''relatively permanent'' would require flow ''at least during the wet season,'' which is consistent with the plain meaning of ''waters,'' ''lakes'' and ''streams'' and with the *Rapanos* plurality's intent to avoid excluding seasonal waters. Using the ''wet season'' concept in the continuous surface connection standard would facilitate implementation because it would be consistent with implementation of the agencies' proposed application of ''relatively permanent.'' Moreover, it relies on available tools; WebWIMP already helps to identify the wet season. Additional information about implementation of this aspect of the proposed definition of ''continuous surface connection'' is discussed in section V.D.4.1 of this preamble.

The second part of the proposed definition of ''continuous surface connection'' requires that the paragraph (a)(4) wetland or paragraph (a)(5) relatively permanent lake or pond abut, *i.e.,* touch, a jurisdictional water. This requirement would directly implement the *Rapanos* plurality's interpretation of ''adjacent'' as meaning ''physically abutting.'' *See Rapanos,* 547 U.S. at 742, 747–48 (Scalia, J., plurality opinion). It would similarly implement the *Sackett* opinion's understanding of ''adjacent,'' which ''agree[d]'' with the *Rapanos* plurality's ''formulation of when wetlands are part of 'the waters of the United States,' '' and emphasized that adjacent wetlands must be ''as a practical matter indistinguishable'' from requisite jurisdictional waters. *Sackett,* 598 U.S. at 678 (quoting *Rapanos,* 547 U.S. at 755). Limiting the scope of ''adjacent'' water features to those having surface water at least during the wet season and that abut, *i.e.,* touch, a jurisdictional water is a clearly understandable and transparent approach to implementing the Court's reading of ''adjacency'' as ''indistinguishable.'' This approach will also promote cooperative federalism by recognizing and preserving the primary responsibilities and rights of States to prevent pollution within their borders and to plan the development and use of their land and water resources. *See* 33 U.S.C. 1251(b). As the Supreme Court emphasized in *Sackett,* the Clean Water Act is not a land use statute, and Congress did not tie the outer bounds of Federal jurisdiction to ecological protection. Rather, Congress struck a balance between Federal authority (rooted in the navigability of waters used in interstate and foreign commerce) and traditional State prerogatives. *See Sackett,* 598 U.S. at 674, 683.

The agencies recognize that wetlands, lakes, and ponds that do not satisfy these two requirements may have some hydrological or ecological connections to paragraph (a)(1) waters. These features, particularly wetlands, may provide benefits and services, including flood control, pollutant filtration, and groundwater recharge that sustains baseflow in downstream traditional navigable waters. Such connections, however, do not provide a legal basis for

[78] *See, e.g., Merriam-Webster.com* Dictionary, *available at https://www.merriam-webster.com/* (defining ''lake'' as ''a considerable inland body of standing water'' and ''pond'' as ''a body of water usually smaller than a lake''). Accessed July 7, 2025; USGS ''Water Science Glossary,'' *available at https://www.usgs.gov/special-topics/water-science-school/science/water-science-glossary,* and USGS ''Lakes and Reservoirs'' webpage, *available at https://www.usgs.gov/special-topics/water-science-school/science/lakes-and-reservoirs* (defining ''lake'' as ''where surface-water runoff (and maybe some groundwater seepage) have accumulated in a low spot, relative to the surrounding countryside''); *see also* USGS ''National Hydrography Dataset (NHD) Data Dictionary Feature Classes,'' *available at https://www.usgs.gov/ngp-standards-and-specifications/national-hydrography-dataset-nhd-data-dictionary-feature-classes* (describing the Lake/Pond category as ''[s]tanding body of water with a predominantly natural shoreline surrounded by land). *See also* Richardson, DC, Holgerson, M.A., Farragher, M.J., Hoffman, K.K., King, K.B.S., Alfonso, M.B., Andersen, M.R., Cheruveil, K.S., Coleman, K.A., Farruggia, M.J., Fernandez, R.L., Hondula, K.L., López Moreira Mazacotte, G.A., Paul, K., Peierls, B.L., Rabaey, J.S., Sadro, S., Sánchez, M.L., Smyth, R.L., and Sweetman, J.N. 2022. ''A functional definition to distinguish ponds from lakes and wetlands.'' *Scientific Reports* 12(1):10472. *Available at https://pmc.ncbi.nlm.nih.gov/articles/PMC9213426/* (noting that although pond definitions differ across the world, across ''the history of limnology, small and shallow waterbodies are widely referred to as ponds.''

the agencies to include non-adjacent or physically isolated wetlands within the phrase ''the waters of the United States.'' *See, e.g., Rapanos,* 547 U.S. at 741–42 (Scalia, J., plurality opinion) (''*SWANCC* rejected the notion that the ecological considerations upon which the Corps relied in *Riverside Bayview*—and upon which the dissent repeatedly relies today . . . provided an *independent* basis for including entities like 'wetlands' (or 'ephemeral streams') within the phrase 'the waters of the United States.' *SWANCC* found such ecological considerations irrelevant to the question whether physically isolated waters come within the Corps' jurisdiction.'' (emphasis in original; internal citations omitted)). While ecological benefits are not the basis for the agencies' line-drawing, the agencies understand that the *Sackett* and *Rapanos* plurality tests encompass those wetlands that are most likely to provide the greatest degree of certain key ecological benefits. Specifically, wetlands that abut and have surface water at least during the wet season are most closely connected to the jurisdictional waters they touch and therefore are most likely to provide certain hydrological and ecological benefits such as recharge of base flow and valuable fish and wildlife habitat. This understanding is consistent with the traditional Federal role in protecting and promoting the navigability of waters used in interstate commerce, as such functions advance the flow and water quality conditions that support navigable waters. Just as an improvement made to a navigable water for purposes of facilitating commerce could itself become part of the navigable water, so also may a water resource that is indistinguishable from a navigable water ultimately be viewed as within the scope of the term ''navigable waters'' for purposes of the Clean Water Act.

The agencies also propose that culverts do not inherently sever the continuous surface connection when the culvert serves to extend the relatively permanent water such that the water directly abuts a wetland, consistent with current implementation of the 2025 Continuous Surface Connection Guidance. This would be demonstrated by relatively permanent water flow being present through the culvert as well as an ordinary high water mark within the culvert which provides the lateral limits of a tributary extending through the culvert. This proposed approach would not include the culvert itself as a jurisdictional feature; however, the relatively permanent tributary flowing within the culvert would be jurisdictional, with the wetland abutting the tributary also jurisdictional. The agencies also solicit comment on an approach where culverts which serve to connect wetland portions on either side of a road do not inherently sever jurisdiction, but only when the culvert carries relatively permanent water. The agencies solicit comment on whether this approach, and the consideration of such wetland portions as ''one wetland,'' is consistent with the concept of a continuous surface connection under *Rapanos* and *Sackett.*

The agencies propose to modify their approach to mosaic wetlands in this proposed rule, where mosaic wetlands would not be considered ''one wetland,'' but rather the agencies would delineate wetlands in the mosaic individually. In addition, only the portion of a delineated wetland in a wetland mosaic that meets the definition of continuous surface connection (''having surface water at least during the wet season and abutting (*i.e.,* touching) a jurisdictional water'') would be adjacent under this proposed rule. This approach would also influence how the agencies identify permafrost wetlands as many permafrost wetlands are mosaic wetlands. *See, e.g.,* Alaska Regional Supplement at 97.[79] The agencies received pre-proposal recommendations on permafrost wetlands that requested that such wetlands be categorically excluded from consideration as jurisdictional wetlands. While the agencies are not taking that approach in the proposed rule, they have considered other approaches to permafrost wetlands and believe that changes to how wetlands mosaics are considered will address many of the concerns raised in pre-proposal feedback.[80] In addition, the limitation to wetlands that have surface water at least during the wet season and abut a jurisdictional water will further limit the scope of permafrost wetlands that are considered to have a continuous surface connection under the proposed rule. These proposed changes are intended to provide clarity and consistency to the continuous surface connection definition. Further description of how these approaches would be implemented in the field or on the ground are found in section V.D.4 of this preamble. The agencies solicit comment on whether these proposed changes to how the agencies identify adjacent wetlands are implementable and consistent with the law.

3. Alternative Approaches

The agencies seek comment on an alternative approach whereby wetlands, lakes, and ponds would have a ''continuous surface connection'' only if they abut, *i.e.,* touch, a jurisdictional water *and* have a continuous surface *water* connection to that water. The agencies would interpret continuous surface water connection to mean the perennial presence of surface water (*i.e.,* year-round) over the wetland, lake, or pond, for example, in a permanently flooded wetland. The agencies request input on whether this approach better implements the ''indistinguishable'' standard articulated in *Sackett, see* 598 U.S. at 678, and whether this approach would be consistent with the text of the Act and *Riverside Bayview.* This approach would be consistent with the way some courts have interpreted the *Rapanos* plurality and *Sackett,* which is that '' 'continuous surface connection' means a surface water connection.'' *United States* v. *Sharfi,* 2024 WL 5244351, at *1 (S.D. Fla. Dec. 30, 2014); *accord United States* v. *Ace Black Ranches, LLP,* No. 1:24–cv–00113, 2024 WL 4008545, at *4 n.2 (D. Idaho Aug. 29, 2024) (dismissing the government's complaint for failure to ''connect any wetlands'' it alleged to be waters of the United States with a traditional navigable water ''via a sufficient surface-water connection'').

Under this reading of *Sackett,* physical abutment is necessary, but not sufficient, to establish a continuous surface connection. Only wetlands which have permanent surface water, in addition to abutting a jurisdictional water, would be adjacent under this alternative approach. Furthermore, only the portion of such a wetland that has permanent surface water would be jurisdictional. For example, if a wetland has permanent surface water where it abuts the jurisdictional water but as it extends farther inland shifts to seasonal surface water, only the portion of wetland that has permanent surface

[79] U.S. Army Corps of Engineers. 2007. *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Alaska Region.* Version 2.0. ERDC/EL TR–07–24. Department of the Army, Vicksburg, MS. *Available at https://usace.contentdm.oclc.org/utils/getfile/collection/p266001coll1/id/7608.* (Noting that wetland mosaics occur in areas of discontinuous permafrost (*e.g.,* north-facing slopes, and burned areas in permafrost-affected regions) and on discharge slopes in Southcentral Alaska).

[80] For example, Alaska provided the agencies with pre-proposal input on permafrost wetlands in their letter to the recommendations docket (*see* Docket ID No. EPA–HQ–OW–2025–0093–0506), their federalism consultation comment letter (*see* Summary Report of Federalism Consultation for the Proposed Rule: Updated Definition of Waters of the United States, available in the docket for the proposed rule), and their verbal recommendations during the State listening session (*see* Summary Report of Pre-Proposal Listening Sessions for WOTUS Notice: The Final Response to SCOTUS, available in the docket for the proposed rule).

water would be considered adjacent under this alternative approach. The agencies note that a wetland delineation would not necessarily be required for this approach given that the limiting factor is the requirement for the permanent presence of surface water. However, identification of permanent surface water may present implementation challenges. The agencies request comment on whether this approach is implementable, and on the impacts a continuous surface water connection requirement would have on the scope of wetlands, lakes, and ponds covered under the Clean Water Act, considering a very small percentage of wetland acreage in the United States is characterized by permanent surface water.

The agencies also request comment on whether ''continuous surface connection'' is best interpreted to mean simply abutting, *i.e.,* touching, consistent with the approach under the March 2025 Continuous Surface Connection Guidance currently being implemented. *See* section IV.B.6 of this preamble. This approach would categorically cover all wetlands and all lakes and ponds that abut a jurisdictional water, under paragraphs (a)(4) and (5) of the proposed rule, respectively, regardless of whether they are characterized by surface water at least during the wet season. The agencies request comment on whether wetlands, lakes, or ponds that simply abut a jurisdictional water should be considered ''indistinguishable'' from surface waters under *Sackett.* Under this alternative approach, a landowner or other interested party could determine immediately whether a wetland, lake or pond is jurisdictional by looking at its proximity to the jurisdictional water, without having to take an additional step of evaluating the wetland's surface hydrology or assess records from other times during the year.

The agencies seek comment to an alternative approach to implementing ''wet season'' for continuous surface connection, which could require ''having surface water for at least 90 days'' or ''having surface water for at least 270 days.'' Similar to one of the alternative approaches discussed in section V.C.3 of this preamble above for relatively permanent waters, this alternative approach could require that a wetland assessed under paragraph (a)(4) or a lake or pond assessed under paragraph (a)(5) have surface water for at least 90 days, consistent with what is generally considered to be a season (*i.e.,* three months) or for at least 270 days, *see supra* section V.C.3 of this preamble. The agencies again note that this bright line approach would provide transparency and regulatory certainty for landowners and is easy to understand. This alternative approach would also provide a strict threshold cutoff for establishing jurisdiction. The agencies also seek comment on implementation of such an alternative approach, including any implementation simplification or challenges of this approach.

As stated above, the agencies are proposing to modify their current approach to wetland mosaics and permafrost wetlands. *See* section V.D.4 of this preamble below. In addition, the agencies solicit comment on whether the agencies should add a regulatory provision that would mirror a provision in the Food Security Act definition of ''wetland.'' The Food Security Act provision excludes from the definition of ''wetland'' certain permafrost wetlands in lands with high agricultural potential in Alaska. 16 U.S.C. 3801(a)(27)) (''this term shall not include lands in Alaska identified as having high potential for agricultural development which have a predominance of permafrost soils''). The USDA has a soil interpretation which can be used to help identify the relevant lands in Alaska and has procedures for identifying qualifying parcels that could be used for implementation of this potential provision.[81] This alternative approach would enhance consistency between the Clean Water Act and the wetland conservation provisions of the Food Security Act (Pub. L. 99–198) with regard to wetlands, similar to the agencies' approach to prior converted cropland. The USDA already defines ''wetlands'' similar to the agencies' current regulations and uses the Corps' 1987 Wetlands Delineation Manual and Regional Supplements, with a few exceptions. Adopting the Food Security Act's exclusion of certain permafrost wetlands in the agencies' definition of ''wetland'' would further align Federal wetland programs as well as provide additional clarity and support for cooperative federalism for the State of Alaska. This approach would also be consistent with the recent Executive Order addressing development in Alaska.[82] The agencies request comment on the proposed exclusion from the definition of ''wetland'' for certain permafrost wetlands in lands that have agricultural potential in Alaska, and also request comment on whether this proposed exclusion would be clearer if it were listed in the ''exclusions'' section of the definition of ''waters of the United States,'' 33 CFR 328.3(b), rather than in the definition of ''wetlands'' in section 328.3(c)(1).

4. Implementation of Adjacent Wetlands

Before determining if a wetland is jurisdictional, the agencies must first determine if the wetland in question meets the regulatory definition of ''wetlands.'' The agencies are not proposing to change the longstanding definition of ''wetlands'' in paragraph (c)(1). The agencies' longstanding definition of wetlands, unchanged in this proposed rule, requires the three factors of hydrology, hydric soils, and hydrophytic vegetation under normal circumstances. Field work is often necessary to confirm the presence of a wetland and to accurately delineate its boundaries. However, in addition to field observations on hydrology, vegetation, and soils, remote tools and resources can be used to support the identification of a wetland, including USGS topographic maps,[83] NRCS soil maps and properties of soils including flood frequency and duration, ponding frequency and duration, hydric soils, and drainage class,[84] aerial or high-resolution satellite imagery, high-resolution elevation data,[85] and NWI maps.[86] State, Tribal, and local data sources may also be available to complement the national datasets.

Once a feature is identified as a wetland, if the wetland itself is not a traditional navigable water (*e.g.,* it is not a tidal wetland), the agencies assess whether it is adjacent to a traditional navigable water, the territorial seas, a jurisdictional impoundment, or a jurisdictional tributary. The agencies are not changing the current regulatory

[81] *See* NRCS Web Soil Survey, *available at https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx.* The Web Soil Survey in Alaska contains an interpretation called ''Alaska Exempt Wetland Potential (AK),'' which is designed to identify soils with high agricultural potential that are saturated due to permafrost, have the potential to thaw and drain when the insulating natural vegetation is removed, and are expected to be dry enough for normal tillage within five years of thawing.

[82] *See, e.g.,* United States, Executive Office of the President [Donald J. Trump]. Executive Order 14153: Unleashing Alaska's Extraordinary Resource Potential. January 20, 2025. 90 FR 8347 (January 29, 2025). *Available at https://www.govinfo.gov/app/details/DCPD-202500120.*

[83] *See https://www.usgs.gov/the-national-map-data-delivery/topographic-map-access-points.*

[84] *See https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx,* or via the NRCS Gridded Soil Survey Geographic Database (gSSURGO) *available at https://www.nrcs.usda.gov/resources/data-and-reports/gridded-soil-survey-geographic-gssurgo-database.*

[85] *See https://apps.nationalmap.gov/downloader/#/.*

[86] *See https://www.fws.gov/program/national-wetlands-inventory/data-download.*

definition of ''adjacent'' which is defined as ''having a continuous surface connection.'' However, as discussed in section V.D.1 of this preamble, the agencies have proposed to define ''continuous surface connection'' for the first time in regulation. The agencies are also not proposing to change their longstanding implementation of the lateral limits of jurisdiction, which states that when adjacent wetlands are present, ''jurisdiction extends beyond the ordinary high water mark to the limit of the adjacent wetlands.'' 33 CFR 328.4. The proposed rule, however, would clarify the limits of wetlands that are considered to be ''adjacent.'' The agencies are seeking comment on all aspects of implementation of the proposed definition of ''continuous surface connection'' as it relates to adjacent wetlands discussed in this section, including the availability and efficacy of all of the tools and resources discussed and the availability and efficacy of tools that are not addressed in this section. Under the proposed definition of ''continuous surface connection,'' adjacent wetlands are those that have surface water at least during the wet season and are abutting (*i.e.,* touching) a jurisdictional water. The proposed rule thus, for the first time, requires an assessment of whether an adjacent wetland has surface water at least during the wet season. The proposed rule also requires a determination that the wetland is abutting.

A variety of visual observations and remote tools, including maps, high-resolution elevation data, aerial photographs, and high-resolution satellite imagery, can be used to assess if a wetland is abutting a jurisdictional water or to help identify if a there are features that potentially sever the continuous surface connection between the wetland and a jurisdictional water, such as separations by uplands, a berm, dike, or similar feature. For example, USGS topographic maps, high-resolution elevation data, NHD data, and NWI data may identify a physical barrier or illustrate the location of the traditional navigable water, the territorial seas, the jurisdictional impoundment, or the jurisdictional tributary. Such resources may also be utilized to identify if a wetland is touching a jurisdictional water, the nature of any elevation changes between two aquatic resources, or support the calculation of simple indices based on topography to indicate where breaks in continuous surface connection may occur. FEMA flood zone or other floodplain maps may indicate constricted floodplains along the length of the tributary channel with physical separation of flood waters that could indicate a break. Aerial photographs or high-resolution satellite imagery may illustrate hydrophytic vegetation from the boundary (*e.g.,* ordinary high water mark for non-tidal waters or high tide line for tidal waters) of the traditional navigable water, the territorial seas, the jurisdictional impoundment, or the jurisdictional tributary to the wetland boundary, or the presence of water or soil saturation or conversely upland vegetation along the tributary channel between the two features, or bright soil signatures indicative of higher ground. NRCS soil maps may identify the presence of hydric soil types and soil saturation and may provide evidence that a wetland is touching a jurisdictional water. Or conversely, mapped linear, upland soil types along a tributary channel that separates a wetland from a jurisdictional water may provide evidence that the wetland does not have a continuous surface connection. Additionally, methods that overlay depressions on the landscape with hydric soils and hydrophytic vegetation can be used to identify likely wetlands and whether those features are touching the jurisdictional water. Field work can help confirm the presence and location of the ordinary high water mark or high tide line of the traditional navigable water, the territorial seas, the jurisdictional impoundment, or the jurisdictional tributary, and whether the delineated wetland boundary touches a jurisdictional water. Field observations can also identify breaks that may sever the continuous surface connection (*e.g.,* by traversing the landscape from the tributary to the wetland and examining topographic and geomorphic features, as well as hydrologic and biologic indicators). Wetlands that are not (a)(1) waters and that do not abut a jurisdictional water would be non-jurisdictional under the proposed rule without the need for further analysis.

For wetlands that abut a jurisdictional water, the next step under the proposed rule would be to assess if the wetland has surface water at least during the wet season. In order to better characterize wetland habitats, the hydrologic regime of wetlands may be described with a modifier related to flooding status (*e.g.,* NWI water regime flooding modifiers) and help inform duration and timing of surface inundation.[87] For nontidal wetlands, the NWI water regime modifiers include permanently flooded, intermittently exposed, semipermanently flooded, seasonally flooded, seasonally-flooded saturated, seasonally saturated, continuously saturated, temporarily flooded, intermittently flooded, and artificially flooded. The agencies are using a modified version of the ''semipermanently flooded'' definition used by NWI[88] to inform implementation of the surface water requirement for continuous surface connection in the proposed rule, where surface water must persist throughout the wet season without interruption. The agencies intend that this surface water requirement would occur predictably, year after year, except for in a period of extreme drought. Wetlands characterized as having less than surface water at least during the wet season, including wetlands with only saturated soil conditions supported by groundwater, would not be considered adjacent under this proposal. Under the proposed rule, wet season would be implemented the same way as for the proposed definition of ''relatively permanent,'' creating consistency in implementation. *See* section V.C.5.a of this preamble for discussion of implementation of wet season.

Unlike the NWI's definition of ''semipermanently flooded,'' the agencies' proposed definition of ''continuous surface connection'' utilizes wet season instead of growing season for consistency with the proposed rule's definition of ''relatively permanent.'' Growing season, as used by the NWI, means, ''[t]hat part of the year that begins with green-up and bud-break of native plants in the spring and ends with plant dieback and leaf-drop in the fall due to the onset of cold weather.'' [89] Thus, growing season as used by the NWI is dependent on temperature and budding of vegetation, while wet season, as implemented in the proposed rule, would be driven by precipitation and evapotranspiration. In addition, the NWI's definition of growing season differs from the definition in the Corps' 1987 Wetland Delineation Manual, which is derived from the soil biological-zero temperature concept, though plant growth can be also used under the agencies' current

[87] Federal Geographic Data Committee. 2013. *Classification of Wetlands and Deepwater Habitats of the United States.* FGDC–STD–004–2013. Second Edition. Wetlands Subcommittee, Federal Geographic Data Committee and U.S. Fish and Wildlife Service, Washington, DC. *Available at https://www.fws.gov/sites/default/files/documents/Classification-of-Wetlands-and-Deepwater-Habitats-of-the-United-States-2013.pdf.*

[88] The NWI defines ''semipermanently flooded'' as ''[s]urface water persists throughout the growing season in most years. When surface water is absent, the water table is usually at or very near the land surface.'' *Id.* at 38.

[89] *Id.* at 59.

implementation to help determine the growing season.[90] The 1987 Manual defines growing season to mean, ''[t]he portion of the year when soil temperatures at 19.7 in. below the soil surface are higher than biologic zero (5 °C) . . . . For ease of determination, this period can be approximated by the number of frost-free days.'' [91] The agencies solicit comment on whether, instead, they should define ''continuous surface connection'' to be consistent with the NWI's semipermanently flooded water regime and require surface water at least during the growing season. Under such an alternative approach, the agencies solicit comment on whether growing season should be implemented consistent with EPA and the Corps' wetland delineation practices.

Direct observation and various remote tools can help assess if a wetland has surface water at least during the wet season. For example, visual observations of standing water throughout the wet season without interruption (and more than just after precipitation events) or visual observations of prolonged inundation during dry months when there has not been recent precipitation may help support a finding that a wetland has surface water at least during the wet season under the proposed rule. Landowners, farmers, outdoorsmen, and local communities, including indigenous communities in Tribal areas, may have extensive experience with, and knowledge about, the seasonal timing and extent of surface waters in wetlands. Remote sources of information that may be useful to help assess wetland hydrology (including duration of surface hydrology or inundation) include stream gage data, lake gage data, tidal gage data, flood predictions, NWI data, remotely sensed images, soil permeability data, information about vegetative cover, and historical record. Elevation [92] may be informative, as areas of lower elevation in a wetland often have more frequent periods of inundation and/or greater duration than most areas at higher elevations. *See* 1987 Wetlands Delineation Manual at 29. Aerial and satellite imagery may be helpful to determining if a wetland has surface water at least during the wet season, particularly if the imagery shows visible water on multiple dates during the wet season, or water that is present during the dry season when there has not been recent precipitation. The Global Surface Water Explorer,[93] and USGS Landsat Level-3 Dynamic Surface Water Extent (DSWE) product,[94] are both tools that may be useful for identifying surface water inundation on the landscape in certain geographic areas, and have both been assessed for detecting surface inundation in wetlands.[95] [96]

Under the proposed rule, if a wetland has surface water at least during the wet season at the point at which it touches a jurisdictional water but transitions in water regime to having less than surface water at least during the wet season as the wetland extends farther away from the jurisdictional water (*e.g.,* to seasonally saturated), only the portion of the wetland that demonstrates surface water at least during the wet season would be ''adjacent.'' Thus, under the proposed rule, the extent of surface water at least during the wet season in a wetland would need to be delineated when making jurisdictional determinations to draw the boundary between the jurisdictional portion of a wetland and the non-jurisdictional portion of a wetland. The tools discussed above can be used to determine if there are portions of a wetland that lack the required demonstration of surface water at least during the wet season. The agencies solicit comment on this proposed approach, including tools and resources for implementation, as well as the alternative approach that the entire wetland be considered ''adjacent'' if at least part of the wetland demonstrates a continuous surface connection.

The agencies are proposing to change implementation of wetland mosaics. Wetland mosaics are landscapes where wetland and non-wetland components were previously considered too closely associated to be easily delineated or mapped separately. These areas often have complex microtopography, with repeated small changes in elevation occurring over short distances. For example, ridges and hummocks are often non-wetland but are interspersed throughout a wetland matrix having clearly hydrophytic vegetation, hydric soils, and wetland hydrology. In certain regions where wetland mosaics are common, such as in permafrost regions in Alaska, Corps regional wetland delineation manuals address how to delineate such wetlands. *See, e.g.,* Alaska Regional Supplement. Under current implementation, wetlands in the mosaic are considered collectively as one wetland. *See* 88 FR 3093 (January 18, 2023). Under the proposed rule, the agencies would delineate wetlands in the mosaic individually. Thus, only the delineated wetland portions of a wetland mosaic that meet the definition of ''continuous surface connection'' under the proposed rule would be jurisdictional as adjacent wetlands.

Wetland components of a mosaic are often not difficult to identify. The problem for the wetland delineator often is that microtopographic features may be quite small and intermingled, and there may be many such features per acre, creating challenges for accurate and efficient delineations and mapping. Field indicators can be used, for example, to find plots that meet the definition of ''wetlands'' and then, as accurately as possible, work outward to the uplands to see if a contiguous boundary can be drawn.[97] Remote tools such as high-quality aerial photography and others previously discussed in this section can also be used to assist with determinations of wetland and non-wetland components (*e.g.,* by determining the ridges versus wetlands through photo interpretation of topography and vegetation patterns or a site visit). The agencies seek comment on implementation of this approach, including tools and methods to assist with delineating wetland and non-wetland components in wetland mosaics.

As discussed in section V.C.2. of this preamble, the agencies have received

[90] Malone, K., and H. Williams. 2010. *Growing Season Definition and Use in Wetland Delineation: A Literature Review.* ERDC/CRREL CR–10–3, U.S. Army Corps of Engineers, Engineer Research and Development Center Hanover, NH. *Available at https://erdc-library.erdc.dren.mil/items/81b728f7-5dd8-4ef8-e053-411ac80adeb3.*

[91] U.S. Army Corps of Engineers. 1987. *Wetlands Delineation Manual.* Technical Report Y–87–1, U.S. Army Corps of Engineers, Waterways Experiment Station, Wetlands Research Program, Vicksburg, MS. *Available at https://usace.contentdm.oclc.org/digital/collection/p266001coll1/id/4530.*

[92] High-resolution elevation data and associated derivatives (*e.g.,* slope or curvature metrics) are available from the USGS 3D Elevation Program (*available at https://www.usgs.gov/3d-elevation-program*).

[93] *See https://global-surface-water.appspot.com/.*

[94] *See https://www.usgs.gov/landsat-missions/landsat-dynamic-surface-water-extent-science-products?qt-science_support_page_related_con=0#qt-science_support_page_related_con.*

[95] Park, J., Kumar, M., Lane, C.R., and Basu, N.B. 2022. ''Seasonality of inundation in geographically isolated wetlands across the United States.'' *Environmental Research Letters* 17: 054005. *Available at https://doi.org/10.1088/1748-9326/ac6149.*

[96] Jones, J.W. 2019. ''Improved Automated Detection of Subpixel-Scale Inundation—Revised Dynamic Surface Water Extent (DSWE) Partial Surface Water Tests.'' *Remote Sensing* 11(4): 374. *Available at https://doi.org/10.3390/rs11040374.*

[97] Lichvar, R.W., Curtis, K.E., Gillrich, J.J., and Dixon, L.E. 2012. *Testing Wetland Delineation Indicators in New England Boulder Fields.* ERDC/CRREL TR–12–4. U.S. Army Corps of Engineers. U.S. Army Engineer Research and Development Center, Cold Regions Research and Engineering Laboratory, Hanover, NH. *Available at https://usace.contentdm.oclc.org/digital/collection/p266001coll1/id/4402/.*

feedback both pre-proposal and in response to past rulemakings on the challenges of treating permafrost wetlands and wetland mosaics in Alaska in a manner similar to wetlands in other geographic areas. Specifically, requests have been made to the agencies that permafrost wetlands and wetland mosaics in Alaska be excluded from the definition of ''waters of the United States'' due to their unique nature, the lack of scientific certainty that such wetlands have meaningful connections to the tributary network (and in the case of wetland mosaics, that the wetlands are interconnected as a single unit), and the fact that such wetlands can span many acres in size. The agencies believe the proposed rule addresses many of these challenges by individually delineating wetlands in a wetland mosaic and by limiting wetlands with a continuous surface connection to those that are abutting and have surface water at least during the wet season as discussed in section V.C.2 of this preamble.

The agencies also seek comment on whether the jurisdictional reach of permafrost wetlands and wetland mosaics in Alaska that are found to be adjacent should be limited to a certain length from the jurisdictional water to the abutting wetlands—for example, only those portions of abutting wetlands up to 1,600 feet from the ordinary high water mark or the high tide line of a ''water of the United States'' and that otherwise meet the proposed definition of ''continuous surface connection'' would be found to be jurisdictional. In this approach, those portions of the continuous abutting wetlands beyond 1,600 feet would not be considered to be part of the adjacent wetland and would not be jurisdictional. The agencies solicit comment on implementation of this approach, and whether it would further address concerns raised about permafrost wetlands and wetland mosaics in Alaska.

E. Lakes and Ponds Assessed Under Paragraph (a)(5)

1. Deletion of ''Intrastate''

The agencies are proposing to delete ''intrastate'' from paragraph (a)(5) of the Amended 2023 Rule. Paragraph (a)(5) of the Amended 2023 Rule covers ''[i]ntrastate lakes and ponds not identified in paragraphs (a)(1) through (4) of this section that are relatively permanent, standing or continuously flowing bodies of water with a continuous surface connection to the waters identified in paragraph (a)(1) or (a)(3) of this section.'' With the proposed deletion of the interstate waters category and the proposed deletion of ''intrastate'' from paragraph (a)(5), the (a)(5) category under the proposed rule would include both interstate and intrastate lakes and ponds not identified in paragraphs (a)(1) through (4) that are relatively permanent, standing or continuously flowing bodies of water with a continuous surface connection to a traditional navigable water, the territorial seas, or a paragraph (a)(3) tributary. As such, the agencies believe deleting ''intrastate'' from paragraph (a)(5) would be a ministerial change due to the proposed elimination of the interstate waters category under paragraph (a)(1)(iii) of the Amended 2023 Rule.

2. Alternative Approaches

As discussed above in section V.C.4 of this preamble, the agencies also seek comment on whether category (a)(5) of the proposed rule for lakes and ponds would be necessary in any final rule and whether non-navigable lakes and ponds would be most appropriately assessed for jurisdiction under the paragraph (a)(3) category for ''tributaries'' and under the proposed definition of ''tributary'' in light of *Rapanos* and *Sackett.* The agencies believe that lakes and ponds that are relatively permanent, standing or continuously flowing, and have a continuous surface connection under the proposed rule would likely meet the requirements of a paragraph (a)(3) tributary. The deletion of the paragraph (a)(5) category would also make the rule text simpler and more concise. The agencies seek comment, however, on whether there may be non-navigable lakes and ponds that would not be appropriate to assess for jurisdiction as a paragraph (a)(3) tributary.

3. Implementation

Consistent with longstanding practice, under the proposed rule the agencies would generally assess jurisdiction over aquatic resources based on the requirements in paragraphs (a)(1) through (4) under this proposed rule and ensure that they do not meet one of the paragraph (b)(1) exclusions before assessing jurisdiction over aquatic resources based on paragraph (a)(5). Thus, lakes and ponds that are traditional navigable waters, jurisdictional impoundments, or jurisdictional tributaries would not be assessed under paragraph (a)(5) of the proposed rule. The agencies would assess waters under paragraph (a)(5) to determine if they are relatively permanent using a similar approach to the one described for tributaries, as discussed in section V.C.5.a of this preamble. The agencies would assess a continuous surface connection between waters assessed under paragraph (a)(5) and a paragraph (a)(1) water or a paragraph (a)(3) tributary using the approach described for adjacent wetlands, as discussed in section V.D.4 of this preamble. The agencies are also not proposing to change their longstanding implementation of the lateral limits of jurisdiction for this category, which would extend to the ordinary high water mark of the paragraph (a)(5) lake or pond, consistent with current practice and the Corps' regulations at 33 CFR 328.4.

The field observations, tools, data, and methods discussed in sections V.C.5 and V.D.4 of this preamble, can be used for implementation of the lakes and ponds category under paragraph (a)(5) to assess whether the subject water meets the proposed definition of ''relatively permanent,'' and if it has a ''continuous surface connection,'' consistent with proposed definition of that term. The agencies solicit comment regarding those implementation resources for paragraph (a)(5) under the proposed rule, as well as any additional resources that would assist with implementation of this proposed category of waters. The agencies believe that lakes and ponds that meet the proposed definition of ''relatively permanent,'' and that abut a traditional navigable water, the territorial seas, or a paragraph (a)(3) tributary would also satisfy the proposed definition of ''continuous surface connection'' because they would have surface water at least during the wet season. Lakes and ponds assessed under paragraph (a)(5) that do not meet the proposed definition of ''relatively permanent'' would be non-jurisdictional. Similarly, relatively permanent lakes or ponds assessed under paragraph (a)(5) that do not have a ''continuous surface connection'' as defined in the proposed rule would also be non-jurisdictional.

F. Exclusions From the Definition of ''Waters of the United States''

In paragraph (b) of the agencies' regulations, EPA and the Army are proposing to modify three of the eight exclusions from the definition of ''waters of the United States:'' the paragraph (b)(1) exclusion for waste treatment systems, the paragraph (b)(2) exclusion for prior converted cropland, and the paragraph (b)(3) exclusion for certain ditches. In addition, the agencies are proposing to add an additional exclusion to the definition of ''waters of the United States'' for groundwater. Certain waters and features have been

expressly excluded from the definition of the ''waters of the United States'' since the 1970s. The agencies believe that the proposed revisions to the exclusions for waste treatment systems, prior converted cropland, and ditches, as well as the addition of the groundwater exclusion, will enhance implementation clarity. Waste treatment systems and prior converted cropland have been excluded for decades. As discussed in more detail below, certain ditches have either been expressly excluded in the regulatory text or considered generally not jurisdictional via preamble language or guidance since 1986. In addition, groundwater was expressly excluded in the regulatory text under the NWPR.

The agencies are not proposing to revise the current regulatory language which states that paragraph (b) exclusions apply to paragraph (a)(2) through (5) waters even in circumstances where the feature would otherwise be jurisdictional. Thus, consistent with longstanding practice, the agencies are proposing to continue the policy that exclusions do not apply to the paragraph (a)(1) traditional navigable waters and the territorial seas.

The proposed revised exclusions reflect the agencies' proposed determinations of the lines of jurisdiction based on the case law and the agencies' long-standing practice and technical judgment that certain waters and features are not subject to the Clean Water Act. The plurality opinion in *Rapanos* noted that there were certain features that were not primarily the focus of the Clean Water Act, such as channels that periodically provide drainage for rainfall. *See* 547 U.S. at 734. During pre-proposal outreach for this proposed rule, many States, regional groups, and national associations requested ''distinct,'' ''specific,'' and ''clear'' exclusions from the definition of ''waters of the United States.'' In this proposed rule, the agencies propose to thus draw lines and articulate that certain waters and features would not be subject to the jurisdiction of the Clean Water Act.

The agencies are not proposing to codify the additional exclusions that were added in the NWPR. The agencies acknowledge that clear exclusions from the definition of ''waters of the United States'' have been helpful for agency staff, States, and landowners in determining whether or not a feature requires additional investigation regarding its jurisdictional status. However, it is the position of the agencies that most of those exclusions covered features that would not be jurisdictional under the proposed rule, either because they would meet the terms of one of the existing or revised exclusions, or because they would not meet the definition of ''waters of United States'' as proposed.[98] For example, proposing to codify the NWPR's exclusion of ephemeral features is not necessary because ephemeral features would not satisfy the relatively permanent standard in *Sackett* as proposed in this rule so would already be non-jurisdictional. Thus, the agencies think it is not necessary to explicitly exclude them.

1. The Paragraph (b)(1) Waste Treatment System Exclusion and Paragraph (c)(11) Definition of ''Waste Treatment System''

a. The Agencies' Proposed Revisions to the Waste Treatment System Exclusion

The agencies propose to continue the paragraph (b)(1) exclusion for waste treatment systems, which has existed in EPA's regulations since 1979 (44 FR 32854 (June 7, 1979)). The agencies, however, are proposing to modify the exclusion, including by adding a definition of ''waste treatment system'' under paragraph (c)(11) and deleting redundant language in paragraph (b)(1), so as to clarify which waters and features are considered part of a waste treatment system and therefore excluded. Under the proposed rule, a waste treatment system ''includes all components of a waste treatment system designed to meet the requirements of the Clean Water Act, including lagoons and treatment ponds (such as settling or cooling ponds), designed to either convey or retain, concentrate, settle, reduce, or remove pollutants, either actively or passively, from wastewater prior to discharge (or eliminating any such discharge).'' The agencies intend for this proposed exclusion to apply only to waste treatment systems constructed in accordance with the requirements of the Clean Water Act and to all waste treatment systems constructed prior to the 1972 Federal Water Pollution Control Act amendments, as discussed further in section V.F.1.d of this preamble. The agencies' proposal is consistent with the NWPR's exclusion for waste treatment systems. The agencies seek comment on the proposed exclusion for waste treatment systems under paragraph (b)(1), including the proposed definition of ''waste treatment system'' under paragraph (c)(11) and implementation of the exclusion.

b. Basis for the Proposed Definition

EPA first promulgated the waste treatment system exclusion in a 1979 notice-and-comment rulemaking revising the definition of ''waters of the United States'' in the agency's NPDES regulations. 44 FR 32854 (June 7, 1979). A ''frequently encountered comment'' was that ''waste treatment lagoons or other waste treatment systems should not be considered waters of the United States.'' *Id.* at 32858. EPA agreed, except as to cooling ponds that otherwise meet the criteria for ''waters of the United States.'' *Id.* The 1979 revised definition of ''waters of the United States'' thus provided that ''waste treatment systems (other than cooling ponds meeting the criteria of this paragraph) are not waters of the United States.'' *Id.* at 32901 (40 CFR 122.3(t) (1979)).

The following year, EPA revised the exclusion, but again only in its NPDES regulations, to clarify its application to treatment ponds and lagoons and to specify the type of cooling ponds that fall outside the scope of the exclusion. 45 FR 33290, 33298 (May 19, 1980). EPA also decided to revise this version of the exclusion to clarify that ''treatment systems created in [waters of the United States] or from their impoundment remain waters of the United States,'' while ''[m]anmade waste treatment systems are not waters of the United States.'' *Id.* The 1980 revised exclusion read: ''[w]aste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds as defined in 40 CFR 423.11(m) which also meet the criteria of this definition) are not waters of the United States.'' The 1980 provision further provided that the exclusion ''applies only to manmade bodies of water which neither were originally created in waters of the United States (such as a disposal area in wetlands) nor resulted from the impoundment of waters of the United States.'' 45 FR 33424 (May 19, 1980) (40 CFR 122.3).

EPA subsequently revised the definition and codified it in the ''waters of the United States'' definitions. *See, e.g.,* 53 FR 20764, 20774 (June 6, 1988) (revising EPA's section 404 program definitions at 40 CFR 232.2). Separately, the Corps' 1986 updated definition of ''waters of the United States'' also contained the waste treatment system exclusion. 51 FR 41250 (November 13, 1986); 33 CFR 328.3 (1987).

The agencies believe that the proposed waste treatment system exclusion generally reflects the

[98] Stormwater control features and wastewater recycling structures that were excluded under NWPR and created in non-jurisdictional waters rather than in dry land, may not be excluded under the proposed rule. Many of these aquatic features, however, will continue to be non-jurisdictional because they do not satisfy the proposed rule's definition of ''waters of the United States.''

agencies' current practice. Incorporating the revised exclusion into the proposed rule would further the agencies' goal of providing greater clarity over which waters are and are not jurisdictional under the Clean Water Act for both the regulated community as well as the regulators. Further, the agencies believe that the proposed approach of incorporating a definition of ''waste treatment system'' within the text of paragraph (c) itself rather than having to rely on guidance in the preamble is preferable for clarity, consistency, and transparency.

c. Alternative Approaches

The agencies seek comment on the alternative approach of retaining the current regulatory text for the waste treatment system exclusion, which excludes ''[w]aste treatment systems, including treatment ponds or lagoons, designed to meet the requirements of the Clean Water Act.'' The agencies are interested in hearing whether the proposed or current exclusion is clearer, particularly with regards for the need for the waste treatment system to comply with the requirements of the Clean Water Act, including for those systems which were constructed prior to the Federal Water Pollution Control Act amendments in 1972, as well as regarding the components that make up a waste treatment system, such as the inclusion of active and passive treatment components.

d. Implementation of the Waste Treatment System Exclusion

As discussed previously, the agencies are not proposing to change the longstanding approach to implementing the waste treatment system exclusion but rather seek to include additional clarity in the regulation text. As a result, the agencies would continue to apply the exclusion to systems that are treating water to meet the requirements of the Clean Water Act. To be clear, the proposed exclusion would not free a discharger from the need to comply with the Clean Water Act, including any effluent limitations guidelines and new source performance standards requirements applicable to the waste treatment system, and requirements applicable to the pollutants discharged *from* a waste treatment system to ''waters of the United States''; only discharges *into* the waste treatment system would be excluded from the Act's requirements. As such, the agencies propose to continue their longstanding practice that any entity would need to comply with the Clean Water Act by obtaining a section 404 permit for a new waste treatment system that will be constructed in ''waters of the United States,'' and a section 402 permit if there are discharges of pollutants from a waste treatment system into ''waters of the United States.'' Waste treatment systems constructed prior to the 1972 Federal Water Pollution Control Act amendments would be eligible for the exclusion under this proposed regulation and would also continue to be subject to regulation by the Clean Water Act section 402 permitting program for discharges from these systems to ''waters of the United States.'' Under the section 402 permit, discharges from the waste treatment system would need to meet the requirements of applicable effluent limitations guidelines and new source performance standards, as well as any required water quality-based effluent limitations. Further, consistent with the agencies' general practice implementing the exclusion, under this proposed rule, a waste treatment system that is abandoned and otherwise ceases to serve the treatment function for which it was designed would not continue to qualify for the exclusion and could be deemed jurisdictional if it otherwise meets this proposed rule's definition of ''waters of the United States.''

Under past rulemakings, commenters have inquired as to whether stormwater systems and wastewater reuse facilities are considered part of a complete waste treatment system for purposes of the waste treatment system exclusion. The agencies note that cooling ponds that are created in jurisdictional waters pursuant to a Clean Water Act section 404 permit and that have Clean Water Act section 402 permits would be subject to the waste treatment system exclusion under previous rules and the proposed rule. Cooling ponds created to serve as part of a cooling water system with a valid State or Federal permit constructed in ''waters of the United States'' prior to enactment of the 1972 Federal Water Pollution Control Act amendments also would remain excluded under the proposed rule if they are in compliance with applicable Clean Water Act requirements. In the past, the public and the regulated community have expressed confusion regarding whether stormwater treatment features would be excluded under the waste treatment system exclusion. Such determinations would depend on the specific attributes of the control and the water feature and thus need to be made on a case-by-case basis. The agencies have previously provided guidance on this topic,[99] stating that the waste treatment system exclusion generally does not apply to stormwater features, which must be assessed on a case-specific basis, and propose to continue this approach. The agencies seek comment on the proposed continuation of this approach, and whether it appropriately provides clarity on application of the exclusion, and if so, whether the content of the policy memorandum should be included in the preamble to any final rule. Stormwater features may be excluded under other exclusions in this proposed rule, such as certain ditches, or may not meet the proposed requirements of the categories of jurisdictional waters under paragraph (a).

2. Definition of ''Prior Converted Cropland'' Under Paragraph (c)(7) and Scope of the (b)(2) Prior Converted Cropland Exclusion

a. Basis for the Proposed Definition

The agencies propose to continue to exclude prior converted cropland in this proposed rule, a longstanding exclusion since 1993. *See* 58 FR 45034–36 (August 25, 1993); *see also* section IV.B of this preamble. Historically, the agencies have attempted to create consistency between the Clean Water Act and the Food Security Act of 1985 (16 U.S.C. 3801 *et seq.*) wetland conservation provisions for prior converted cropland. The agencies continue to believe that consistency across these programs is important for the regulated community (*see* 58 FR 45033, August 25, 1993) and therefore are proposing to continue to exclude prior converted cropland from the definition of ''waters of the United States,'' as well as to include a definition for prior converted cropland under paragraph (c)(7). This exclusion is consistent with the policy of Congress articulated in CWA section 101(b), to ''recognize, preserve and protect the primary responsibilities and rights of States'' to address pollution and ''to plan the development and use (including restoration, preservation, and enhancement) or land and water resources.'' 33 U.S.C. 1251. The extent

[99] The agencies clarified in that case-specific policy memorandum that in general, storm water features implemented to comply with a Clean Water Act section 402(p) NPDES permit would not be eligible for the waste treatment system exclusion. The agencies further clarified, however, that a waste treatment system that receives storm water or storm water runoff in addition to wastewater remains eligible for the waste treatment system exclusion so long as the system continues to serve the treatment function for which it was designed. *See* U.S. EPA and Army. 2024. ''Memorandum on NWS–2023–923.'' *Available at https://www.epa.gov/system/files/documents/2024-12/memorandum-on-nws-2023-923.pdf.*

of protections for and development of areas used for farming falls squarely within the scope of section 101(b), and therefore the agencies propose to allow States full flexibility to determine whether and how to manage these areas.

The agencies are therefore proposing to clarify, consistent with the NWPR, that the prior converted cropland exclusion would no longer apply for Clean Water Act purposes when the cropland is abandoned (*i.e.,* the cropland has not been used for or in support of agricultural purposes for a period of greater than five years) *and* the land has reverted to wetlands. Importantly, even under these conditions and given the Supreme Court's new articulation of the necessity of a continuous surface connection in *Sackett,* a wetland would still need to be determined to be adjacent to a jurisdictional water, as the term is defined in paragraph (c)(2), to itself be determined jurisdictional. Simply put, just because land may lose prior converted cropland designation under this proposed approach does not automatically determine that land to contain a jurisdictional wetland. The agencies propose that prior converted cropland is considered abandoned if it is not used for, or in support of, agricultural purposes at least once in the immediately preceding five years. The five-year timeframe for maintaining agricultural purposes is consistent with the 1993 preamble. 58 FR 45033 (August 25, 1993). Agricultural purposes include land use that makes the production of an agricultural product possible, including, but not limited to, grazing and haying. This proposed rule would also clarify that cropland that is left idle or fallow for conservation or agricultural purposes for any period or duration of time remains in agricultural use (*i.e.,* it is used for, or in support of, agriculture purposes), and therefore maintains the prior converted cropland exclusion. The agencies believe that this revision is necessary to ensure that cropland enrolled in long-term and other conservation programs administered by the Federal Government or by State and local agencies that prevents erosion or other natural resource degradation does not lose its prior converted cropland designation as a result of implementing conservation practices.

In 1993, the agencies categorically excluded prior converted cropland from the definition of ''waters of the United States.'' 58 FR 45034–36 (August 25, 1993). As further explained below, in keeping with the Food Security Act of 1985, the 1993 preamble defined prior converted cropland as ''areas that, prior to December 23, 1985, were drained or otherwise manipulated for the purpose, or having the effect, of making production of a commodity crop possible [and that are] inundated for no more than 14 consecutive days during the growing season.'' 58 FR 45031. As explained in detail in the 1993 preamble, due to the degraded and altered nature of prior converted cropland, the agencies determined that such lands should not be treated as jurisdictional wetlands for purposes of the Clean Water Act because regulating such lands does not further the objective of the Act. 58 FR 45032. The 1993 preamble also set out a mechanism to ''recapture'' prior converted cropland into the section 404 program when the land has been abandoned and wetland features return. 58 FR 45034. This approach is consistent with the principles in the 1990 Corps Regulatory Guidance Letter 90–7. Although included in the 1993 preamble and Regulatory Guidance Letter 90–7, these principles were not incorporated into the text of any promulgated rule until the NWPR. That rule represented the first time the agencies promulgated regulatory language to clarify the meaning of ''prior converted cropland'' for Clean Water Act purposes, the application of the exclusion, and a recapture mechanism based on abandonment and reversion to wetlands.

When the 1993 preamble was published, the abandonment principle was consistent with USDA's implementation of the Food Security Act. Three years later, the 1996 Food Security Act amendments modified the abandonment principle and incorporated a ''change in use'' policy. *See* Public Law 104–127, 110 Stat. 988 (1996). In 2005, the Army and the Natural Resources Conservation Service issued a joint ''Memorandum to the Field'' (the 2005 Memorandum) [100] in an effort to align the Clean Water Act section 404 program with the Food Security Act by adopting the amended Food Security Act's change in use policy. The 2005 Memorandum provided that, for Clean Water Act purposes, a ''certified [prior converted] determination made by [USDA] remains valid as long as the area is devoted to an agricultural use. If the land changes to a non-agricultural use, the [prior converted cropland] determination is no longer applicable, and a new wetland determination is required for CWA purposes.'' The 2005 Memorandum did not clearly address the abandonment principle that the agencies had been implementing since the 1993 rulemaking. The Army and USDA withdrew the 2005 Memorandum simultaneous with the effective date of the NWPR in 2020 [101] because the NWPR provided clarity about the prior converted cropland exclusion and how wetlands can be recaptured into Clean Water Act jurisdiction through the abandonment test.

In the 2023 Rule, the agencies changed course, providing that ''prior converted cropland is not waters of the United States,'' and that such ''exclusion would cease upon a change in use.'' 88 FR 3105–06. By incorporating the abandonment principles from the 1993 preamble and providing examples of ''agricultural purposes,'' this proposed rule remains consistent with the concepts underlying the Food Security Act but differs in implementation from certain aspects of USDA's current wetland conservation authority. Returning to the abandonment principle would allow the agencies to appropriately manage certain wetland resources while providing better clarity and regulatory certainty to, and alleviating unnecessary burden on, the agricultural community. Moreover, by returning to the definition adopted in the NWPR, the agencies intend that this proposed rule would alleviate the burden placed on the USDA to process requests for prior converted cropland determinations that are not required for Food Security Act purposes.

The agencies' proposal is informed by stakeholder input. For example, agricultural stakeholders during the listening sessions and in the recommendations docket requested that the agencies re-codify the NWPR's exclusion and definition for prior converted cropland. Specifically, they support the approach whereby an area loses its prior converted cropland status for Clean Water Act purposes when it is abandoned (not used or in support of agriculture at least once in the preceding five years) and has reverted to wetlands. They also support the

[100] U.S. Department of Agriculture Natural Resources Conservation Service and U.S. Department of the Army Office of Assistant Secretary of the Army (Civil Works). 2005. ''Memorandum to the Field: Guidance on Conducting Wetland Determinations for the Food Security Act of 1985 and Section 404 of the Clean Water Act.'' February 25, 2005. Available in the docket for this action.

[101] U.S. Department of the Army, Office of the Assistant Secretary (Civil Works), and U.S. Department of Agriculture, Natural Resources Conservation Service. 2020. ''Memorandum for the Field: Rescission of the 2005 Joint Memorandum to the Field Regarding Guidance on Conducting Wetland Determinations for the Food Security Act of 1985 and Section 404 of the Clean Water Act. January 28, 2020. Available in the docket for this action.

approach in the NWPR whereby a site can be prior converted cropland regardless of whether there is a prior converted cropland determination from either USDA or the Corps, as there is no specific requirement for issuance of a formal prior converted cropland determination, and USDA does not provide determinations unless a farmer is seeking benefits covered under the wetland conservation provisions. Re-codifying the prior converted cropland exclusion and definition from the NWPR will reestablish an easier and less burdensome process for farmers to obtain an exclusion for prior converted cropland for Clean Water Act purposes and provide the agriculture community regulatory certainty.

Consistent with NWPR, agricultural purposes would include, but would not be limited to, idling land for conservation uses (*e.g.,* habitat; pollinator and wildlife management; water storage, supply, and flood management; enrollment in any conservation easement); irrigation tailwater storage; crawfish farming; cranberry bogs; nutrient retention; and idling land for soil recovery following natural disasters like hurricanes and drought. While the list provided above is not meant to be exclusive, the uses listed above, in addition to crop production, haying, and grazing, would fall within the term ''agricultural purposes'' and, if documented, may maintain the prior converted cropland exclusion. Conservation practices, including those required or supported by USDA, State, and local programs (including recognized private sector programs that partner with government programs or that can provide verifiable documentation of participation) are critical to the success of agricultural systems across the country. Conservation practices and programs also are conducted ''for or in support of agricultural purposes'' and therefore would be appropriate to maintain the prior converted cropland exclusion.

The agencies propose that a five-year timeframe for maintaining agricultural purposes is reasonable as it is consistent with the 1993 preamble (58 FR 45033) and with the five-year timeframe regarding the validity of an approved jurisdictional determination (2005 Corps Regulatory Guidance Letter (RGL) 05–02). The five-year timeframe is longstanding in the Clean Water Act section 404 program and would be familiar to both landowners and regulators, thereby increasing clarity in implementation. The agencies would consider documentation from USDA or other Federal or State agencies to determine if the land was used for or in support of agricultural purposes in the immediately preceding five years to evaluate whether cropland has in fact been abandoned. The agencies' proposal for the second component of the prior converted cropland losing its status as an exclusion under the Clean Water Act is reversion to wetland, consistent with all past regulatory regimes. That is, the area now meets the regulatory definition of ''wetlands'' as that term is defined in (c)(1) of the regulations (note that the agencies are not proposing to revise the longstanding definition of ''wetlands''). As discussed previously in this section, even if the area loses its status as prior converted cropland, it would need to meet one of the categories of ''waters of the United States'' to be jurisdictional under the proposed rule (*e.g.,* it would need to be abandoned, revert to wetlands, and meet the requirements to be an adjacent wetland).

b. Alternative Approaches

The agencies solicit comment on an alternative approach whereby the prior converted cropland exclusion would no longer be applicable when the cropland is abandoned as provided in this proposed rule; however, determinations about whether land is prior converted cropland would only be made by the USDA and then would be adopted by the agencies. USDA has decades of experience making prior converted cropland determinations as authorized by the Food Security Act. In addition, agricultural records are more easily accessible by USDA in making such determinations. The agencies solicit comment on whether this approach would be preferable for efficiency and consistency purposes in supporting exclusion determinations.

c. Implementation of the Prior Converted Cropland Exclusion

The USDA is responsible for making determinations as to whether land is prior converted cropland for its Food Security Act purposes, whereas the agencies would be responsible for determining applicability of the exclusion for Clean Water Act purposes under the proposed rule, consistent with the government's longstanding interpretation of the agencies' authority under the Clean Water Act. *See* 33 CFR 328.3(a)(8) (''Notwithstanding the determination of an area's status as prior converted cropland by any other Federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA.''); 58 FR 45008, 45036 (August 25, 1993); Civiletti Memorandum at 197. The agencies would be responsible for establishing whether a parcel or tract of land is prior converted cropland and is therefore eligible for the prior converted cropland exclusion under this proposed rule. However, the agencies would recognize a USDA determination of prior converted cropland when making their own determination for purposes of the Clean Water Act. A landowner without an existing prior converted cropland determination may seek a new determination from either the USDA or the agencies. Although the proposed definition of prior converted cropland uses ''agricultural product'' while the Food Security Act uses ''agricultural commodity,'' the agencies would still recognize the USDA determination of prior converted cropland under this proposal.[102] The USDA is subject to specific statutes designed to protect landowner privacy and, as such, is prohibited from making certain parcel-specific information available without the landowner's consent. To ensure that the agencies can appropriately coordinate with USDA on a prior converted cropland determination or recognize an existing USDA prior converted cropland determination, the landowner would need to either provide a copy of the determination or provide the agencies with a signed consent form to allow the agencies access to the relevant information for the limited purposes of verifying USDA's prior converted cropland determination or receiving information from USDA that may be used in the agencies prior converted cropland determination.[103] The agencies recognize that privacy and confidentiality issues concerning certain

[102] The agencies note that the USDA's regulatory definition of ''prior converted cropland'' in the Food Security Act and the definition being established in this proposed rule have different purposes and they are substantively different. Based on the Food Security Act's statutory requirements, the USDA definition of ''prior converted cropland'' requires that agricultural commodity crop production be made possible prior to 1985. *See* 7 CFR 12.2(a)(8); 16 U.S.C. 3801 (defining converted wetland) and 16 U.S.C. 3822(b)(1)(A) (establishing the pre-1985 exemption). If commodity crop production was made possible on a particular parcel or tract of land prior to 1985, that land is eligible for the prior converted cropland exclusion in this proposed rule. Once eligibility is determined, the agencies will evaluate the land to determine if the exclusion currently applies, or if the land has been abandoned, as described in this proposed rulemaking.

[103] The agencies could establish a memorandum upon finalization of the rule to assist with coordination. *See, e.g.,* ''Memorandum to the Field Between the U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS), the U.S. Department of the Army, Corps Of Engineers (Corps), and the U.S. Environmental Protection Agency (EPA) Concerning Implementation of the Navigable Waters Protection Rule, Section 404 of the Clean Water Act and the Food Security Act (FSA) of 1985,'' available in the docket for this rulemaking.

producer information is addressed at section 1619 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8791(b)) and section 1244(b) of the Food Security Act of 1985, as amended (16 U.S.C. 3844(b)). If a parcel is found to be prior converted cropland, as defined in this proposed rule, it is not a ''water of the United States.''

Under the proposed rule, once a threshold determination has been made that certain lands are prior converted cropland, the EPA and the Corps would be responsible for implementing the prior converted cropland exclusion for Clean Water Act purposes and identifying (as further explained below) whether the lands have been abandoned and whether wetland conditions have returned such that they are no longer eligible for the prior converted cropland exclusion in this rule and thus may be ''waters of the United States.'' The agencies note that even if the prior converted cropland exclusion no longer applies, such wetland would need to be determined to have a continuous surface connection with, and therefore be adjacent to, a paragraph (a)(1), (a)(2), or (a)(3) water, as established by the Supreme Court in *Sackett.* In addition to working closely with USDA as appropriate, the agencies would consider documentation from a variety of other sources when evaluating whether a parcel of land may no longer be eligible for the Clean Water Act prior converted cropland exclusion under the proposed rule. In all cases, the burden to prove that such parcel is a ''water of the United States'' remains on the agencies. The agencies' implementation of the prior converted cropland exclusion for Clean Water Act regulatory purposes under the proposed rule would not affect USDA's administration of the Food Security Act or a landowner's eligibility for benefits under Food Security Act programs.[104]

As described previously, prior converted cropland would be considered abandoned under the proposed definition if it is not used for, or in support of, agricultural purposes at least once in the immediately preceding five years. In making an abandonment determination consistent with the proposed rule, the Corps would work with the landowner and USDA, as appropriate, to determine whether the land is currently or has been used for or in support of agricultural purposes at least once in the immediately preceding five years. As noted above, the agencies propose many uses to potentially fall within this category. Some of those land uses may not be obvious to Corps field staff, so the agencies may rely on public or private documentation to demonstrate that the land is enrolled in a conservation program or is otherwise being used for or in support of agricultural purposes. Such information may include aerial photographs, topographical maps, cultivation maps, crop expense or receipt records, field- or tract-specific grain elevator records, and other records generated and maintained in the normal course of doing business, including government agency records documenting participation in a conservation program, and other documentation reasonably establishing one or more ''agricultural purposes.'' The agencies are also considering the issuance of a joint agency memorandum similar to one signed in 2020 to support the NWPR [105] to provide additional guidance on this topic. The agencies seek input on whether such a memorandum provides needed additional clarity for any final rule that may be issued.

In implementing the proposed rule, the agencies may consider documentation from USDA, NOAA, FEMA, and other Federal and State agencies to determine whether the land was used for or in support of agricultural purposes in the immediately preceding five years. For example, USDA administers multiple programs that track whether fields have been planted or harvested in the normal course, or enrolled in long-term conservation rotations, and that agency also manages a crop insurance program for years where those activities were halted for reasons covered under their insurance policies; NOAA tracks long- and short-term weather patterns and can provide information and data concerning flood or drought conditions that may cause or contribute to idling land in support of agricultural purposes; and FEMA administers emergency response programs for natural disasters, including hurricanes, wildfires, and other events that could also require idling land for soil recovery and other agricultural purposes. The agencies would take this information into account, and additional documentation reasonably establishing ''agricultural purposes'' when evaluating whether cropland has been used for or in support of agricultural purposes in the immediately preceding five years under the proposed rule.

If the Corps determines that the land is abandoned under the proposed exclusion, then it must evaluate the current condition of the land to determine whether wetland conditions have returned. If wetlands as defined in the agencies' longstanding definition of the term at paragraph (c)(1) are currently present on the property, the agencies would determine whether the wetlands are ''adjacent'' wetlands and therefore ''waters of the United States,'' consistent with this proposed rule. As the term ''prior *converted* cropland'' suggests, and as stated in the preamble to the 1993 Rule, land properly designated as prior converted cropland has typically been so extensively modified from its prior condition that it no longer exhibits wetland hydrology or vegetation, and no longer performs the functions it did in its natural and original condition as a wetland. 58 FR 45032. It is often altered and degraded, with long-term physical and hydrological modifications that substantially reduce the likelihood of reestablishment of hydrophytic vegetation. Consistent with longstanding agency policy and wetland delineation procedures, if a former wetland has been lawfully manipulated to the extent that it no longer exhibits wetland characteristics under normal circumstances, it would not meet the regulatory definition of ''wetlands'' and would not be jurisdictional under the Clean Water Act. The altered nature of prior converted cropland and its conditions constitute the ''normal circumstances'' of such areas. The agencies expect the majority of prior converted cropland in the nation to fall into this category and not to be subject to the Clean Water Act, even after it is abandoned.

3. Definition of ''Ditch'' and Scope of the (b)(3) Ditch Exclusion

The regulatory status of ditches has long created confusion for farmers, ranchers, irrigation districts, municipalities, water supply and stormwater management agencies, and the transportation sector, among others. To address this confusion, the agencies propose revising the exclusion of certain ditches from the definition of ''waters of the United States'' to be simple and clear. Under the proposed rule, ditches (including roadside ditches) that are constructed or excavated entirely in dry land are not ''waters of the United

[104] *See* 84 FR 4193 (February 14, 2019) for a summary of how the agencies historically implemented and enforced this exclusion.

[105] *See* Memorandum to the Field between the U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS), the U.S. Department of the Army, Corps of Engineers (Corps), and the U.S. Environmental Protection Agency (EPA) Concerning Issues Related to the Implementation of Section 404 of the Clean Water Act (CWA) and the Food Security Act of 1985, as Amended (FSA). July 17, 2020. *Available at https://www.epa.gov/sites/default/files/2020-07/documents/final_joint_memo_army_epa_usda_on_issues_related_to_implementation_of_sec_404_of_cwa_and_fsa_july_2020.pdf.*

States.'' The agencies also propose defining the term ''ditch'' at paragraph (c)(4) of the agencies' regulations to mean ''a constructed or excavated channel used to convey water,'' consistent with the definition the agencies use for other Clean Water Act purposes regarding activities occurring in certain ditches. In addition to consistency, the proposed definition would provide clarity for identifying ditches excluded under this proposed rule. The agencies believe the proposed definition accurately captures the purpose and intent of ditches as well as their basic characteristics. These changes maintain the agencies' longstanding position that certain ditches are not ''waters of the United States'' and more closely align the exclusion with the Clean Water Act's statutory text.

a. Basis for the Proposed Definition

During the 1970s, the Corps interpreted its authorities under section 404 of the Clean Water Act as excluding non-navigable [106] drainage and irrigation ditches from the definition of ''waters of the United States.'' *See, e.g.,* 40 FR 31320, 31321 (July 25, 1975) (''Drainage and irrigation ditches have been excluded.''). A similar ditch exclusion was expressly stated in regulatory text in the Corps' 1977 regulations. 33 CFR 323.2(a)(3) (1978); 42 FR 37122, 37144 (July 19, 1977) (''manmade nontidal drainage and irrigation ditches excavated on dry land are not considered waters of the United States under this definition''). As the Corps explained in 1977: ''nontidal drainage and irrigation ditches that feed into navigable waters will not be considered 'waters of the United States' under this definition. To the extent that these activities cause water quality problems, they will be handled under other programs of the FWPCA, including Section 208 and 402.'' 42 FR 37127 (July 19, 1977). Similar statements occurred in preambles to the Corps' proposed rules from the early 1980s (45 FR 62732, 62747 (September 19, 1980); 48 FR 21466, 21474 (May 12, 1983)).

The general exclusion for non-tidal drainage and irrigation ditches excavated in dry land continued through 1986, although the Corps modified its earlier statements that year by noting in preamble text that ''we generally do not consider'' such features to be ''waters of the United States,'' and indicating that the agency would evaluate certain ditches on a case-by-case basis. 51 FR 41206, 41217 (November 13, 1986).[107] The EPA also included similar language in the preamble to their 1988 Rule. 53 FR 20764 (June 6, 1988). The Corps further clarified the treatment of ditches in its nationwide permit regulation in March 2000, stating that ''non-tidal drainage ditches are waters of the United States if they extend the [ordinary high water mark] of an existing water of the United States.'' 65 FR 12818, 12823 (March 9, 2000). In other words, if flow or flooding from a jurisdictional non-tidal river or stream inundated a drainage ditch, the agencies would have asserted jurisdiction over the portion of that ditch that extends the ordinary high water mark of the river or stream. This proposed action clarifies the regulatory status of ditches in a manner that is more consistent with the agencies' 1977 and 1986 approaches to ditches, with some modifications to provide a clear and simple definition that also falls within the scope of the agencies' authority under the Clean Water Act.

The proposed rule's exclusion of certain ditches from the definition of ''waters of the United States'' is consistent with Congress' intent that some, but not all, ditches may be jurisdictional. When Congress enacted the 1972 amendments to the Federal Water Pollution Control Act, it specifically included ditches and related artificial features as ''point sources,'' declaring them to be ''discernible, confined, and discrete conveyances . . . from which pollutants are or may be discharged.'' Public Law 92–500, 86 Stat. 816, 887 (1972) codified at 33 U.S.C. 1362(14). Congress envisioned protecting the quality of navigable waters by regulating the discharge of pollutants from ''point sources'' to ''waters of the United States,'' and defined ''discharge of a pollutant'' as ''any addition of any pollutant to navigable waters from any point source.'' *Id.* at 1362(12). The *Rapanos* plurality examined this language and noted that, ''[t]he definition of 'discharge' would make little sense'' if the categories of ''point sources'' (*e.g.,* ditches) and ''navigable waters'' ''were significantly overlapping.'' *Rapanos,* 547 U.S. at 735–36 & n.7. Consistent with the statutory language and the *Rapanos* plurality which clearly indicate that not all ditches are ''navigable waters,'' the proposed rule excludes certain ditches from the definition of ''waters of the United States.''

The proposed rule's exclusion of certain ditches from the definition of ''waters of the United States'' is also consistent with the ordinary meaning of the term ''waters of the United States.'' The proposed rule excludes ditches (including roadside ditches) that are constructed or excavated entirely in dry land. These excluded ditches are not part of the naturally occurring tributary system and do not fall under the ordinary meaning of the term ''waters'' within the scope of the Clean Water Act. The agencies also note that the proposed exclusion is consistent with the agencies' prior approach of excluding certain ditches constructed or excavated in dry land.

The agencies are not proposing to change their longstanding interpretation that ditches satisfying any of the conditions of a paragraph (a)(1) water are ''waters of the United States'' as paragraph (a)(1) waters. This includes tidal ditches and navigable-in-fact ditches that transport people, goods, and services in interstate and foreign commerce, as those ditches—more commonly referred to as ''canals''—can provide important commercial navigation services to the nation and operate more like other waterbodies traditionally understood as ''navigable.'' *See, e.g., id.* at 736 n.7 (Scalia, J., plurality) (''a permanently flooded man-made ditch used for navigation is normally described, not as a 'ditch,' but a 'canal' '').

Under the proposed rule, the agencies limit the exclusion to those non-navigable ditches (including roadside ditches) that are constructed or excavated entirely in dry land, even if those ditches have relatively permanent flow and connect to a jurisdictional water. The agencies also propose to retain their longstanding position that the channelization or relocation of a tributary does not modify the jurisdictional status of that water. If a tributary is channelized, its bed and/or banks are altered in some way (*e.g.,* reinforced with concrete or modified slopes), it is re-routed and entirely relocated, or its flow is modified through water diversions or through other means, then it remains jurisdictional under the proposed rule as long as it continues to satisfy the conditions in the proposed definition of ''tributary.'' *See* section V.C of this preamble. The agencies note, however, that the mere interface between the excluded ditch constructed or excavated entirely in dry land and a jurisdictional water does not make that ditch

[106] Non-navigable in this context refers to ditches that are not traditional navigable waters, such as non-tidal ditches.

[107] The Corps also moved the ditch exclusion from rule text to preamble language in 1986 but stated that this was not a substantive change and that jurisdiction was not expanded. 51 FR 41206, 41216–17 (November 13, 1986).

jurisdictional consistent with longstanding practice. For example, a ditch constructed or excavated entirely in dry land that connects to a tributary would not be considered a jurisdictional ditch under the proposed rule.

Under the proposed rule, ditches (including roadside ditches) that are constructed or excavated in a wetland are not excluded because they were not constructed or excavated entirely in dry land. This approach aligns the proposed rule with the Clean Water Act section 404(f) permitting exemption for the maintenance but not construction of drainage ditches and the associated concern expressed during the legislative process for the 1977 Clean Water Act amendments related to draining swamps and wetlands.

b. Alternative Approaches

The agencies solicit comment on an alternative approach to excluding ditches which would exclude all ditches that carry less than a relatively permanent flow of water regardless of where and how the ditch was constructed or excavated or what purpose it serves. This approach is similar to the agencies' current implementation in light of *Rapanos* and *Sackett* and would be consistent with the *Rapanos* plurality's emphasis on determining jurisdiction based on the permanence of flow in a waterbody.

The agencies also solicit comment on another alternative approach that would exclude all non-navigable irrigation and drainage ditches, regardless of flow duration or if the ditch is constructed or excavated entirely in dry land. Potential definitions of irrigation ditch and drainage ditch are in the agencies' 2020 Ditch Memorandum.[108] Such an approach would be consistent with the Corps' original exclusion from 1975. Most non-navigable ditches likely serve the purpose of providing irrigation or drainage and thus would meet the terms of such an exclusion. Many modified streams would potentially also meet the terms of this alternative exclusion. The agencies seek comment on whether this alternative approach is consistent with the Clean Water Act.

[108] U.S. Department of the Army and U.S. Environmental Protection Agency. 2020. ''Joint Memorandum to the Field Between the U.S. Department of the Army, Corps of Engineers and the U.S. Environmental Protection Agency Concerning Exempt Construction or Maintenance of Irrigation Ditches and Exempt Maintenance of Drainage Ditches Under Section 404 of the Clean Water Act'' (July 24, 2020). Available at *https://www.epa.gov/sites/default/files/2020-07/documents/final_ditch_exemption_memo_july_2020_with_epa.pdf.*

c. Implementation of Ditch Exclusion

The agencies seek comment on the implementation of the ditch exclusion as discussed in this section. When assessing the jurisdictional status of a ditch, under the proposed rule the agencies would first consider if the ditch is a traditional navigable water or part of the territorial seas. If a ditch is a traditional navigable water or part of the territorial seas, it would not be excluded under the proposed rule, consistent with current and longstanding practice. For ditches that are not paragraph (a)(1) waters, the agencies would then assess if the ditch (including a roadside ditch) is constructed or excavated entirely in dry land. As discussed in section V.F.3.a of this preamble, ditches (including roadside ditches) that are constructed or excavated in tributaries, relocate a tributary, or are constructed or excavated in wetlands or other aquatic resources are not considered to be constructed or excavated entirely in dry land. Such ditches would be assessed to see if they meet the definition of ''tributary'' under paragraph (c)(9) of the proposed rule and thus would be a paragraph (a)(3) water. *See* section V.C.4 of this preamble for discussion of implementation of tributaries under the proposed rule. If a ditch (including a roadside ditch) is found to be constructed or excavated entirely in dry land, it would be excluded under the proposed rule. Even if a ditch is excluded from the definition of ''waters of the United States,'' it may function as a point source (*i.e.,* ''discernible, confined, and discrete conveyance,'' 33 U.S.C. 1362(14)), such that discharges of pollutants from these features could require a Clean Water Act permit. Identifying if a ditch was constructed or excavated entirely in dry land may be challenging, such as where historic records are not available. The agencies encourage stakeholders to identify and discuss these situations in their comments to assist in clarifying implementation.

With respect to implementing the proposed rule's paragraph (b)(5) exclusion for certain ditches, the reach of a ditch that meets paragraph (a)(1) of the proposed rule is considered a ''water of the United States,'' with ''reach'' interpreted similarly to how it is used for tributaries in section V.C.4.b of this preamble (*i.e.,* a section of a ditch along which similar hydrologic conditions exist, such as discharge, depth, area, and slope). When a ditch (including a roadside ditch) constructed or excavated entirely in dry land connects to and extends the length of a paragraph (a)(3) tributary, even if that ditch has relatively permanent flow, it would be considered a separate reach from the tributary and would be excluded under the proposed rule. In such a case, the excluded ditch is a separate reach from the tributary because the ditch's excavated nature means that its hydrologic conditions, such as depth, area, and slope, differ from the natural tributary. In addition, the entirety of an excluded ditch reach would be non-jurisdictional even when the relatively permanent flow from a tributary to which the ditch drains enters the ditch and extends the ordinary high water mark of the tributary into the lower portion of the ditch reach. In another example, a ditch (including a roadside ditch) constructed or excavated entirely in uplands with non-relatively permanent flow that transitions to relatively permanent flow would have two different reaches due to different flow durations, even though both reaches would be excluded under the proposed rule.

The agencies will use the most accurate and reliable resources to support their decisions regarding whether a feature is an excluded ditch under the proposed rule. This will typically involve the use of multiple sources of information, and those sources may differ depending on the resource in question or the region in which the resource is located. Along with field data and other current information on the subject waters, historic tools and resources may be used to determine whether a feature is an excluded ditch. Several sources of information may be required to make such determination. Information sources may include historic and current topographic maps, historic and recent aerial photographs, Tribal, State, and local records and surface water management plans (such as county ditch or drainage maps and datasets), NHD or NWI data, agricultural records, street maintenance data, precipitation records, historic permitting and jurisdictional determination records, certain hydrogeomorphological or soil indicators, wetlands and conservation programs and plans, and functional assessments and monitoring efforts. For example, when a USGS topographic map displays a tributary located upstream and downstream of a potential ditch, this may indicate that the potential ditch was constructed or excavated in, or served to relocate, a tributary. As another example, an NRCS soil survey displaying the presence of specific soil series which are linear in nature and generally parallel to a

potential ditch may be indicative of alluvial deposits formed by a tributary in which the potential ditch was constructed. Additionally, the presence of a pond in a historic aerial photograph that lies along the flowpath of the potential ditch, for example, may provide an indication that the potential ditch (including a roadside ditch) was not constructed or excavated entirely in dry land. The agencies seek comment on these resources and their uses in relation to the proposed ditch exclusion. The agencies also seek recommendations for additional resources that are available to assist with implementation of the proposed ditch exclusion and how such additional resources can be used.

Under the proposed rule, the burden of proof lies with the agencies to demonstrate that a ditch serves to relocate a tributary or was constructed or excavated in a tributary or other aquatic resources. Where the agencies cannot satisfy this burden, the ditch at issue would be considered non-jurisdictional under the proposed rule. For example, if the agencies are not sure whether a non-navigable ditch (including a roadside ditch) was constructed or excavated entirely in dry land given the physical appearance and functionality of the current ditch, the agencies will review the available information to attempt to discern when the ditch was constructed or excavated and the nature of the landscape before and after construction or excavation. If the evidence does not demonstrate that the ditch (including a roadside ditch) was constructed or excavated in an aquatic resource (*e.g.,* a stream, river, lake, pond, or a wetland), the ditch would be non-jurisdictional under this proposed rule. This approach to proving the jurisdictional status of a ditch is a change from the agencies' approach in the Amended 2023 Rule, *see* 88 FR 3105, but is consistent with the agencies' approach in the NWPR, *see* 85 FR 22299. The agencies are proposing that the approach to the ditch exclusion articulated in the NWPR is the best interpretation of the statute because excluded ditches are not part of the naturally occuring tributary system and therefore do not fit within the ordinary meaning of the term ''waters'' within the scope of the Clean Water Act. The agencies note that with a reasonable explanation, they can change their position, which is offered above. *See* section (a) of this section, *supra.* The agencies solicit comment on whether they should consider additional reliance interests.

4. The Paragraph (b)(9) Groundwater Exclusion

a. Basis for the Proposed Exclusion

In proposed paragraph (b)(9), the agencies would exclude groundwater, including groundwater drained through subsurface drainage systems. The agencies have never interpreted ''waters of the United States'' to include groundwater and would continue that practice through this proposed rule by explicitly excluding groundwater.

The agencies are proposing to explicitly codify the NWPR's exclusion of groundwater because groundwater is not surface water and therefore does not fall within the possible scope of ''navigable waters.'' The agencies propose that there is a need for a regulatory exclusion to provide clarity on this matter. This position is longstanding and consistent with Supreme Court case law. The agencies have never taken the position that groundwater falls within the scope of ''navigable waters'' under the Clean Water Act. *See, e.g.,* 80 FR 37099–37100 (June 29, 2015) (explaining that the agencies have never interpreted ''waters of the United States'' to include groundwater); 85 FR 22278 (April 21, 2020) (explaining that the agencies have never interpreted ''waters of the United States'' to include groundwater). This position was confirmed by the U.S. Supreme Court. *Maui,* 590 U.S. at 176–77 (''The upshot is that Congress was fully aware of the need to address groundwater pollution, but it satisfied that need through a variety of state specific controls. Congress left general groundwater regulatory authority to the States; its failure to include groundwater in the general EPA permitting provision was deliberate.''). The agencies acknowledge the importance of groundwater as a resource and its role in the hydrologic cycle. But its regulation is most appropriately addressed by other Federal, State, Tribal, and local authorities.

The agencies acknowledge that, in certain circumstances, pollutants released to groundwater can reach surface water resources. However, the statutory reach of ''waters of the United States'' must be grounded in a legal analysis of the limits on Clean Water Act jurisdiction that Congress intended by use of the term ''navigable waters,'' and an understanding and application of the limits expressed in Supreme Court opinions interpreting that term. This proposed rule would do that, while also supporting the agencies' goals of providing greater clarity, certainty, and predictability for the regulated public and regulators. While groundwater is not jurisdictional under the statute and would not be under the proposed rule, many States include groundwater in their definitions of ''waters of the State'' and therefore may subject groundwater to State regulation. In addition, groundwater quality is regulated and protected through several other legal mechanisms, including the Safe Drinking Water Act, the Resource Conservation and Recovery Act, and various Tribal, State, and local laws.

Given the proposed addition of the (b)(9) exclusion for groundwater, the agencies are also proposing a ministerial change to paragraph (b) to add an ''and'' to the (b)(8) category and delete the ''and'' in the (b)(7) category. This ministerial revision would be necessary to conform to the proposed addition of (b)(9).

b. Implementation of Groundwater Exclusion

The agencies propose to include an exclusion for groundwater under paragraph (b)(9), including groundwater drained through subsurface drainage systems. The agencies propose adding the subsurface drainage clarification to specify that even when groundwater is channelized in subsurface systems, like tile drains used in agriculture, it would still remain subject to the exclusion. However, under the proposed rule, the exclusion would not apply to surface expressions of groundwater, such as where groundwater emerges on the surface and becomes baseflow in relatively permanent streams.

G. Publicly Available Jurisdictional Information and Permit Data

The agencies have provided information on jurisdictional determinations that is readily available to the public. The Corps maintains a website, *available at https://permits.ops.usace.army.mil/orm-public,* that presents information on the Corps' approved jurisdictional determinations and Clean Water Act section 404 permit decisions. The website allows users to search and view basic information on approved jurisdictional determinations and permit decisions (including latitude and longitude) and to filter the determinations using different parameters like Corps District and year. The website also contains a link to an associated approved jurisdictional determination form. Similarly, EPA maintains a website, *available at https://watersgeo.epa.gov/cwa/CWA-JDs/,* that presents information on approved jurisdictional determinations made by the Corps under the Clean Water Act since August 28, 2015. EPA's website also allows users to search, sort, map,

view, filter, and download information on approved jurisdictional determinations using different search parameters (*e.g.,* by year, location, State, watershed, regulatory regime). The website includes a map viewer that shows where waters have been determined to be jurisdictional or non-jurisdictional based on the approved jurisdictional determinations available on the site. These websites will incorporate information on approved jurisdictional determinations made under the revised definition of ''waters of the United States.'' The EPA also maintains on its website information on certain dischargers permitted under Clean Water Act section 402, including the Permit Compliance System and Integrated Compliance Information System database, *available at https://www.epa.gov/enviro/pcs-icis-overview,* as well as the EnviroMapper, *available at https://enviro.epa.gov/,* and How's My Waterway, *available at https://www.epa.gov/waterdata/hows-my-waterway*. The agencies also intend to provide links to the public to any guidance, forms, or memoranda of agreement relevant to the definition of ''waters of the United States'' on EPA's website at *https://www.epa.gov/wotus*.

H. Severability

The purpose of this section is to clarify the agencies' intent with respect to the severability of provisions of this rule. Each category and subcategory of jurisdictional waters in this rule is capable of operating independently. If any provision or jurisdictional category or subcategory of this rule is determined by judicial review or operation of law to be invalid, that partial invalidation will not render the remainder of this rule invalid.

For example, in the absence of jurisdiction over a subcategory of jurisdictional tributaries, adjacent wetlands, or paragraph (a)(5) waters, references to those subcategories of waters could be removed, and the agencies would continue to exercise jurisdiction under the remainder of this rule (including unaffected subcategories). Each exclusion in paragraph (b) and each definitional provision of paragraph (c) also operates independently of the other provisions in this rule and is intended to be severable. Moreover, the agencies intend applications of this rule to be severable from other applications, such that if the application of this rule to a given circumstance is held invalid, the rule remains applicable to all other circumstances.

VI. Supporting Information

A. Regulatory Impact Analysis

This section provides an overview of the potential effects of the proposed rule on Federal and State and Tribal regulatory programs and potential economic impacts of the proposed rule. Additional detail is contained in and described more fully in the Regulatory Impact Analysis for the Proposed Rule. A copy of this document is available in the docket for this proposed action.

The proposed rule will not impose direct requirements on entities of any size. Instead, the agencies are proposing to clarify the definition of ''waters of the United States,'' a foundational term in determining the scope of key Clean Water Act programs. The agencies anticipate that the proposed rule would result in indirect cost savings. Potential cost savings and forgone benefits would only be incurred as a result of actions taken under existing Clean Water Act programs (*i.e.,* sections 303, 311, 401, 402, and 404) that would not otherwise be modified by this proposed rule. Entities currently are, and would continue to be, regulated under these programs that rely on the definition of ''waters of the United States.'' Each of these programs may subsequently impose costs as a result of implementation of their specific regulations. The agencies analyzed the forgone benefits and cost savings associated with the proposed rule relative to the baseline of the Amended 2023 Rule. They have prepared a qualitative economic analysis within the Regulatory Impact Analysis for the Proposed Rule to provide the public with information on the potential forgone benefits and cost savings associated with various Clean Water Act programs from the proposed rule's reduced scope of jurisdiction as a response to the *Sackett* decision. The agencies prepared this economic analysis pursuant to the requirements of Executive Orders 12866 and 13563 to provide information to the public. The agencies are also evaluating options for development of a quantitative analysis of the effects of the proposed rule and solicit input on data and methods that could assist in that development.

The Amended 2023 Rule is stayed in certain States due to ongoing litigation, and the agencies have been implementing the pre-2015 regulatory regime in those jurisdictions, which, following *Sackett,* is very similar to the Amended 2023 Rule. This is why the agencies chose to use one baseline for the analysis. The agencies anticipate that the proposed rule would result in an increase in non-jurisdictional findings in approved jurisdictional determinations compared to prior regulations and practice, and that compared to the baseline, the proposed rule would define fewer waters and wetlands as within the scope of the Clean Water Act.

The agencies have provided a qualitative assessment of the proposed changes to Clean Water Act jurisdiction under the proposed rule in light of the *Sackett* decision as compared to the baseline in the Regulatory Impact Analysis. The agencies analyzed the effects of the changes qualitatively and assessed the impacts of the proposed changes to the definitions of ''continuous surface connection'' and ''tributary'' (specifically, with respect to the latter, that tributaries are limited to bodies of water that contribute surface water flow to a downstream jurisdictional water through features that convey relatively permanent flow, unless the tributary is part of a currently operative water transfer), to be the most important in terms of reducing the scope of jurisdictional waters relative to the baseline. Further, the agencies assessed that the section 404 program would likely be the Clean Water Act program most impacted by the proposed rule, with projected reductions in the number of permits and required mitigation relative to the baseline. The agencies expect associated cost savings from the avoided 404 permits and impact minimization and mitigation actions, as well as forgone benefits from impact mitigation.

States and Tribes may choose to expand their coverage of their waters beyond ''waters of the United States'' to include other waters as ''waters of the State'' or ''waters of the Tribe.'' Although some States and Tribes already exceed the aquatic resource or surface water discharge protections of the proposed rule, the way States or Tribes would interpret and apply their own regulations as a result of the revised definition of ''waters of the United States'' is unknown. The agencies acknowledge that States and Tribes that seek to cover waters no longer jurisdictional under this proposed rule may incur new costs and administrative burdens. Such obligations are inherent in the exercise of the States' and Tribes' authority that Congress embedded in the Clean Water Act. They are free to evaluate the most effective means of addressing their waters and may weigh the costs and benefits of doing so. The agencies solicit input on whether States and Tribes might incur such burdens. The agencies also generally request comment on any significant reliance interests that may be

impacted by this proposed rule, including on any effects or data about such interests that could inform the agencies' Regulatory Impact Analysis.

B. Children's Health

This proposed action is not subject to the EPA's Children's Health Policy (*https://www.epa.gov/children/childrens-health-policy-and-plan*) because the proposed revised definition of ''waters of the United States'' is relevant to implementation of the Clean Water Act but does not itself concern human health because it is simply a definitional rule, and as such, does not directly authorize discharges into waters of the United States.

VII. 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; Executive Order 13563: Improving Regulation and Regulatory Review

This proposed action is a significant regulatory action that was submitted to the Office of Management and Budget (OMB) for review. The EPA and the Army prepared an economic analysis of the potential cost savings and forgone benefits associated with this action. This analysis is contained in the Regulatory Impact Analysis for the Proposed Rule, which is available in the docket and briefly summarized in section VI of this preamble, above.

While the economic analysis is informative in the rulemaking context, the agencies are not relying on the economic analysis performed pursuant to Executive Orders 12866 and 13563 and related procedural requirements as a basis for this proposed rule. *See, e.g., Nat'l Ass'n of Home Builders* v. *EPA,* 682 F.3d 1023, 1039–40 (D.C. Cir. 2012) (citing *FCC* v. *Fox Television Stations, Inc.,* 556 US. 502, 514–15 (2009), noting that the quality of an agency's economic analysis can be tested under the APA if the ''agency decides to rely on a cost-benefit analysis as part of its rulemaking''). The information in the Regulatory Impact Analysis for the Proposed Rule was not used to establish the proposed regulatory text for the definition of ''waters of the United States.'' Instead, the basis for this proposed rule is the text of the Clean Water Act, as informed by Supreme Court precedent, taking into account agency policy choices and other relevant factors.

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

This proposed action is expected to be an Executive Order 14192 deregulatory action. This proposed rule is expected to provide burden reduction by narrowing the scope of waters that are jurisdictional under the Clean Water Act in response to the *Sackett* decision. Thus, the agencies anticipate that fewer Clean Water Act permits will be required, which will result in cost savings and reduced regulatory burden. Details on the avoided costs and forgone benefits associated with this proposed rule can be found in EPA and the Army's regulatory impact analysis in the docket.

C. Paperwork Reduction Act (PRA)

This proposed action does not impose an information collection burden under the PRA because it does not contain any information collection activities. However, this action may change terms and concepts used by the EPA and the Army to implement certain programs under the Clean Water Act. The agencies thus may need to revise some of their collections of information to be consistent with this action and will do so consistent with the PRA and implementing regulations. For example, Army sometimes collects information from project applicants to inform jurisdictional determinations under OMB Control Number 0710–0024, and rule changes may warrant changes to that collection.

D. Regulatory Flexibility Act (RFA)

The agencies certify that this proposed action would not have a significant economic impact on a substantial number of small entities under the RFA. The small entities that may be indirectly subject to this action are largely those entities whose activities are directly covered by the Clean Water Act sections 402, 404, and 311 programs. The proposed rule is expected to result in fewer entities subject to these programs, and a reduced regulatory burden for many of the entities that will still be subject to these programs. In addition, as the proposed rule is a definitional rule and would not result in any small entities being directly regulated by the rule, all impacts would be indirect in nature. As a result, small entities subject to these regulatory programs are unlikely to suffer adverse impacts as a result of regulatory compliance.

As addressed in the Regulatory Impact Analysis for the Proposed Rule, the proposed rule's clarification of the scope of Clean Water Act regulatory jurisdiction over waters and wetlands in light of the *Sackett* decision may result in a reduction in the ecosystem services provided by some waters and wetlands, and as a result, some entities may be adversely impacted. Some business sectors that depend on habitat, such as those catering to hunters or anglers, or that require water treatment to meet production needs, could experience a greater impact relative to other sectors. Potential changes in ecosystem services are likely to be small, infrequent, and dispersed over wide geographic areas, thereby limiting the significance of these impacts on these business sectors. In addition, States and Tribes may already address waters potentially affected by a revised definition, thereby reducing forgone benefits. The sectors likely to be most impacted by the rule are mitigation banks and companies that provide aquatic resource restoration services. Because the agencies anticipate fewer waters would be subject to the Clean Water Act regulation under the proposed rule than are subject to regulation under the Amended 2023 Rule, there may be a reduction in demand for mitigation and restoration services under the section 404 permitting program. Assessing impacts to this sector is problematic, however, because this sector lacks a precise Small Business Administration small business definition, and many of the businesses that fall within this sector are also classified under various other North American Industry Classification System categories. Furthermore, impacts to this sector would not be the direct result of these businesses complying with the proposed rule, rather, they would be the indirect result of other entities no longer being required to mitigate for discharges of dredged or fill material into waters and wetlands that would no longer be jurisdictional under the final rule. In addition, potential impacts would be lessened when accounting for State and Tribal dredged and fill programs that would necessitate the purchase of mitigation credits or to take other actions under State or Tribal law to regulate discharges of dredged or fill material. For a more detailed discussion see the Sector Impact Assessment section of the Regulatory Impact Analysis for the Proposed Rule. As documented in the Regulatory Impact Analysis for the Proposed Rule located in the docket, the agencies do not expect the cost of the proposed rule to result in adverse impacts to a significant number of small entities, since the proposed rule would be expected to result in net cost savings for

all entities indirectly affected by this proposed rule.

E. Unfunded Mandates Reform Act (UMRA)

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

F. Executive Order 13132: Federalism

Under the technical requirements of Executive Order 13132 (64 FR 43255, August 10, 1999), the agencies have determined that this proposed rule may have federalism implications but believe that the requirements of the Executive Order will be satisfied, in any event.

The agencies believe that a revised definition of ''waters of the United States'' may be of significant interest to State and local governments. Consistent with the agencies' policies to promote communications between the Federal government and State and local governments, the EPA and the Army consulted with representatives of State and local governments early in the process of developing the proposed rule to permit them to have meaningful and timely input into its development.

Consulting with State and local government officials, or their representative national organizations, is an important step in the process prior to proposing regulations that may have federalism implications under the terms of Executive Order 13132. The agencies engaged State and local governments over a 60-day federalism consultation period during development of this proposed rule, beginning with the initial federalism consultation meeting on April 3, 2025, and concluding on June 2, 2025. Fourteen intergovernmental organizations, including six of the ten organizations identified in EPA's 2008 Executive Order 13132 Guidance, attended the initial Federalism consultation meeting, as well as three associations representing State and local governments. Organizations in attendance included the following: United States Conference of Mayors, Association of Clean Water Administrators, National Association of Counties, Western States Water Council, American Public Works Association, National Association of Wetland Managers, Association of State Drinking Waters Administrators, National Conference of State Legislatures, National Association of Towns and Townships, National League of Cities, and American Water Works Association. In addition, the agencies held a briefing for the National Association of State Departments of Agriculture on April 17, 2025. The agencies also held a listening session for States and State associations on April 29, 2025, a listening session for local governments and their member associations on May 6, 2025, and a listening session for State and local governments and their member associations on May 28, 2025. All letters received by the agencies during this consultation may be found in the docket (Docket ID No. EPA–HQ–OW–2025–0322) for this proposed rule or in the pre-proposal recommendations docket (Docket ID No. EPA–HQ–OW–2025–0093).

These meetings and the letters provided by representatives provide a wide and diverse range of interests, positions, comments, and recommendations to the agencies. The agencies have prepared a report summarizing their federalism consultation and additional outreach to State and local governments and the results of this outreach. A copy of the report is available in the docket (Docket ID. No. EPA–HQ–OW–2025–0322) for this proposed rule.

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

This proposed action may have Tribal implications. However, it will neither impose substantial direct compliance costs on federally recognized Tribal governments, nor preempt Tribal law. The EPA and the Army consulted with Tribal officials under the *EPA Policy on Consultation and Coordination with Indian Tribes* early in the process of developing this action to permit them to have meaningful and timely input into its development.

The agencies initiated a Tribal consultation and coordination process before proposing this rule by sending a ''Notification of Consultation and Coordination'' letter on March 21, 2025, to all 574 Tribes federally recognized at that time. The letter invited Tribal leaders and designated consultation representatives to participate in the Tribal consultation and coordination process. The agencies engaged Tribes over a 60-day Tribal consultation period during development of this proposed rule, including via a Tribal consultation kick-off webinar on March 31, 2025, in which the agencies answered questions directly from Tribal representatives and heard their initial feedback on the agencies' rulemaking effort. The agencies also held a Tribal listening session on April 30, 2025, to hear pre-proposal input from Tribal governments and Tribal organizations. The agencies convened eight one-on-one consultation meetings with individual Tribal governments. Additional one-on-one consultations may be requested by Tribes and scheduled after the rule is proposed. All letters received by the agencies during this consultation may be found in the docket (Docket ID. No. EPA–HQ–OW–2025–0322) for this proposed rule or in the pre-proposal recommendations docket (Docket ID. No. EPA–HQ–OW–2025–0093). The agencies have prepared a report summarizing the consultation and further engagement with Tribal nations. This report is available in the docket for this proposed rule (Docket ID. No. EPA–HQ–OW–2025–0322).

During the Tribal consultation and engagement efforts and in Tribal consultation comments, many Tribes urged the agencies not to revise the definition and expressed concern that the proposed rule would reduce Federal jurisdiction or could adversely impact Tribal waters. One Tribe supported the agencies' efforts to revise the definition of ''waters of the United States'' and noted that it would increase the Tribe's ability to manage and regulate their own Reservation lands. The agencies acknowledge that because they generally implement Clean Water Act programs on Tribal lands, a reduced scope of Federal jurisdiction as a result of the *Sackett* decision will affect Tribes differently than it will affect States. Currently, of the Tribes that are eligible, most have not received treatment in a manner similar to a State (TAS) status to administer Clean Water Act regulatory programs. While some Tribes have established Tribal water programs under Tribal law or have the authority to establish Tribal programs under Tribal law, many Tribes are still building capacity and may lack resources to create a Tribal water program under Tribal law, to administer a program, or to expand programs that currently exist. Therefore, Tribes may disproportionately rely on the Federal Government for water program implementation and enforcement of water quality violations. Tribes may also be affected by pollution from adjacent jurisdictions. Many Tribes are located in the arid West, where there are fewer waters that may meet the relatively permanent standard. Nonetheless, the proposed rule preserves Tribal authority to choose whether to include waters that are not covered under the Clean Water Act under Tribal laws and regulations. Any decision by the Tribes to protect beyond the limits of the Clean Water

Act is not compelled by the statute or by this proposed rule.

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

EPA and the Army interpret Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the agencies have reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order.

Therefore, this proposed action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk. Since this action does not concern human health, EPA's Policy on Children's Health also does not apply.

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

This proposed action is not a ''significant energy action'' because it is not likely to have a significant adverse effect on the supply, distribution or use of energy. This proposed action is a deregulatory action that would reduce regulatory burden, including to the energy sector, and thus is not anticipated to have an adverse effect on the supply, distribution or use of energy.

J. National Technology Transfer and Advancement Act

This proposed action does not involve technical standards.

List of Subjects

33 CFR Part 328

Administrative practice and procedure, Environmental protection, Navigation (water), Water pollution control, Waterways.

40 CFR Part 120

Environmental protection, Water pollution control, Waterways.

Adam Telle,

Assistant Secretary of the Army (Civil Works), Department of the Army.

Lee Zeldin,

Administrator, Environmental Protection Agency.

Title 33—Navigation and Navigable Waters

For the reasons set forth in the preamble, the Corps of Engineers proposes to amend 33 CFR part 328 as follows:

PART 328—DEFINITION OF WATERS OF THE UNITED STATES

■ 1. The authority citation for part 328 continues to read as follows:

Authority: 33 U.S.C. 1251 *et seq.*

■ 2. Section 328.3 is amended by:
■ a. Revising paragraphs (a)(1)(i) and (ii);
■ b. Removing paragraph (a)(1)(iii);
■ c. Revising paragraph (a)(5);
■ d. Revising paragraphs (b)(1), (b)(2), (b)(3), (b)(7), and (b)(8);
■ e. Adding paragraph (b)(9);
■ f. Redesignating paragraph (c)(3) as (c)(5);
■ g. Redesignating paragraph (c)(4) as (c)(6);
■ h. Redesignating paragraph (c)(5) as (c)(9); and
■ i. Adding paragraphs (c)(3), (c)(4), (c)(7), (c)(8), (c)(10), and (c)(11).

The revisions and additions read as follows:

§ 328.3 Definitions.

* * * * *

(a) * * *

(1) * * *

(i) Currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide; or

(ii) The territorial seas;

* * * * *

(5) Lakes and ponds not identified in paragraphs (a)(1) through (4) of this section that are relatively permanent, standing or continuously flowing bodies of water with a continuous surface connection to the waters identified in paragraph (a)(1) or (a)(3) of this section.

(b) * * *

(1) Waste treatment systems;

(2) Prior converted cropland;

(3) Ditches (including roadside ditches) constructed or excavated entirely in dry land;

* * * * *

(7) Waterfilled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States;

(8) Swales and erosional features (*e.g.,* gullies, small washes) characterized by low volume, infrequent, or short duration flow; and

(9) Groundwater, including groundwater drained through subsurface drainage systems.

* * * * *

(c) * * *

(3) *Continuous surface connection* means having surface water at least during the wet season and abutting (*i.e.,* touching) a jurisdictional water.

(4) *Ditch* means a constructed or excavated channel used to convey water.

* * * * *

(7) *Prior converted cropland* means any area that, prior to December 23, 1985, was drained or otherwise manipulated for the purpose, or having the effect, of making production of an agricultural product possible. EPA and the Corps will recognize designations of prior converted cropland made by the Secretary of Agriculture. An area is no longer considered prior converted cropland for purposes of the Clean Water Act when the area is abandoned and has reverted to wetlands, as defined in paragraph (c)(1) of this section. Abandonment occurs when prior converted cropland is not used for, or in support of, agricultural purposes at least once in the immediately preceding five years. For the purposes of the Clean Water Act, the EPA Administrator shall have the final authority to determine whether prior converted cropland has been abandoned.

(8) *Relatively permanent* means standing or continuously flowing bodies of surface water that are standing or continuously flowing year-round or at least during the wet season.

* * * * *

(10) *Tributary* means a body of water with relatively permanent flow, and a bed and banks, that connects to a downstream traditional navigable water or the territorial seas, either directly or through one or more waters or features that convey relatively permanent flow. A tributary does not include a body of water that contributes surface water flow to a downstream jurisdictional water through a feature such as a channelized non-jurisdictional surface water feature, subterranean river, culvert, dam, tunnel, or similar artificial feature, or through a debris pile, boulder field, wetland, or similar natural feature, if such feature does not convey relatively permanent flow. When the tributary is part of a water transfer (as that term is applied under 40 CFR 122.3) currently in operation, the tributary would retain jurisdictional status.

(11) *Waste treatment system* means all components of a waste treatment system designed to meet the requirements of the Clean Water Act, including lagoons and treatment ponds (such as settling or cooling ponds), designed to either convey or retain, concentrate, settle, reduce, or remove pollutants, either

actively or passively, from wastewater prior to discharge (or eliminating any such discharge).

Title 40—Protection of Environment

For the reasons set forth in the preamble, the Environmental Protection Agency proposes to amend 40 CFR part 120 as follows:

PART 120—DEFINITION OF WATERS OF THE UNITED STATES

■ 1. The authority citation for part 120 continues to read as follows:

Authority: 33 U.S.C. 1251 *et seq.*

■ 2. Section 120.2 is amended by:
■ a. Revising paragraphs (a)(1)(i) and (ii);
■ b. Removing paragraph (a)(1)(iii);
■ c. Revising paragraph (a)(5);
■ d. Revising paragraphs (b)(1), (b)(2), (b)(3), (b)(7), and (b)(8);
■ e. Adding paragraph (b)(9);
■ f. Redesignating paragraph (c)(3) as (c)(5);
■ g. Redesignating paragraph (c)(4) as (c)(6);
■ h. Redesignating paragraph (c)(5) as (c)(9); and
■ i. Adding paragraphs (c)(3), (c)(4), (c)(7), (c)(8), (c)(10), and (c)(11).

The revisions and additions read as follows:

§ 120.2 Definitions.

* * * * *

(a) * * *

(1) * * *

(i) Currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide; or

(ii) The territorial seas;

* * * * *

(5) Lakes and ponds not identified in paragraphs (a)(1) through (4) of this section that are relatively permanent, standing or continuously flowing bodies of water with a continuous surface connection to the waters identified in paragraph (a)(1) or (a)(3) of this section.

(b) * * *

(1) Waste treatment systems;

(2) Prior converted cropland;

(3) Ditches (including roadside ditches) constructed or excavated entirely in dry land;

* * * * *

(7) Waterfilled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States;

(8) Swales and erosional features (*e.g.,* gullies, small washes) characterized by low volume, infrequent, or short duration flow; and

(9) Groundwater, including groundwater drained through subsurface drainage systems.

* * * * *

(c) * * *

(3) *Continuous surface connection* means having surface water at least during the wet season and abutting (*i.e.,* touching) a jurisdictional water.

(4) *Ditch* means a constructed or excavated channel used to convey water.

* * * * *

(7) *Prior converted cropland* means any area that, prior to December 23, 1985, was drained or otherwise manipulated for the purpose, or having the effect, of making production of an agricultural product possible. EPA and the Corps will recognize designations of prior converted cropland made by the Secretary of Agriculture. An area is no longer considered prior converted cropland for purposes of the Clean Water Act when the area is abandoned and has reverted to wetlands, as defined in paragraph (c)(1) of this section. Abandonment occurs when prior converted cropland is not used for, or in support of, agricultural purposes at least once in the immediately preceding five years. For the purposes of the Clean Water Act, the EPA Administrator shall have the final authority to determine whether prior converted cropland has been abandoned.

(8) *Relatively permanent* means standing or continuously flowing bodies of surface water that are standing or continuously flowing year-round or at least during the wet season.

* * * * *

(10) *Tributary* means a body of water with relatively permanent flow, and a bed and banks, that connects to a downstream traditional navigable water or the territorial seas, either directly or through one or more waters or features that convey relatively permanent flow. A tributary does not include a body of water that contributes surface water flow to a downstream jurisdictional water through a feature such as a channelized non-jurisdictional surface water feature, subterranean river, culvert, dam, tunnel, or similar artificial feature, or through a debris pile, boulder field, wetland, or similar natural feature, if such feature does not convey relatively permanent flow. When the tributary is part of a water transfer (as that term is applied under 40 CFR 122.3) currently in operation, the tributary would retain jurisdictional status.

(11) *Waste treatment system* means all components of a waste treatment system designed to meet the requirements of the Clean Water Act, including lagoons and treatment ponds (such as settling or cooling ponds), designed to either convey or retain, concentrate, settle, reduce, or remove pollutants, either actively or passively, from wastewater prior to discharge (or eliminating any such discharge).

[FR Doc. 2025–20402 Filed 11–19–25; 8:45 am]

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FEDERAL REGISTER

Vol. 90 Thursday,

No. 222 November 20, 2025

Part III

The President

Proclamation 10992—National Adoption Month, 2025

Federal Register
Vol. 90, No. 222
Thursday, November 20, 2025

Presidential Documents

Title 3—

The President

Proclamation 10992 of November 17, 2025

National Adoption Month, 2025

By the President of the United States of America

A Proclamation

Every child deserves a safe and nurturing home where they can learn, grow, and reach their full potential. Adoption makes that possible by opening the door to stability and belonging for children who need a family. During National Adoption Month, we commend the parents whose love has changed lives and the children whose presence has completed families—and we recommit to caring for the many children still waiting for the comfort and security of a permanent home.

Adoption reflects the deep value our Nation places on family and abundant life. As President, I am committed to empowering families who answer the call to open their hearts and homes to children. Through the One Big Beautiful Bill Act, I made the adoption tax credit more accessible and expanded the child tax credit, helping remove financial barriers to adopting and allowing families to save more of their income to care for their children.

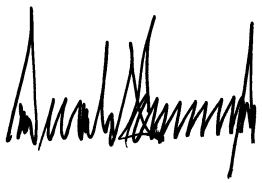
While adoption creates beautiful new beginnings, too many children in our foster care system still wait for a permanent home. During my first term, I took monumental action to strengthen America's foster care and adoption systems by signing into law the landmark Family First Prevention Services Act—the most sweeping reform of Federal child welfare policy in decades. This law utilizes proven intervention methods to keep families intact and prevent unnecessary separation.

This term, I remain firmly committed to continuing this vital work alongside First Lady Melania Trump. Just last week, I signed an Executive Order on Fostering the Future for American Children and Families, to harness Federal support, technology, and strategic partnerships to provide young Americans in, or transitioning out of, the foster-care system with the tools they need to become successful adults. This effort is strengthened by the leadership of the First Lady whose work continues to uplift and protect the well-being of America's children—ensuring every child has greater access to a strong foundation for the future.

This month, we recognize the profound truth that all children are a gift from God, worthy of love, care, and family. We honor the parents and families who welcome children into their homes and provide the stability and guidance every young person deserves. Above all, we commit to protecting children, supporting those who care for them, and strengthening the pillar of family across our great Nation.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 2025 as National Adoption Month throughout the United States. I encourage all Americans to observe this month by supporting children in need of a safe and loving home, uplifting the families who welcome them, and helping strengthen the bonds of family and community across our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of November, in the year of our Lord two thousand twenty-five, and of the Independence of the United States of America the two hundred and fiftieth.



[FR Doc. 2025–20570
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FEDERAL REGISTER

Vol. 90 Thursday,
No. 222 November 20, 2025

Part IV

Department of State

Foreign Terrorist Organization Designation of Antifa Ost, Informal Anarchist Federation/International Revolutionary Front, Armed Proletarian Justice, and Revolutionary Class Self-Defense; Notice

DEPARTMENT OF STATE

[Public Notice: 12865]

Foreign Terrorist Organization Designation of Antifa Ost, Informal Anarchist Federation/International Revolutionary Front, Armed Proletarian Justice, and Revolutionary Class Self-Defense

Based upon a review of the Administrative Record assembled in this matter, and in consultation with the Attorney General and the Secretary of the Treasury, I have concluded that there is a sufficient factual basis to find that the relevant circumstances described in section 219 of the Immigration and Nationality Act, as amended (hereinafter ''INA'') (8 U.S.C. § 1189), exist with respect to: Antifa Ost (also known as Antifa-Ost; Antifa-East; Hammerbande; Hammer Gang), Informal Anarchist Federation/International Revolutionary Front (also known as Federazione Anarchica Informale/Fronte Rivoluzionario Internazionale; Informal Anarchist Federation; FAI/FRI; FAI/IRF; July 20 Brigade; July Brigade/International Revolutionary Front; Cooperativa Artigiana Fuoco e Affini; FAI/Craft Cooperative Fire and Similar/International Revolutionary Front; Sorelle in Armi, Nucleo Mauricio Morales; FAI/Sisters in Arms Mauricio Morales Nucleus/International Revolutionary Front; FAI/Revolutionary Cell Lambros Fountas; FAI/Armed Cells for International Solidarity; Cells against Capital the Prison its Jailers and its Cells (CCCCC); FAI/Cells Against Capita Prison and its Jailers and its Cells; FAI/Metropolitan Cells; FAI/Revolutionary Nucleus Horst Fantazzini; FAI/Animal Revolt; FAI/Terrible Anonymous Revolt; FAI/International Solidarity; FAI/Narodnaja Vojla; Santiago Maldonado Cell; Santiago Maldonado Cell FAI–FRI; Haris Hatzimihelakis/International Nero (HHIN); Brigata Augusto Masetti Federazione Anarchica Informale—Fronte Rivoluzionario Internazionale; Augusto Masetti Informal Anarchist Brigade—International Revolutionary Front), Armed Proletarian Justice (also known as Ενοπλη Προλεταριακή Δικαιοσύνη), and Revolutionary Class Self-Defense (also known as Επαναστατική Ταξική Αυτοάμυνα; Revolutionary Class Autoamyna; Revolutionary Class Struggle).

Therefore, I hereby designate the aforementioned organizations and their respective aliases as Foreign Terrorist Organizations pursuant to section 219 of the INA.

This determination shall be published in the **Federal Register**. These designations go into effect upon publication.

Dated: November 10, 2025.

Marco Rubio,

Secretary of State.

[FR Doc. 2025–20663 Filed 11–19–25; 3:30 pm]

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FEDERAL REGISTER

Vol. 90 Thursday,
No. 222 November 20, 2025

Part V

Department of State

Specially Designated Global Terrorist Designation of Antifa Ost, Informal Anarchist Federation/International Revolutionary Front, Armed Proletarian Justice, and Revolutionary Class Self-Defense; Notice

DEPARTMENT OF STATE

Specially Designated Global Terrorist Designation of Antifa Ost, Informal Anarchist Federation/International Revolutionary Front, Armed Proletarian Justice, and Revolutionary Class Self-Defense

Acting under the authority of and in accordance with section 1(a)(ii)(A) of Executive Order 13224, as amended (''E.O. 13224'' or ''Order''), I hereby determine that the persons known as Antifa Ost (also known as Antifa-Ost; Antifa-East; Hammerbande; Hammer Gang), Informal Anarchist Federation/International Revolutionary Front (also known as Federazione Anarchica Informale/Fronte Rivoluzionario Internazionale; Informal Anarchist Federation; FAI/FRI; FAI/IRF; July 20 Brigade; July Brigade/International Revolutionary Front; Cooperativa Artigiana Fuoco e Affini; FAI/Craft Cooperative Fire and Similar/International Revolutionary Front; Sorelle in Armi, Nucleo Mauricio Morales; FAI/Sisters in Arms Mauricio Morales Nucleus/International Revolutionary Front; FAI/Revolutionary Cell Lambros Fountas; FAI/Armed Cells for International Solidarity; Cells against Capital the Prison its Jailers and its Cells (CCCCC); FAI/Cells Against Capita Prison and its Jailers and its Cells; FAI/Metropolitan Cells; FAI/Revolutionary Nucleus Horst Fantazzini; FAI/Animal Revolt; FAI/Terrible Anonymous Revolt; FAI/International Solidarity; FAI/Narodnaja Vojla; Santiago Maldonado Cell; Santiago Maldonado Cell FAI–FRI; Haris Hatzimihelakis/International Nero (HHIN); Brigata Augusto Masetti Federazione Anarchica Informale—Fronte Rivoluzionario Internazionale; Augusto Masetti Informal Anarchist Brigade—

International Revolutionary Front), Armed Proletarian Justice (also known as Ενοπλη Προλεταριακή Δικαιοσύνη), and Revolutionary Class Self-Defense (also known as Επαναστατική Ταξική Αυτοάμυνα, Revolutionary Class Autoamyna, Revolutionary Class Struggle) are foreign persons who have committed or have attempted to commit, pose a significant risk of committing, or have participated in training to commit acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States.

Consistent with the determination in section 10 of E.O. 13224 that prior notice to persons determined to be subject to the Order who might have a constitutional presence in the United States would render ineffectual the blocking and other measures authorized in the Order because of the ability to transfer funds instantaneously, I determine that no prior notice needs to be provided to any persons subject to this determination who might have a constitutional presence in the United States, because to do so would render ineffectual the measures authorized in the Order.

This determination shall be published in the **Federal Register**.

Dated: November 10, 2025.

Marco Rubio,

Secretary of State.

[FR Doc. 2025–20666 Filed 11–19–25; 3:30 pm]

BILLING CODE 4710–AD–P

Reader Aids

Federal Register

Vol. 90, No. 222

Thursday, November 20, 2025

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General Information, indexes and other finding aids **202–741–6000**

Laws **741–6000**

Presidential Documents

Executive orders and proclamations **741–6000**

The United States Government Manual **741–6000**

Other Services

Electronic and on-line services (voice) **741–6020**

Privacy Act Compilation **741–6050**

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FEDERAL REGISTER PAGES AND DATE, NOVEMBER

49009–49214 3
49215–49246 4
49247–50482 5
50483–50488 6
50489–50740 7
50741–50856 10
50857–50890 12
50891–51016 13
51017–51080 14
51081–51500 17
51501–51988 18
51989–52230 19
52231–52554 20

CFR PARTS AFFECTED DURING NOVEMBER

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
10987.....49211
10988.....51015
10989.....51071
10990.....51077
10991.....51079
10992.....52549

Executive Orders:
14357.....50725
14358.....50729
14359.....52227

Administrative Orders:
Notices:
Notice of November 5, 2025 50735
Notice of November 5, 2025 50737
Notice of November 5, 2025 50739

6 CFR

13.....49009
139.....49247

7 CFR

760.....51956, 52231

Proposed Rules:
930.....51572

8 CFR

Ch. I.....51989
251.....51081
258.....51081

Proposed Rules:
1.....49062
103.....49062, 52168
204.....49062
207.....49062
208.....49062
209.....49062
210.....49062
212.....49062, 52168
214.....49062
215.....49062
216.....49062
235.....49062
236.....49062
240.....49062
244.....49062
245.....49062
245a.....49062
264.....49062
287.....49062
333.....49062
335.....49062

10 CFR

Proposed Rules:
821.....51208

12 CFR

201.....51017
204.....51018
209.....52231

Proposed Rules:
5.....51577
27.....51583
30.....51587
225.....51856
238.....51856
252.....51856
1002.....50901, 50952

13 CFR

301.....51991

14 CFR

39 .....49215, 49248, 49251, 51019, 51091, 51094, 51501, 51504, 52232, 52234
71.....51097, 51507
73.....51098
97.....50891, 50893

Proposed Rules:
Ch. II.....51230
39 .....51212, 51216, 51218, 51222, 51225, 51227, 51590, 51592, 51596, 51600, 51602, 51605, 51607, 51610, 51613, 51620, 52005, 52008, 52264
71.....52011

15 CFR

732.....50857
734.....50857
736.....50857
744.....50857, 50858
748.....50857

18 CFR

Proposed Rules:
284.....52012

19 CFR

4.....51081
122.....51100

21 CFR

1308.....51102

22 CFR

126.....50489

23 CFR

660.....51105
970.....51107
971.....51109
973.....51110

24 CFR

570.....51992

30 CFR

935.....51112

Proposed Rules:
917.....51232

31 CFR

Proposed Rules:
1010.....51234

33 CFR

117.....51508
165.....51510
Proposed Rules:
117.....51623
328.....52498

37 CFR

Proposed Rules:
42.....50492

39 CFR

111.....50741, 52237
601.....51994
Proposed Rules:
111.....52266
3050.....49016

40 CFR

52 .....50742, 51510, 51512, 51515, 51518, 51525, 51527, 51529, 51546, 51548, 51551, 51554, 51560, 51997, 51999, 52238, 52241, 52242, 52245, 52248
70.....52250
81 .....51548, 51551, 51554, 51560, 51999
147.....51021
180 .....49254, 51115, 51118, 51123, 51127, 51164, 51562, 52252, 52256
257.....51168
272.....51565
300.....51181
370.....51187
721.....49218
751.....50894, 51027
Proposed Rules:
52 .....51029, 51247, 51263, 52019, 52270, 52288, 52290, 52297, 52303, 52305, 52308, 52311
62.....52312, 52313
70.....52316, 52318
81.....52319
82.....50766
84.....51042
120.....52498
271.....51625
370.....51266
705.....50923
721 .....49016, 49148, 49180

42 CFR

405.....49266
410.....49266
414.....49266
424.....49266
425.....49266
427.....49266
428.....49266
495.....49266
512.....49266

43 CFR

2360.....51470

47 CFR

Proposed Rules:
73 .....51291, 51630, 52327
74.....52327

49 CFR

Proposed Rules:
107.....52348
385.....52030
1241.....51631
1251.....51631

50 CFR

218.....50504
300.....52004
622.....49014
648 .....50490, 50743, 51570
660.....51205
679 .....49234, 49235, 49236, 50483
Proposed Rules:
17.....51632
622.....52349

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List November 14, 2025

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