



# FEDERAL REGISTER

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Vol. 90

Thursday,

No. 155

August 14, 2025

Pages 39089–39306

OFFICE OF THE FEDERAL REGISTER



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

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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

### Federal Crop Insurance Corporation

#### 7 CFR Parts 400 and 460

RIN 0563–AC90

#### Removal of Obsolete Regulations

**AGENCY:** Federal Crop Insurance Corporation, U.S. Department of Agriculture (USDA).

**ACTION:** Final rule.

**SUMMARY:** Risk Management Agency (RMA), on behalf of the Federal Crop Insurance Corporation (FCIC), is in the process of reviewing all regulations within its purview to reduce regulatory burdens and costs. Pursuant to this review, FCIC has identified the following obsolete, unnecessary, and outdated provisions in title 7 of the Code of Federal Regulation (CFR). FCIC is removing these provisions to streamline and clarify the dictates of title 7. The changes in this rule will have no impacts on past or present FCIC customers.

**DATES:** This rule is effective August 14, 2025.

**FOR FURTHER INFORMATION CONTACT:** Sherrie Grimm; telephone: (202) 401–0062; email: [Sherrie.Grimm@usda.gov](mailto:Sherrie.Grimm@usda.gov). Individuals with disabilities who require alternative means for communication should contact the USDA Target Center at (202) 720–2600 (voice and text telephone (TTY mode)) or dial 711 for Telecommunications Relay Service (both voice and text telephone users can initiate this call from any telephone).

#### SUPPLEMENTARY INFORMATION:

##### Background

The President's Executive Order 14219 of February 19, 2025, *Ensuring Lawful Governance and Implementing the President's "Department of Government Efficiency" Deregulatory Initiative*, 90 FR 10583, and subsequent

implementing memorandum directed all agency heads to review regulations within their purview and rescind those that are, among other things, unlawful or unnecessary. FCIC has undertaken such a review and is accordingly rescinding the following provisions from title 7.

#### Regulatory Certifications

##### Executive Orders

This document does not meet the criteria for a significant regulatory action as specified by Executive Order (E.O.) 12866. This action also has no federalism or tribal implications and will not impose substantial unreimbursed compliance costs on States, local governments, or Indian Tribal governments. Therefore, impact statements are not required under E.O. 13132 or 13175.

##### Environmental Evaluation

This rule will have no significant effect on the human environment; therefore, neither an environmental assessment nor impact statement is required.

##### Paperwork Reduction Act

This rule does not contain reporting or recordkeeping requirements subject to the Paperwork Reduction Act.

#### Explanation of Provisions

The regulations removed are:

##### *Actual Production History (7 CFR Part 400)*

The regulations at 7 CFR part 400 subpart G were transferred to 7 CFR 457.8. The coverage offered in the program was moved in the CFR but not eliminated, rendering this specific regulation obsolete and redundant. Thus, for the reasons explained in the preamble, FCIC is eliminating this part to streamline title 7.

##### *Prevented Planting Supplemental Disaster Payments (7 CFR Part 460)*

FCIC is eliminating the regulations at 7 CFR part 460 subpart A. This subpart specifies the terms and conditions of prevented planting supplemental disaster payments. Prevented planting supplemental disaster payments provide additional compensation to producers prevented from planting crops insured under crop insurance policy reinsured by Federal Crop Insurance Corporation due to disaster-related conditions.

However, these payments were only available in 2019. Therefore, pursuant to the reasoning laid out in the preamble, FCIC is rescinding the regulations found at part 460 subpart A.

##### *Pandemic Cover Crop Program (7 CFR Part 460)*

FCIC is eliminating the regulations at 7 CFR part 460 subpart B. This subpart specifies the terms and conditions of the Pandemic Cover Crop Program. Program premium support was limited to eligible producers for eligible insured acres during the 2021 and 2022 crop seasons. As this time period has passed, these regulations are obsolete. Therefore, FCIC is rescinding part 460 subpart B pursuant to the reasons laid out in the preamble.

#### List of Subjects

##### *7 CFR Part 400*

Actual production history coverage plan, Crop insurance.

##### *7 CFR Part 460*

Crop insurance, Disaster assistance.

For the reasons stated in the preamble, FCIC amends 7 CFR parts 400 and 460 as follows:

#### PART 400—GENERAL ADMINISTRATIVE REGULATIONS

■ 1. The authority citation for part 400 continues to read as follows:

**Authority:** 7 U.S.C. 1506(1), 1506(o).

##### Subpart G—[Removed and Reserved]

■ 2. Under the authority of 7 U.S.C. 1506, 1516, remove and reserve subpart G.

#### PART 460—ADDITIONAL DISASTER PAYMENTS

■ 3. The authority citation for part 460 continues to read as follows:

**Authority:** 7 U.S.C. 1506(i) and 1506(o); Division N of the Consolidated Appropriations Act, 2021 (Pub. L. 116–260).

##### Subparts A and B—[Removed and Reserved]

■ 4. Under the authority of 7 U.S.C. 1506(i) and 1506(o); Division N of the Consolidated Appropriations Act, 2021

(Pub. L. 116–260), remove and reserve subparts A and B.

**Patricia Swanson,**

*Manager, Federal Crop Insurance Corporation.*

[FR Doc. 2025–15487 Filed 8–13–25; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA–2024–0454; Project Identifier MCAI–2023–00923–T; Amendment 39–23098; AD 2025–16–01]

RIN 2120–AA64

#### **Airworthiness Directives; Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.) Airplanes**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** The FAA is adopting a new airworthiness directive (AD) for all Airbus Canada Limited Partnership Model BD–500–1A10 and BD–500–1A11 airplanes. This AD was prompted by a report of multiple in-service failures of engine feed check valves, which have resulted in fuel imbalance conditions in flight. This AD requires repetitive replacement of the left- and right-side engine feed check valves with new engine feed check valves and prohibits flight dispatch under certain conditions. The FAA is issuing this AD to address the unsafe condition on these products.

**DATES:** This AD is effective September 18, 2025.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of September 18, 2025.

#### **ADDRESSES:**

**AD Docket:** You may examine the AD docket at *regulations.gov* under Docket No. FAA–2024–0454; 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 Transport Canada material identified in this AD, contact Transport Canada, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario K1A 0N5, Canada; telephone 888–663–3639; email *TC.AirworthinessDirectives-Consignesdenavigabilite.TC@tc.gc.ca*. You may find this material on the Transport Canada website at *tc.canada.ca/en/aviation*.

- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* under Docket No. FAA–2024–0454.

#### **FOR FURTHER INFORMATION CONTACT:**

Joseph Catanzaro, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone 516–228–7300; email *9-avs-nyaco-cos@faa.gov*.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Airbus Canada Limited Partnership Model BD–500–1A10 and BD–500–1A11 airplanes. The NPRM was published in the **Federal Register** on March 7, 2024 (89 FR 16486). The NPRM was prompted by AD CF–2023–59, dated July 26, 2023, issued by Transport Canada, which is the aviation authority for Canada (Transport Canada AD CF–2023–59). Transport Canada AD CF–2023–59 states that there have been multiple in-service failures of engine feed check valves, which have resulted in fuel imbalance conditions in flight. An investigation found that the engine feed check valve is subject to abnormal wear-out failures due to a severe operating environment in the engine fuel feed line. In the event of a failure of the check valve, flapper valve assembly items can become dislodged and contaminate the fuel system, potentially resulting in severe fuel imbalance or loss of fuel flow to the engine.

In the NPRM, the FAA proposed to require repetitive replacement of the left- and right-side engine feed check valves with new engine feed check valves, as specified in Transport Canada AD CF–2023–59.

You may examine Transport Canada AD CF–2023–59 in the AD docket at *regulations.gov* under Docket No. FAA–2024–0454.

The FAA issued a supplemental notice of proposed rulemaking (SNPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Airbus Canada Limited Partnership Model BD–500–1A10 and BD–500–1A11 airplanes. The SNPRM was published in the **Federal Register** on April 1, 2025 (90 FR 14343). The SNPRM was prompted by Transport Canada superseding Transport Canada AD CF–2023–59, and issuing Transport Canada AD CF–2024–20, dated June 5, 2024 (Transport Canada AD CF–2024–20) (also referred to as the MCAI). Transport Canada AD CF–2024–20 states that since issuance of Transport Canada AD CF–2023–59, the manufacturer determined that dispatching with either the left or right fuel alternating current (AC) boost pump inoperative can further exacerbate the risk of severe fuel imbalance, potentially leading to loss of fuel flow to both engines. The manufacturer issued Flight Operations Transmission (FOT) A220–FOT–28–00–001 to raise awareness of this issue and recommend certain dispatch restrictions. The MCAI retains the requirements of Transport Canada AD CF–2023–59, which is superseded, and prohibits dispatch with either the left or right fuel AC boost pump inoperative. In the SNPRM, the FAA proposed to require repetitive replacement of the left- and right-side engine feed check valves with new engine feed check valves and prohibit flight dispatch under certain conditions, as specified in Transport Canada AD CF–2024–20. The FAA is issuing this AD to address failure of the check valve. The unsafe condition, if not addressed, could result in severe fuel imbalance or loss of fuel flow to one or both engines.

#### **Discussion of Final Airworthiness Directive**

##### **Comments**

The FAA received comments from Air Line Pilots Association, International (ALPA) and JetBlue. The following presents the comments received on the SNPRM and the FAA’s response to each comment.

##### **Request To Remove “Or Later Revision”**

ALPA, while supporting other parts of the proposed AD, disagreed with allowing later revisions of service information as compliance documents as specified in the MCAI. ALPA stated that it does not support referencing a service bulletin that has not been finalized.

The FAA agrees to clarify. This AD refers to Transport Canada AD CF–2024–20, as the appropriate source of

service information for accomplishing the required actions. Transport Canada AD CF–2024–20 specifies to use certain service information “or later revisions approved by the Chief, Continuing Airworthiness, Transport Canada.” That phrase indicates that service information must be finalized and approved by a regulatory authority (Transport Canada, which is the state of design authority in this case) before it may be used to show compliance with this AD. Referring to the MCAI instead of a service bulletin minimizes the need for Alternative Methods of Compliance. No change has been made to the AD in this regard.

#### **Request for Revision of Paragraph Header for Paragraph (i) of the Proposed AD**

JetBlue requested a revision to the header of paragraph (i) of the proposed AD from “Terminating Action for AD 2023–16–02” to “Changes for Repeat Inspection for AD 2023–16–02.” JetBlue reasoned that its requested change is necessary because the proposed AD wouldn’t terminate AD 2023–16–02, Amendment 39–22521 (88 FR 56459, August 18, 2023) (AD 2023–16–02), instead it allows a change to the repetitive inspection by use of a concurrent action.

The FAA agrees to revise the header of paragraph (i) of this AD, to clarify that the actions are not terminating. The FAA has revised the text to “Method of Compliance for Certain Action in AD 2023–16–02.”

#### **Request To Clarify Number of Affected Check Valves for a Condition**

JetBlue requested an edit to paragraph (i)(2) of the proposed AD to clarify the number of check valves that may qualify

for relief from certain requirements. JetBlue suggested that the language in paragraph (i)(2) of the proposed AD added ambiguity to the number of check valves and suggested revised language that would clarify the valves that are affected by both ADs, *i.e.*, change the text from “Only one check valve . . .” to “Only the replaced check valve . . .”.

The FAA agrees to revise paragraph (i)(2) of this AD as suggested but with one minor change. The FAA has replaced the text “Only one check valve” with “Only the check valve” so that paragraph (i)(2) of this AD now reads “Only the check valve (P/N 2090199–101) that has been replaced as specified in paragraph (g) of this AD may be granted relief from the on-condition inspection and replacement requirements of AD 2023–16–02.”

#### **Clarification of the Exception in Paragraph (h)(1) of This AD**

The compliance time exception in paragraph (h)(1) of the proposed AD only referred to the effective date of Transport Canada AD CF–2024–20; however, it should have also referred to the effective date of Transport Canada AD CF–2023–59, dated July 26, 2023, which is referred to in paragraph A. of Transport Canada AD CF–2024–20. Therefore, the FAA has revised paragraph (h)(1) of this AD to specify that “where Transport Canada AD CF–2024–20 refers to its effective date or to the effective date of AD CF–2023–59, this AD requires using the effective date of this AD.”

#### **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, and any other changes described previously, this AD is adopted as proposed in the SNPRM. None of the changes will increase the economic burden on any operator.

#### **Material Incorporated by Reference Under 1 CFR Part 51**

The FAA reviewed Transport Canada AD CF–2024–20, which specifies procedures for repetitive replacement of the left- and right-side engine feed check valves with new engine feed check valves and prohibits dispatch with either the left or right fuel AC boost pump inoperative. 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.

#### **Interim Action**

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

#### **Costs of Compliance**

The FAA estimates that this AD affects 91 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

#### **ESTIMATED COSTS FOR REQUIRED ACTIONS**

| Labor cost                                                  | Parts cost                          | Cost per product                    | Cost on U.S. operators           |
|-------------------------------------------------------------|-------------------------------------|-------------------------------------|----------------------------------|
| 9 work-hours × \$85 per hour = \$765 per replacement cycle. | \$2,830 per replacement cycle ..... | \$3,595 per replacement cycle ..... | \$327,145 per replacement cycle. |

The FAA has included all known costs in its cost estimate. According to the manufacturer, however, some or all 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**

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

distribution of power and responsibilities among the various levels of government.

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

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

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

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

#### List of Subjects in 14 CFR Part 39

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

#### The Amendment

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

### PART 39—AIRWORTHINESS DIRECTIVES

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

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

#### § 39.13 [Amended]

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

**2025–16–01 Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.):** Amendment 39–23098; Docket No. FAA–2024–0454; Project Identifier MCAI–2023–00923–T.

#### (a) Effective Date

This airworthiness directive (AD) is effective September 18, 2025.

#### (b) Affected ADs

This AD affects AD 2023–16–02, Amendment 39–22521 (88 FR 56459, August 18, 2023) (AD 2023–16–02).

#### (c) Applicability

This AD applies to all Airbus Canada Limited Partnership Model BD–500–1A10 and BD–500–1A11 airplanes, certificated in any category.

#### (d) Subject

Air Transport Association (ATA) of America Code 28, Fuel.

#### (e) Unsafe Condition

This AD was prompted by a report of multiple in-service failures of engine feed check valves, which have resulted in fuel imbalance conditions in flight. The FAA is issuing this AD to address failure of the check valve. The unsafe condition, if not addressed, could result in severe fuel

imbalance or loss of fuel flow to one or both engines.

#### (f) Compliance

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

#### (g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, Transport Canada AD CF–2024–20, dated June 5, 2024 (Transport Canada AD CF–2024–20).

#### (h) Exception to Transport Canada AD CF–2024–20

(1) Where Transport Canada AD CF–2024–20 refers to its effective date or to the effective date of Transport Canada AD CF–2023–59, dated July 26, 2023, this AD requires using the effective date of this AD.

(2) Where Transport Canada AD CF–2024–20 refers to hours air time, this AD requires using flight hours.

#### (i) Method of Compliance for Certain Action in AD 2023–16–02

Accomplishing repetitive replacement of the engine isolation feed ejector check valve, P/N 2090199–101, as required by paragraph (g) of this AD is an acceptable means of complying with the repetitive on-condition inspection requirement of AD 2023–16–02 provided that all of the conditions in paragraphs (i)(1) through (3) of this AD are satisfied.

(1) Both the replacement and on-condition inspection required by paragraph (g) of this AD are accomplished concurrently at intervals not to exceed 3,000 flight hours after the most recent inspection performed in accordance with AD 2023–16–02.

(2) Only the check valve (P/N 2090199–101) that has been replaced as specified in paragraph (g) of this AD may be granted relief from the on-condition inspection and replacement requirements of AD 2023–16–02.

(3) All other applicable requirements of AD 2023–16–02 are complied with.

#### (j) Special Flight Permit

Special flight permits may be issued in accordance with 14 CFR 21.197 and 21.199 to operate the airplane to a location where the airplane can be modified, provided that only crew are onboard.

#### (k) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, AIR–520, Continued Operational Safety Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the Continued Operational Safety Branch, send it to the attention of the person identified in paragraph (l) of this AD and email to: [AMOC@faa.gov](mailto:AMOC@faa.gov). Before using any approved AMOC, notify your appropriate

principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, AIR–520, Continued Operational Safety Branch, FAA; or Transport Canada; or Airbus Canada’s Transport Canada Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO–authorized signature.

(3) *Required for Compliance (RC):* Except as required by paragraph (k)(2) of this AD, if any material contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator’s maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

#### (l) Additional Information

For more information about this AD, contact Joseph Catanzaro, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone 516–228–7300; email [9-avs-nyaco-cos@faa.gov](mailto:9-avs-nyaco-cos@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 this AD specifies otherwise.

(i) Transport Canada AD CF–2024–20, dated June 5, 2024.

(ii) [Reserved]

(3) For Transport Canada material identified in this AD, contact Transport Canada, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario K1A 0N5, Canada; telephone 888–663–3639; email [TC.AirworthinessDirectives-Consignesdenavigabilite.TC@tc.gc.ca](mailto:TC.AirworthinessDirectives-Consignesdenavigabilite.TC@tc.gc.ca). You may find this material on the Transport Canada website at [tc.canada.ca/en/aviation](http://tc.canada.ca/en/aviation).

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

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

Issued on July 30, 2025.

**Peter A. White,**

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

[FR Doc. 2025–15478 Filed 8–13–25; 8:45 am]

BILLING CODE 4910–13–P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA–2025–0339; Project Identifier MCAI–2024–00450–T; Amendment 39–23101; AD 2025–16–03]

RIN 2120–AA64

#### **Airworthiness Directives; BAE Systems (Operations) Limited Airplanes**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** The FAA is superseding Airworthiness Directive (AD) 2023–02–06, which applied to all BAE Systems (Operations) Limited Model 4101 airplanes. AD 2023–02–06 required revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. Since the FAA issued AD 2023–02–06, new or more restrictive airworthiness limitations have been developed. This AD continues to require certain actions in AD 2023–02–06 and requires revising the existing maintenance or inspection program, as applicable to incorporate new or more restrictive airworthiness limitations. The FAA is issuing this AD to address the unsafe condition on these products.

**DATES:** This AD is effective September 18, 2025.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of September 18, 2025.

The Director of the Federal Register approved the incorporation by reference of certain other publications listed in this AD as of March 14, 2023 (88 FR 7851, February 7, 2023).

#### **ADDRESSES:**

*AD Docket:* You may examine the AD docket at regulations.gov under Docket No. FAA–2025–0339; 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 BAE Systems (Operations) Limited material identified in this AD, contact BAE Systems (Operations) Limited, Customer Information Department, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland, United Kingdom; telephone +44 1292 675207; fax +44 1292 675704; email [RApublications@baesystems.com](mailto:RApublications@baesystems.com); website [baesystems.com/en/our-company/our-businesses/regional-aircraft/about-us](http://baesystems.com/en/our-company/our-businesses/regional-aircraft/about-us).

- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at regulations.gov under Docket No. FAA–2025–0339.

**FOR FURTHER INFORMATION CONTACT:** Steven Dzierzynski, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228–7300; email: [9-AVS-AIR-BACO-COS@faa.gov](mailto:9-AVS-AIR-BACO-COS@faa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2023–02–06, Amendment 39–22313 (88 FR 7851, February 7, 2023) (AD 2023–02–06). AD 2023–02–06 applied to all BAE Systems (Operations) Limited Model 4101 airplanes. AD 2023–02–06 required revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. The FAA issued AD 2023–02–06 to address fatigue damage of various airplane structures and failure of certain structurally significant items, which could result in reduced structural integrity of the airplane. The FAA also issued AD 2023–02–06 to address fuel vapor ignition sources, which could result in a fuel tank explosion and consequent loss of the airplane.

The NPRM was published in the **Federal Register** on March 25, 2025 (90 FR 13561). The NPRM was prompted by AD G–2024–0003, dated August 6, 2024; corrected August 14, 2024, issued by the Civil Aviation Authority (CAA), which is the aviation authority for the United Kingdom (UK) (UK CAA AD G–2024–0003) (also referred to as the MCAI). The MCAI states new or more restrictive

airworthiness limitations have been developed.

In the NPRM, the FAA proposed to continue to require certain actions in AD 2023–02–06. In the NPRM, the FAA also proposed to require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. The FAA is issuing this AD to address fatigue damage of various airplane structures and failure of certain structurally significant items, which could result in reduced structural integrity of the airplane. The FAA is also issuing this AD to address fuel vapor ignition sources, which could result in a fuel tank explosion and consequent loss of airplane.

You may examine the MCAI in the AD docket at regulations.gov under Docket No. FAA–2025–0339.

#### **Discussion of Final Airworthiness Directive Comments**

The FAA received no comments on the NPRM or on the determination of the cost to the public.

#### **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 Subject 05–10–10, “Airworthiness Limitations,” of Chapter 05, “Airworthiness Limitations,” of BAE Systems (Operations) Limited J41 Aircraft Maintenance Manual (AMM), Revision 46, dated February 20, 2024. This material specifies procedures for airworthiness limitations for life-limited parts and structurally significant items.

This AD also requires Chapter 05, “Airworthiness Limitations,” of BAE Systems (Operations) Limited J41 Aircraft Maintenance Manual (AMM), Effectivity Group 403, Revision 44, dated June 15, 2021; and Chapter 05, “Airworthiness Limitations,” of BAE Systems (Operations) Limited J41 AMM,

Effectivity Group 408, Revision 44, dated June 15, 2021; which the Director of the Federal Register approved for incorporation by reference as of March 14, 2023 (88 FR 7851, February 7, 2023). “Effectivity Group” is not specifically stated on these documents. However, “403” and “408,” which are stated on the pages of the applicable documents (except for the title pages), refer to the effective groups of airplanes specified within the fleet code listings.

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.

#### Other Related Material

The FAA also reviewed Subject 05–10–20, “Certification Maintenance Requirements,” of Chapter 05, “Airworthiness Limitations,” and Subject 05–10–30, “Critical Design Configuration Control Limitations (CDCCL)—Fuel System,” of Chapter 05, “Airworthiness Limitations,” of BAE Systems (Operations) Limited J41 Aircraft Maintenance Manual (AMM), Revision 45, dated December 15, 2023. This material specifies airworthiness limitations for certification maintenance requirements and fuel tank systems, which are specified in appendices A and B of this AD.

#### Costs of Compliance

The FAA estimates that this AD affects 4 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

The FAA estimates the total cost per operator for the retained actions from AD 2023–02–06 to be \$7,650 (90 work-hours × \$85 per work-hour).

The FAA has determined that revising the maintenance or inspection program takes an average of 90 work-hours per operator, although the agency recognizes that this number may vary from operator to operator. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), the FAA has determined that a per-operator estimate is more accurate than a per-airplane estimate. Therefore, the agency estimates the average total cost per operator to be \$7,650 (90 work-hours × \$85 per work-hour).

#### Authority for This Rulemaking

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

detail the scope of the Agency’s authority.

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

#### Regulatory Findings

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

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

- (1) Is not a “significant regulatory action” under Executive Order 12866,
- (2) Will not affect intrastate aviation in Alaska, and
- (3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 39

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

#### The Amendment

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

#### PART 39—AIRWORTHINESS DIRECTIVES

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

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

##### § 39.13 [Amended]

- 2. The FAA amends § 39.13 by:
  - a. Removing Airworthiness Directive (AD) 2023–02–06, Amendment 39–22313 (88 FR 7851, February 7, 2023); and
  - b. Adding the following new AD:

##### 2025–16–03 BAE Systems (Operations)

**Limited:** Amendment 39–23101; Docket No. FAA–2025–0339; Project Identifier MCAI–2024–00450–T.

#### (a) Effective Date

This airworthiness directive (AD) is effective September 18, 2025.

#### (b) Affected ADs

This AD replaces AD 2023–02–06, Amendment 39–22313 (88 FR 7851, February 7, 2023) (AD 2023–02–06).

#### (c) Applicability

This AD applies to all BAE Systems (Operations) Limited Model 4101 airplanes, certificated in any category.

#### (d) Subject

Air Transport Association (ATA) of America Code 05, Time Limits/Maintenance Checks.

#### (e) Unsafe Condition

This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is issuing this AD to address fatigue damage of various airplane structures and failure of certain structurally significant items, which could result in reduced structural integrity of the airplane. The FAA is also issuing this AD to address fuel vapor ignition sources, which could result in a fuel tank explosion and consequent loss of the airplane.

#### (f) Compliance

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

#### (g) Retained Revision of the Existing Maintenance or Inspection Program, With a Terminating Action

This paragraph restates the requirements of paragraph (m) of AD 2023–02–06, with a new terminating action. Within 90 days after March 14, 2023 (the effective date of AD 2023–02–06): Revise the existing maintenance or inspection program, as applicable, by incorporating Subjects 05–10–10, “Airworthiness Limitations”; 05–10–20, “Certification Maintenance Requirements”; and 05–10–30, “Critical Design Configuration Control Limitations (CDCCL)—Fuel System”; of Chapter 05, “Airworthiness Limitations,” of the BAE Systems (Operations) Limited J41 Aircraft Maintenance Manual (AMM), Effectivity Group 403, Revision 44, dated June 15, 2021; or BAE Systems (Operations) Limited J41 AMM, Effectivity Group 408, Revision 44, dated June 15, 2021; as applicable. The initial compliance times for the tasks are at the applicable times specified in paragraphs (g)(1) through (3) of this AD. Accomplishing the revision of the existing maintenance or inspection program required by paragraph (i) of this AD terminates the requirements of this paragraph.

(1) For replacement tasks of life limited parts specified in Subject 05–10–10, “Airworthiness Limitations,” of Chapter 05, “Airworthiness Limitations,” of the BAE Systems (Operations) Limited J41 AMM, Effectivity Group 403, Revision 44, dated June 15, 2021; or BAE Systems (Operations) Limited J41 AMM, Effectivity Group 408, Revision 44, dated June 15, 2021; as applicable: Prior to the applicable flight cycles (landings) or flight hours (flying hours) on the part specified in the

“Mandatory Life Limits” column in Subject 05–10–10, or within 90 days after March 14, 2023, whichever occurs later.

(2) For structurally significant item tasks specified in Subject 05–10–10, “Airworthiness Limitations,” of Chapter 05, “Airworthiness Limitations,” of the BAE Systems (Operations) Limited J41 AMM, Effectivity Group 403, Revision 44, dated June 15, 2021; or BAE Systems (Operations) Limited J41 AMM, Effectivity Group 408, Revision 44, dated June 15, 2021; as applicable: Prior to the accumulation of the applicable flight cycles specified in the “Initial Inspection” column in Subject 05–10–10, or within 90 days after March 14, 2023, whichever occurs later.

(3) For certification maintenance requirements tasks specified in Subject 05–10–20, “Certification Maintenance Requirements,” of Chapter 05, “Airworthiness Limitations,” of the BAE Systems (Operations) Limited J41 AMM, Effectivity Group 403, Revision 44, dated June 15, 2021; or BAE Systems (Operations) Limited J41 AMM, Effectivity Group 408, Revision 44, dated June 15, 2021; as applicable: Prior to the accumulation of the applicable flight hours specified in the “Time Between Checks” column in Subject 05–10–20, or within 90 days after March 14, 2023, whichever occurs later; except for tasks that specify “first flight of the day” in the “Time Between Checks” column in Subject 05–10–20, the initial compliance time is the first flight of the next day after accomplishing the revision required by paragraph (g) of this AD, or within 90 days after March 14, 2023, whichever occurs later.

#### **(h) Retained No Alternative Actions, Intervals, or CDCCLs, With New Exception**

This paragraph restates the requirements of paragraph (n) of AD 2023–02–06, with a new exception. Except as required by paragraph (i) of this AD: After the existing maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (e.g., inspections), intervals, or CDCCLs may be used unless the actions, intervals, and CDCCLs are approved as an AMOC in accordance with the procedures specified in paragraph (k)(1) of this AD.

#### **(i) New Revision of the Existing Maintenance or Inspection Program**

Within 90 days after the effective date of this AD, revise the existing maintenance or inspection program, as applicable, as specified in paragraphs (i)(1) and (2) of this AD. Accomplishing the revision of the existing maintenance or inspection program required by this paragraph terminates the actions required by paragraph (g) of this AD.

(1) Revise the existing maintenance or inspection program, as applicable, to incorporate the information specified in Subject 05–10–10, “Airworthiness Limitations,” of Chapter 05, “Airworthiness Limitations,” of BAE Systems (Operations) Limited J41 AMM, Revision 46, dated February 20, 2024. The initial compliance time for doing the tasks is at the applicable times specified in paragraphs (i)(1)(i) and (ii) of this AD.

(i) For replacement tasks of life limited parts specified in Subject 05–10–10, “Airworthiness Limitations,” of Chapter 05, “Airworthiness Limitations,” of BAE Systems (Operations) Limited J41 AMM, Revision 46, dated February 20, 2024: Prior to the applicable flight cycles (landings) or flight hours (flying hours) on the part specified in the “Mandatory Life Limits” column in Subject 05–10–10, or within 90 days after the effective date of this AD, whichever occurs later.

(ii) For structurally significant item tasks specified in Subject 05–10–10, “Airworthiness Limitations,” of Chapter 05, “Airworthiness Limitations,” of BAE Systems (Operations) Limited J41 AMM, Revision 46, dated February 20, 2024: Prior to the accumulation of the applicable flight cycles (flights) or years specified in the “Initial Inspection” column in Subject 05–10–10, or within 90 days after the effective date of this AD, whichever occurs later.

(2) Revise the existing maintenance or inspection program, as applicable, to incorporate the information in appendix A to this AD—Subject 05–10–20, “Certification Maintenance Requirements,” and in appendix B to this AD—Subject 05–10–30, “Critical Design Configuration Control Limitations (CDCCL)—Fuel System.” The initial compliance time for doing the certification maintenance requirements tasks specified in Subject 05–10–20, “Certification Maintenance Requirements” (appendix A) is prior to the accumulation of the applicable flight hours specified in the “Time Between Checks” column in Subject 05–10–20, or within 90 days after the effective date of this AD, whichever occurs later; except for tasks that specify “first flight of the day” in the “Time Between Checks” column in Subject 05–10–20, the initial compliance time is the first flight of the next day after accomplishing the revision required by paragraph (i) of this AD, or within 90 days after the effective date of this AD, whichever occurs later.

#### **(j) New No Alternative Actions, Intervals, or CDCCLs**

After the existing maintenance or inspection program has been revised as required by paragraph (i) of this AD, no alternative actions (e.g., inspections), intervals, or CDCCLs may be used unless the actions, intervals, and CDCCLs are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (k)(1) of this AD.

#### **(k) Additional AD Provisions**

The following provisions also apply to this AD:

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

approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer*: For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, International Validation Branch, FAA; or the UK CAA; or BAE Systems (Operations) Limited’s UK CAA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

#### **(l) Additional Information**

For more information about this AD, contact Steven Dzierzynski, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228–7300; email: [9-AVS-AIR-BACO-COS@faa.gov](mailto:9-AVS-AIR-BACO-COS@faa.gov).

#### **(m) Material Incorporated by Reference**

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

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

(3) The following material was approved for IBR on September 18, 2025.

(i) Subject 05–10–10, “Airworthiness Limitations,” of Chapter 05, “Airworthiness Limitations,” of BAE Systems (Operations) Limited J41 Aircraft Maintenance Manual (AMM), Revision 46, dated February 20, 2024.

(ii) [Reserved]

(4) The following material was approved for IBR on March 14, 2023 (88 FR 7851, February 7, 2023).

(i) Chapter 05, “Airworthiness Limitations,” of BAE Systems (Operations) Limited J41 AMM, Effectivity Group 403, Revision 44, dated June 15, 2021.

**Note 1 to paragraph (m)(4)(i)**: This note applies to paragraphs (m)(4)(i) and (ii) of this AD. Page 1 of the “Publications Transmittal” is the only page that shows the revision level of this document.

**Note 2 to paragraph (m)(4)(i)**: This note applies to paragraphs (m)(4)(i) and (ii) of this AD. “Effectivity Group” is not specifically stated on the document. However, “403” and “408,” which are stated on the pages of the applicable documents (except for the title pages), refer to the effective groups of airplanes specified within the fleet code listings.

(ii) Chapter 05, “Airworthiness Limitations,” of BAE Systems (Operations) Limited J41 AMM, Effectivity Group 408, Revision 44, dated June 15, 2021.

(5) For BAE Systems (Operations) Limited material identified in this AD, contact BAE Systems (Operations) Limited, Customer Information Department, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland, United Kingdom; telephone +44 1292 675207; fax +44 1292 675704; email [RAPublications@baesystems.com](mailto:RAPublications@baesystems.com); website [baesystems.com/en/our-company/our-businesses/regional-aircraft/about-us](http://baesystems.com/en/our-company/our-businesses/regional-aircraft/about-us).

(6) You may view this material at the FAA, Airworthiness Products Section, Operational

Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195.

(7) 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](http://www.archives.gov/federal-register/cfr/ibr-locations) or email [fr.inspection@nara.gov](mailto:fr.inspection@nara.gov).

**BILLING CODE 4910-13-P**

**Appendix A to AD 2025-16-03—Subject 05-10-20, “Certification Maintenance Requirements”**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                         |                               |                                 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|-------------------------------|---------------------------------|
| ** FOR AIRCRAFT ALL**                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                         |                               |                                 |
| CERTIFICATION MAINTENANCE REQUIREMENTS<br>DESCRIPTION AND OPERATION                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                         |                               |                                 |
| 1. General                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                         |                               |                                 |
| A. Approval                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                         |                               |                                 |
| This Section is JAA/FAA Approved. It gives the check procedures and the maximum permitted time between checks necessary to maintain the certificated airworthiness standard of the airplane as determined in accordance with the requirements of JAR/FAR 25.1309. These items are identified as Certification Maintenance Requirements (CMRs). The Tables in paragraph 2 of this Section list the CMRs, the maximum permitted time interval between each check in number of flight hours and the associated check procedure (AMM TASK REF). |                                                         |                               |                                 |
| B. Airplane Maintenance Program                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                         |                               |                                 |
| The Airplane Maintenance Program must include all listed CMRs at intervals not exceeding the listed times. The maximum permitted time between CMR checks may not be increased without consultation with the airplane manufacturer and specific approval from the responsible JAA/FAA Aircraft Certification Office.                                                                                                                                                                                                                         |                                                         |                               |                                 |
| C. First Flight of the Day Items                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                         |                               |                                 |
| The CMR Tables contain some items that have a FIRST FLIGHT OF THE DAY check time. These items are also shown in the Normal Procedures Chapter of the Airplane Flight Manual. These items must be included in the Operator's Flight Crew Check List. They may not be removed without consultation with the airplane manufacturer and specific approval from the responsible JAA/FAA Aircraft Certification Office.                                                                                                                           |                                                         |                               |                                 |
| 2. CMR Tables                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                         |                               |                                 |
| The CMR Tables are in ATA chapter sequence. Each CMR is identified as a five digit sequence number, for example 21-001. The first two numbers identify the ATA section and the last three numbers are the CMR sequential number in that ATA section.                                                                                                                                                                                                                                                                                        |                                                         |                               |                                 |
| A. Chapter 21 - Air Conditioning                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                         |                               |                                 |
| Table 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                         |                               |                                 |
| CMR NUMBER                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | ITEM DESCRIPTION                                        | TIME BETWEEN CHECKS (FLT HRS) | CHECK PROCEDURES (AMM TASK REF) |
| 21-001                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Pressurization System Manual Control - Operational Test | 600                           | 21-30-00-710-810                |

Table 1 continued...

| CMR NUMBER | ITEM DESCRIPTION                                                                | TIME<br>BETWEEN<br>CHECKS<br>(FLT HRS) | CHECK PROCEDURES<br>(AMM TASK REF) |
|------------|---------------------------------------------------------------------------------|----------------------------------------|------------------------------------|
| 21-002     | Pressurization System<br>Negative Pressure Relief<br>Module - Functional Test   | 3900                                   | 21-30-00-720-830                   |
| 21-003     | Environmental Control<br>System Fault Control<br>Relays - Functional Test       | 10000                                  | 21-10-50-720-801                   |
| 21-004     | Pressure Regulating and<br>Shut-Off Valve Control<br>solenoid - Functional Test | 10000                                  | 21-10-15-760-801                   |
| 21-005     | Air Conditioning Pack<br>Overpressure Switches -<br>Functional Test             | 10000                                  | 21-10-25-720-805                   |

## B. Chapter 24 - Electrical Power

Table 2

| CMR NUMBER | ITEM DESCRIPTION                                                                                          | TIME<br>BETWEEN<br>CHECKS<br>(FLT HRS) | CHECK PROCEDURES<br>(AMM TASK REF)                          |
|------------|-----------------------------------------------------------------------------------------------------------|----------------------------------------|-------------------------------------------------------------|
| 24-001     | DC Generator System<br>Overvoltage Protection -<br>Operational Test                                       | 600                                    | 24-31-00-710-810                                            |
| 24-002     | DC Generator Control Unit<br>Acceptance Check -<br>Removal/Bay<br>Check/Installation/<br>Operational Test | 16000                                  | 24-31-10-000-801<br>24-31-10-400-805<br>(Ref. CMM 24-31-10) |
| 24-003     | Emergency Busbar Supply<br>Diodes and Remote Control<br>Circuit Breakers -<br>Operational Test            | 1000                                   | 24-32-00-710-805                                            |
| 24-004     | Power Distribution Unit<br>Overcurrent Sensors -<br>Operational Test                                      | 25000                                  | 24-32-00-710-810                                            |

Table 2 continued...

| CMR NUMBER | ITEM DESCRIPTION                                                                               | TIME<br>BETWEEN<br>CHECKS<br>(FLT HRS) | CHECK PROCEDURES<br>(AMM TASK REF)                   |
|------------|------------------------------------------------------------------------------------------------|----------------------------------------|------------------------------------------------------|
| 24-005     | BUS TIE Switch -<br>Operational Test                                                           | 10400                                  | 24-32-00-710-815                                     |
| 24-006     | Standby Power Supply Unit<br>Capacity - Removal/Bay<br>Check/Installation/<br>Operational Test | 3000                                   | 24-34-05-000-801<br>24-34-05-400-805<br>CMM 24-30-03 |
| 24-007     | Standby Power Supply Unit<br>Dormancy - Operational<br>Test                                    | 3000                                   | 24-34-00-710-805                                     |

## C. Chapter 26 - Fire Protection

Table 3

| CMR NUMBER | ITEM DESCRIPTION                                                                        | TIME<br>BETWEEN<br>CHECKS<br>(FLT HRS) | CHECK PROCEDURES<br>(AMM TASK REF) |
|------------|-----------------------------------------------------------------------------------------|----------------------------------------|------------------------------------|
| 26-001     | Fire Detection and<br>Overheat Control Unit Self<br>Test Facility -<br>Operational Test | FIRST<br>FLIGHT OF<br>THE DAY          | 26-11-00-710-801                   |

## D. Chapter 27-Flight Controls

Table 4

| CMR NUMBER | ITEM DESCRIPTION                              | TIME<br>BETWEEN<br>CHECKS<br>(FLT HRS) | CHECK PROCEDURES<br>(AMM TASK REF) |
|------------|-----------------------------------------------|----------------------------------------|------------------------------------|
| 27-001     | Elevator Disconnect Unit -<br>Functional Test | 7900                                   | 27-30-00-720-825                   |
| 27-002     | Aileron Disconnect Unit -<br>Functional Test  | 7534                                   | 27-10-00-720-825                   |

Table 4 continued...

| CMR NUMBER | ITEM DESCRIPTION                                                                                 | TIME<br>BETWEEN<br>CHECKS<br>(FLT HRS) | CHECK PROCEDURES<br>(AMM TASK REF) |
|------------|--------------------------------------------------------------------------------------------------|----------------------------------------|------------------------------------|
| 27-003     | Stall Warning and Protection-Left and Right System Self Test - Operational Test                  | FIRST FLIGHT OF THE DAY                | 27-31-00-710-801                   |
| 27-004     | Stall Warning and Protection-Angle-of-Attack and Aircraft-On-Ground Switching - Operational Test | 300                                    | 27-31-00-710-805                   |
| 27-005     | Stall Warning and Protection System - Functional Test                                            | 3000                                   | 27-31-00-720-805                   |

## E. Chapter 31 - Indicating/Recording Systems

Table 5

| CMR NUMBER | ITEM DESCRIPTION                                                                                | TIME<br>BETWEEN<br>CHECKS<br>(FLT HRS) | CHECK PROCEDURES<br>(AMM TASK REF) |
|------------|-------------------------------------------------------------------------------------------------|----------------------------------------|------------------------------------|
| 31-001     | Take-Off Configuration and Warning System (TOCWS) Arming Circuitry - Operational Test           | 50                                     | 31-53-00-710-805                   |
| 31-002     | TOCWS-Input Trigger Circuitry - Functional Test                                                 | 1200                                   | 31-53-00-720-810                   |
| 31-003     | Landing Gear-Horn Control Relay and Associated Circuitry - Functional Test (Aircraft on Ground) | 600                                    | 32-61-00-720-801                   |

## F. Chapter 52 - Doors

Table 6

| CMR NUMBER | ITEM DESCRIPTION                                                               | TIME<br>BETWEEN<br>CHECKS<br>(FLT HRS) | CHECK PROCEDURES<br>(AMM TASK REF) |
|------------|--------------------------------------------------------------------------------|----------------------------------------|------------------------------------|
| 52-001     | Main Entrance Door Speed<br>Lock Check - Functional<br>Test                    | 2706                                   | 52-10-05-720-805                   |
| 52-002     | Main Entrance<br>Door-Pressurization<br>Inhibit Function -<br>Operational Test | 3000                                   | 52-10-05-710-810                   |

## G. Chapter 73 - Engine Fuel and Control/Chapter 76 - Engine Control

Table 7

| CMR NUMBER | ITEM DESCRIPTION                                              | TIME<br>BETWEEN<br>CHECKS<br>(FLT HRS) | CHECK PROCEDURES<br>(AMM TASK REF)        |
|------------|---------------------------------------------------------------|----------------------------------------|-------------------------------------------|
| 73-001     | Flight Idle Baulk Solenoid<br>Mechanism - Operational<br>Test | 300                                    | 76-12-15-710-801                          |
| 73-002     | Overspeed Fuel Governor -<br>Operational Test                 | 300                                    | 72-00-00-501<br>Garrett On-Wing<br>Manual |

Source: Chapter 05, "Airworthiness  
Limitations," of the BAE Systems  
(Operations) Limited J41 AMM.

Appendix B to AD 2025-16-03—Subject 05-  
10-30, “Critical Design Configuration  
Control Limitations (CDCCL)—Fuel System”

\*\* FOR AIRCRAFT ALL\*\*

CRITICAL DESIGN CONFIGURATION CONTROL LIMITATIONS (CDCCL) - FUEL SYSTEM  
DESCRIPTION AND OPERATION

1. General

The Critical Design Configuration Control Limitations (CDCCLs) section identifies certain design configuration features, which must be maintained for the operational life of the aircraft in order to preclude the development of ignition sources in the fuel tank system. CDCCLs are mandatory and cannot be changed or deleted without the approval of the European Aviation Safety Agency (EASA) or the National Regulatory Authority office that is responsible for the Jetstream 41 Type Certificate.

A critical fuel tank ignition source prevention feature may exist in the fuel system and its related installation or in systems that, if a failure condition were to develop, could interact with the fuel system in such a way that an unsafe condition would develop without these limitations. Strict adherence to configuration, methods, techniques and practices as prescribed is required to ensure compliance with the CDCCL. Any use of parts, methods, techniques or practices not contained in the applicable CDCCL requires regulatory authority approval.

The purpose of the CDCCL is to provide instructions to retain a critical ignition source prevention feature during configuration change that may be caused by modification, repairs or maintenance actions.

2. The following are CDCCLs:

A. Fuel Quantity Indication System (FQIS)

(1) Critical ignition source prevention feature:

The fuel quantity indication system (FQIS) probes are current-carrying components. They must be installed with a minimum clearance from aircraft structure.

(2) Implications of changing this feature:

If the probes are not installed correctly, small air gaps may be created between the conductors and the wing skins. During fault conditions, abnormally high voltages may be applied to the FQIS wiring and probes and electrical sparking (arcing) may occur across this small air gap.

(3) Instructions for retaining this feature:

The proper installation of an FQIS probe to obtain the correct clearance is a CDCCL. This must be carried out in accordance with AMM 28-41-05.

**B. Fuel Tank Wiring****(1) Critical ignition source prevention feature:**

The electrical wiring inside the fuel tanks is designed to be continuous between the respective tank wall connectors and the affected components. Splicing of wires inside fuel tanks is not permitted.

**(2) Implications of changing this feature:**

Repair of damaged wiring using splices creates joints in the wiring. Failure of these joints could lead to electrical sparking (arcing) inside the fuel tank. Damaged tank wiring should be corrected by complete replacement of the affected wire.

**(3) Instructions for retaining this feature:**

Wiring inside fuel tanks must remain continuous between the tank wall connectors and the LRUs, with no extra joints permitted. This feature is a CDCCL. Wire replacement inside fuel tanks should be carried out in accordance with AMM Ch 20.

**C. Fuel Boost Pump Wiring****(1) Critical ignition source prevention feature:**

The boost pump power wiring inside the fuel tank is designed to be continuous between the tank wall connectors and the boost pump. Repair of this wiring harness is not permitted.

**(2) Implications of changing this feature:**

Repair of a damaged boost pump wiring harness using splices creates joints in the wiring. Failure of these joints could lead to electrical sparking (arcing) inside the fuel tank. Damaged boost pump wiring should be corrected by complete replacement of the affected harness.

**(3) Instructions for retaining this feature:**

The boost pump wiring should not be modified in any way. The type design specified by Modification JM41672 must be maintained, and is a CDCCL. Harness replacement should be carried out in accordance with AMM Ch 20.

Source: Chapter 05, "Airworthiness Limitations," of the BAE Systems (Operations) Limited J41 AMM.

Issued on August 4, 2025.

**Steven W. Thompson,**

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

[FR Doc. 2025-15479 Filed 8-13-25; 8:45 am]

**BILLING CODE 4910-13-C**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

**[Docket No. FAA-2025-1733; Project Identifier MCAI-2025-00762-T; Amendment 39-23110; AD 2025-16-12]**

**RIN 2120-AA64**

**Airworthiness Directives; Airbus SAS Airplanes**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule; request for comments.

**SUMMARY:** The FAA is adopting a new airworthiness directive (AD) for all Airbus SAS Model A319-151N, -153N, -171N, and -173N airplanes; Model A320-251N, -252N, -253N, -271N, -272N, and -273N airplanes; and Model A321-251N, -252N, -253N, -271N, -272N, -251NX, -252NX, -253NX, -271NX, -272NX, -253NY, and -271NY airplanes. This AD was prompted by occurrences of high-pressure bleed valve (HPV) butterfly seal retention clip rupture. This AD requires revising the existing airplane flight manual (AFM) and the existing FAA-approved minimum equipment list (MEL), allows replacement of each affected HPV as an optional terminating action, and

prohibits the installation of affected parts. The FAA is issuing this AD to address the unsafe condition on these products.

**DATES:** This AD is effective August 29, 2025.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of August 29, 2025.

The FAA must receive comments on this AD by September 29, 2025.

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

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

- *Fax:* 202-493-2251.

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

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

**AD Docket:** You may examine the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2025-1733; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

**Material Incorporated by Reference:**

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

- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195. It is also available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2025-1733.

**FOR FURTHER INFORMATION CONTACT:**

Frank Carreras, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206-231-3539; email: [Frank.Carreras@faa.gov](mailto:Frank.Carreras@faa.gov).

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

The FAA invites you to send any written data, views, or arguments about

this final rule. Send your comments using a method listed under the **ADDRESSES** section. Include “Docket No. FAA-2025-1733; Project Identifier MCAI-2025-00762-T” at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

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

**Confidential Business Information**

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this AD contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this AD, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN.” The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this AD. Submissions containing CBI should be sent to Frank Carreras, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206-231-3539; email: [Frank.Carreras@faa.gov](mailto:Frank.Carreras@faa.gov). Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

**Background**

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2025-0096, dated April 28, 2025 (EASA AD 2025-0096) (also referred to as “the MCAI”), to correct an unsafe condition for all Airbus SAS Model A319-151N, -153N, -171N, and -173N airplanes; Model A320-251N, -252N, -253N, -271N, -272N, and -273N airplanes; and Model A321-251N, -252N, -253N, -271N, -272N, -251NX, -252NX, -253NX, -271NX, -272NX, -253NY, and -271NY

airplanes. The MCAI states that occurrences were reported of HPV butterfly seal retention clip rupture, which causes the butterfly seals to no longer be retained in the butterfly groove. This may increase internal leakage, triggering an alert that the HPV has failed in the open condition. It may also release foreign object debris, which could damage the systems (e.g., engine bleed air system and pneumatic system) downstream from the HPV on the engine pylon and wing. This condition, if not detected and corrected, could lead to high pressure and temperatures in the duct downstream from the pressure regulating valve, which could result in duct burst, damage to several systems or the airframe, and consequent loss of control of the airplane.

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

You may examine the MCAI in the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2025-1733.

**Material Incorporated by Reference Under 1 CFR Part 51**

The FAA reviewed EASA AD 2025-0096, which specifies procedures for amending the existing AFM by incorporating a temporary revision, implementing a master MEL (MMEL) update, and repetitively replacing each affected HPV clip. EASA AD 2025-0096 includes an optional terminating action of replacing each affected HPV with a non-affected HPV and prohibits installing an affected HPV on any airplane. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

**FAA's Determination**

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

**Requirements of This AD**

This AD requires accomplishing the actions specified in EASA AD 2025-0096 described previously, except for any differences identified as exceptions in the regulatory text of this AD. See “Differences Between this AD and the MCAI” for a discussion of the general differences included in this AD.

Differences Between This AD and the MCAI

Paragraph (4) of EASA AD 2025–0096 specifies repetitively replacing each affected HPV clip with another affected HPV clip at intervals not to exceed 4,000 flight hours or 2,000 flight cycles, whichever occurs later. The initial replacement must be done at the later time of either (1) before exceeding 4,000 flight hours or 2,000 flight cycles, whichever occurs first since the affected HPV clip was installed; or (2) within 2,500 flight hours or 1,250 flight cycles, whichever occurs first from the effective date of EASA AD 2025–0096. The FAA is considering requiring this repetitive replacement. However, the planned compliance time would allow enough time to give the public an opportunity to comment on the merits of the replacement and the unsafe condition is being addressed through the revision of the AFM and MEL. Therefore, this AD does not adopt the requirements of paragraph (4) of EASA AD 2025–0096. However, operators may still do these optional repetitive replacements.

Compliance With AFM and MEL Revisions

EASA AD 2025–0096 requires operators to “inform all flight crew” of revisions to the AFM and MEL, and thereafter to “operate the aeroplane accordingly.” However, this AD does not specifically require those actions as those actions are already required by FAA regulations. FAA regulations require operators furnish to pilots any changes to the AFM (for example, 14 CFR 121.137), and to ensure the pilots are familiar with the AFM (for example, 14 CFR 91.505). As with any other flightcrew training requirement, training on the updated AFM content is tracked by the operators and recorded in each pilot’s training record, which is available for the FAA to review. FAA regulations also require pilots to follow the procedures in the existing AFM including all updates. Section 91.9 requires that any person operating a civil aircraft must comply with the operating limitations specified in the AFM. Section 121.628 (a)(2) requires operators to provide pilots with access to all the information contained in the

operator’s MEL. Furthermore, 14 CFR 121.628 (a)(5) requires airplanes to be operated under all applicable conditions and limitations contained in the operator’s MEL. Therefore, including a requirement in this AD to operate the airplane according to the revised AFM and MEL would be redundant and unnecessary.

Explanation of Required Compliance Information

In the FAA’s ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, EASA AD 2025–0096 is incorporated by reference in this AD. This AD requires compliance with EASA AD 2025–0096 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this AD. Using common terms that are the same as the heading of a particular section in EASA AD 2025–0096 does not mean that operators need comply only with that section. For example, where the AD requirement refers to “all required actions and compliance times,” compliance with this AD requirement is not limited to the section titled “Required Action(s) and Compliance Time(s)” in EASA AD 2025–0096. Material required by EASA AD 2025–0096 for compliance will be available at *regulations.gov* under Docket No. FAA–2025–1733 after this AD is published.

Justification for Immediate Adoption and Determination of the Effective Date

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

553(d) of the APA authorizes agencies to make rules effective in less than thirty days, upon a finding of good cause.

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies forgoing notice and comment prior to adoption of this rule because a ruptured HPV butterfly seal retention clip allows the seals to move, partially or totally, from their original position, increasing internal leakage and leading to an HPV Fail Open alert triggering condition. This rupture and movement could lead to the release of foreign object debris and subsequent damage to downstream systems on the engine pylon and wing, including the pressure regulating valve. This could lead to high pressure and temperatures in the duct downstream from the pressure regulating valve and possible duct burst, damage to systems or the airframe, and loss of control of the airplane. Additionally, the compliance time in this AD is shorter than the time necessary for the public to comment and for publication of the final rule. Accordingly, notice and opportunity for prior public comment are impracticable and contrary to the public interest pursuant to 5 U.S.C. 553(b).

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

Regulatory Flexibility Act (RFA)

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

Costs of Compliance

The FAA estimates that this AD affects 554 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR AFM AND MEL REVISION

| Labor cost                                 | Parts cost | Cost per product | Cost on U.S. operators |
|--------------------------------------------|------------|------------------|------------------------|
| 2 work-hours × \$85 per hour = \$170 ..... | \$0        | \$170            | \$94,180               |

## ESTIMATED COSTS FOR HPV REPLACEMENT

| Labor cost                                    | Parts cost | Cost per product |
|-----------------------------------------------|------------|------------------|
| 32 work-hours × \$85 per hour = \$2,720 ..... | \$2,800    | \$5,520          |

The FAA has included all known costs in its cost estimate. According to the manufacturer, however, some or all 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

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

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

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

#### List of Subjects in 14 CFR Part 39

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

#### The Amendment

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

### PART 39—AIRWORTHINESS DIRECTIVES

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

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

#### § 39.13 [Amended]

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

**2025–16–12 Airbus SAS:** Amendment 39–23110; Docket No. FAA–2025–1733; Project Identifier MCAI–2025–00762–T.

#### (a) Effective Date

This airworthiness directive (AD) is effective August 29, 2025.

#### (b) Affected ADs

None.

#### (c) Applicability

This AD applies to all Airbus SAS airplanes identified in paragraphs (c)(1) through (3) of this AD, certificated in any category.

(1) Model A319–151N, –153N, –171N, and –173N airplanes.

(2) Model A320–251N, –252N, –253N, –271N, –272N, and –273N airplanes.

(3) Model A321–251N, –252N, –253N, –271N, –272N, –251NX, –252NX, –253NX, –271NX, –272NX, –253NY, and –271NY airplanes.

#### (d) Subject

Air Transport Association (ATA) of America Code 36, Pneumatic.

#### (e) Unsafe Condition

This AD was prompted by occurrences of high-pressure bleed valve (HPV) butterfly seal retention clip rupture. The FAA is issuing this AD to address high pressure and temperatures in the duct downstream from the pressure regulating valve, which could lead to duct burst and result in damage to several systems or the airframe and consequent loss of control of the airplane.

#### (f) Compliance

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

#### (g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2025–0096, dated April 28, 2025 (EASA AD 2025–0096).

#### (h) Exceptions to EASA AD 2025–0096

(1) Where EASA AD 2025–0096 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where paragraphs (1) and (3) of EASA AD 2025–0096 specify to "inform all flight crews, and, thereafter, operate the aeroplane accordingly," this AD does not require those actions as those actions are already required by existing FAA operating regulations (see 14 CFR 91.9, 91.505, 121.137, 121.628(a)(2) and 121.628(a)(5)).

(3) Where paragraph (3) of EASA AD 2025–0096 specifies to "implement the instructions of the MMEL update, as applicable, depending on aeroplane configuration (see Note 1 of this AD), on the basis of which the operator's MEL must be amended", this AD requires replacing that text with "revise the operator's existing FAA-approved MEL by incorporating the applicable information identified in "The MMEL update" as defined in EASA AD 2024–0157".

(4) Where the service information required by EASA AD 2025–0096 specifies discarding parts, this AD requires removing those parts from service.

(5) This AD does not adopt the requirements specified in paragraph (4) of EASA AD 2025–0096.

(6) This AD does not adopt the "Remarks" section of EASA AD 2025–0096.

#### (i) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, AIR–520, Continued Operational Safety Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the Continued Operational Safety Branch, send it to the attention of the person identified in paragraph (j) of this AD and email to: [AMOC@faa.gov](mailto:AMOC@faa.gov). Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, AIR–520, Continued Operational Safety Branch, FAA; or EASA; or Airbus SAS's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC):* Except as required by paragraph (i)(2) of this AD, if any material referenced in EASA AD 2025–0096 contains paragraphs that are labeled as

RC, the instructions in RC paragraphs, including subparagraphs under an RC paragraph, must be done to comply with this AD; any paragraphs, including subparagraphs under those paragraphs, that are not identified as RC are recommended. The instructions in paragraphs, including subparagraphs under those paragraphs, not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the instructions identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to instructions identified as RC require approval of an AMOC.

#### (j) Additional Information

For more information about this AD, contact Frank Carreras, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206-231-3539; email: [Frank.Carreras@faa.gov](mailto:Frank.Carreras@faa.gov).

#### (k) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2025-0096, dated April 28, 2025.

(ii) [Reserved]

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

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195.

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

Issued on August 8, 2025.

**Lona C. Saccomando,**

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

[FR Doc. 2025-15482 Filed 8-12-25; 2:00 pm]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2025-0626; Project Identifier MCAI-2024-00713-T; Amendment 39-23102; AD 2025-16-04]

RIN 2120-AA64

#### Airworthiness Directives; Airbus SAS Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** The FAA is adopting a new airworthiness directive (AD) for all Airbus SAS Model A318, A319, A320, and A321 series airplanes. This AD was prompted by a heavy maintenance check that found elongation on the upper section of the vertical member's assembly at the frame (FR) 24A cargo panel sub-structure. This AD requires a check for certain repairs, and as applicable, repetitive detailed visual inspections of the vertical member's upper part and the upper fittings at FR 24A in the forward cargo compartment and corrective actions. The FAA is issuing this AD to address the unsafe condition on these products.

**DATES:** This AD is effective September 18, 2025.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of September 18, 2025.

#### ADDRESSES:

**AD Docket:** You may examine the AD docket at [regulations.gov](http://regulations.gov) under Docket No. FAA-2025-0626; 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 Airbus material identified in this AD, contact Airbus SAS, Airworthiness Office—EIAS, Rond-Point Emile Dewoitine No. 2, 31700 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email [account.airworth-eas@airbus.com](mailto:account.airworth-eas@airbus.com); website [airbus.com](http://airbus.com).

- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South

216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195. It is also available at [regulations.gov](http://regulations.gov) under Docket No. FAA-2025-0626.

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

#### SUPPLEMENTARY INFORMATION:

##### Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Airbus SAS Model A318-111, -112, -121, and -122 airplanes; Model A319-111, -112, -113, -114, -115, -131, -132, -133, -151N, -153N, -171N, and -173N airplanes; Model A320-211, -212, -214, -216, -231, -232, -233, -251N, -252N, -253N, -271N, -272N, and -273N airplanes; Model A321-111, -112, -131, -211, -212, -213, -231, -232, -251N, -251NX, -252N, -252NX, -253N, -253NX, -253NY, -271N, -271NX, -272N, and -272NX airplanes. The NPRM was published in the **Federal Register** on April 21, 2025 (90 FR 16655). The NPRM was prompted by AD 2025-0083, dated April 14, 2025, issued by European Union Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union (EASA AD 2025-0083) (also referred to as the MCAI). The MCAI states that during heavy maintenance checks, elongation was found on the upper section of the vertical member's assembly (Y-765, Y-254, Y254, and Y765) at the FR 24A cargo panel substructure. The affected parts are the cargo bulkhead vertical member upper parts and upper fittings located at the FR 24A behind the 80VU rack.

In the NPRM, the FAA proposed to require a check for certain repairs, and as applicable, repetitive detailed visual inspections of the vertical member's upper part and the upper fittings at FR 24A in the forward cargo compartment and corrective actions. The FAA is issuing this AD to detect and correct damage of the FR 24A vertical members assembly in the forward cargo compartment. The unsafe condition, if not addressed, could lead to affected parts hitting the 80VU rack and subsequent loss of several 80VU computers, with multiple system failures or partial disconnection of systems, which could result in reduced control of the airplane.

You may examine the MCAI in the AD docket at [regulations.gov](http://regulations.gov) under Docket No. FAA-2025-0626.

**Discussion of Final Airworthiness Directive****Comments**

The FAA received a comment from The Air Line Pilots Association, International (ALPA), who supported the NPRM without change.

The FAA received additional comments from American Airlines (AA) and Delta Airlines (Delta). The following presents the comments received on the NPRM and the FAA's response to each comment.

**Request To Require Compliance With EASA AD 2025–0083**

AA and Delta requested the FAA revise paragraph (g) to comply with the requirements of EASA AD 2025–0083; in lieu of the Airbus Service Bulletin A320–25–1CFU, dated September 26, 2024, and Airbus Service Bulletin A320–25–1CFV, dated September 26, 2024. AA and Delta stated that the current reference to a specific service bulletin revision would result in operators needing to request alternative methods of compliance (AMOCs) each time a new service bulletin revision is released.

The FAA does not agree with the request. The FAA concurs that mandating the EASA AD 2025–0083 allows flexibility and that mandating the Airbus service bulletins would result in an AMOC for later revisions of the Airbus service bulletins. However, for this AD, the FAA determined that EASA AD 2025–0083 did not fully describe the corrective actions and therefore it was more appropriate to mandate the Airbus service bulletins. However, insofar as is appropriate, the FAA is committed to mandating EASA ADs as the primary source of information for compliance with corresponding FAA ADs by utilizing the “IBR the MCAI” process.

**Additional Changes Made to This AD**

The FAA has added Model A321–271NY airplanes to the applicability, as

identified in European Union Aviation Safety Agency AD 2025–0083. The FAA added Model A321–271NY airplanes to the applicability because Model A321–271NY airplanes were recently certificated by the FAA and are included on the U.S. type certificate data sheet. There are currently no Model A321–271N airplanes on the U.S. registry. The FAA has also added Model A321–271NY airplanes to paragraphs (g)(2) of this AD.

In addition, the FAA has reviewed Airbus Service Bulletin A320–25–1CFV, Revision 01, dated July 2, 2025, which adds Model A321–271NY airplanes to its effectivity and changes the threshold in compliance table from Entry Into Service (EIS) to date of manufacture. The FAA has revised the “Material Incorporated by Reference Under 1 CFR part 51” paragraph and paragraphs (g)(2), (h)(1), (h)(3) through (5), (i), and (l)(2)(iii) of this AD, to refer to Airbus Service Bulletin A320–25–1CFV, Revision 01, dated July 2, 2025. The FAA notes that for Model A319–151N, –153N, –171N, and –173N airplanes; Model A320–251N, –252N, –253N, –271N, –272N, and –273N airplanes; and Model A321–251N, –251NX, –252N, –252NX, –253N, –253NX, –253NY, –271N, –271NX, –271NY, –272N, and –272NX airplanes, either Airbus Service Bulletin A320–25–1CFV, dated September 26, 2024; or Airbus Service Bulletin A320–25–1CFV, Revision 01, dated July 2, 2025, may be used to accomplish the applicable requirements of this AD.

**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, and any other changes described previously, 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 Airbus Service Bulletin A320–25–1CFU, dated September 26, 2024; Airbus Service Bulletin A320–25–1CFV, dated September 26, 2024; and Airbus Service Bulletin A320–25–1CFV, Revision 01, dated July 2, 2025; which specify procedures for a maintenance records check for certain existing repairs, and depending on the results of the check, contacting Airbus for instructions, repetitive detailed visual inspections for damage (e.g., cracking and wear, which includes elongation of the hole) of the vertical members upper part (side, elongated hole, and guiding nuts) and repetitive detailed visual inspections for damage (e.g., cracking and wear) of the upper fittings at FR 24A in the forward cargo compartment. Depending on the detailed visual inspection results, the material also specifies corrective actions, including repairing damage, installing new or retained vertical members and new guiding nuts, and replacing damaged upper fittings with new fittings. These documents are distinct since they apply to different airplane configurations.

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

**Costs of Compliance**

The FAA estimates that this AD affects 1,938 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

**ESTIMATED COSTS FOR REQUIRED ACTIONS**

| Labor cost                               | Parts cost | Cost per product | Cost on U.S. operators |
|------------------------------------------|------------|------------------|------------------------|
| 1 work-hour × \$85 per hour = \$85 ..... | \$0        | \$85             | \$164,730              |

The FAA estimates the following costs to do any necessary on-condition actions that would be required based on

the results of any required actions. The FAA has no way of determining the

number of aircraft that might need these on-condition actions:

## ESTIMATED COSTS OF ON-CONDITION ACTIONS \*

| Labor cost                                       | Parts cost        | Cost per product |
|--------------------------------------------------|-------------------|------------------|
| Up to 8 work-hours × \$85 per hour = \$680 ..... | Up to \$614 ..... | \$1,294          |

\* Includes damage repair, installation of vertical members and guiding nuts, replacement of upper fittings with new fittings, and repetitive inspections.

The FAA has received no definitive data on which to base the cost estimates for the on-condition instructions specified in this AD.

**Authority for This Rulemaking**

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

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

**Regulatory Findings**

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

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

- (1) Is not a "significant regulatory action" under Executive Order 12866,
- (2) Will not affect intrastate aviation in Alaska, and
- (3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**List of Subjects in 14 CFR Part 39**

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

**The Amendment**

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

**PART 39—AIRWORTHINESS DIRECTIVES**

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

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

**§ 39.13 [Amended]**

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

**2025–16–04 Airbus SAS:** Amendment 39–23102; Docket No. FAA–2025–0626; Project Identifier MCAI–2024–00713–T.

**(a) Effective Date**

This airworthiness directive (AD) is effective September 18, 2025.

**(b) Affected ADs**

None.

**(c) Applicability**

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

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

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

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

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

**(d) Subject**

Air Transport Association (ATA) of America Code 25, Equipment/furnishings.

**(e) Unsafe Condition**

This AD was prompted by a heavy maintenance check that found elongation on the upper section of the vertical member's assembly at the frame (FR) 24A cargo panel sub-structure. The FAA is issuing this AD to detect and correct damage of the FR 24A vertical members assembly in the forward cargo compartment. The unsafe condition, if not addressed, could lead to affected parts hitting the 80VU rack and subsequent loss of several 80VU computers, with multiple system failures or partial disconnection of systems, which could result in reduced control of the airplane.

**(f) Compliance**

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

**(g) Requirements**

(1) For Model A318–111, –112, –121, and –122 airplanes; Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes; Model A320–211, –212, –214, –216, –231, –232, –233; and Model A321–111, –112, –131, –211, –212, –213, –231, –and 232 airplanes: Except as specified in paragraph (h) of this AD, at the applicable times specified in paragraph 1.E. Compliance of Airbus Service Bulletin A320–25–1CFU, dated September 26, 2024, do all applicable actions identified as "RC" (required for compliance) in, and in accordance with, the Accomplishment Instructions of Airbus Service Bulletin A320–25–1CFU, dated September 26, 2024.

(2) For Model A319–151N, –153N, –171N, and –173N airplanes; Model A320–251N, –252N, –253N, –271N, –272N, and –273N airplanes; and Model A321–251N, –251NX, –252N, –252NX, –253N, –253NX, –253NY, –271N, –271NX, –271NY, –272N, and –272NX airplanes: Except as specified in paragraph (h) of this AD, at the applicable times specified in paragraph 1.E. Compliance of Airbus Service Bulletin A320–25–1CFV, dated September 26, 2024, or Airbus Service Bulletin A320–25–1CFV, Revision 01, dated July 2, 2025, do all applicable actions identified as "RC" in, and in accordance with, the Accomplishment Instructions of Airbus Service Bulletin A320–25–1CFV, dated September 26, 2024, or Airbus Service Bulletin A320–25–1CFV, Revision 01, dated July 2, 2025.

**(h) Exceptions to Service Information**

(1) Where paragraph 1.E. Compliance of Airbus Service Bulletin A320–25–1CFU, dated September 26, 2024, Airbus Service Bulletin A320–25–1CFV, dated September 26, 2024, and Airbus Service Bulletin A320–25–1CFV, Revision 01, dated July 2, 2025, refer to "the effective date of the AD," this AD requires using the effective date of this AD.

(2) Where paragraph 1.E. Compliance of Airbus Service Bulletin A320–25–1CFU, dated September 26, 2024, and Airbus Service Bulletin A320–25–1CFV, dated September 26, 2024, refer to a compliance time "since aircraft entry into service (EIS)" or "since aircraft EIS", this AD requires replacing that text with "since airplane date of manufacture".

(3) Where the Conditions column of Table 2 in paragraph 1.E. Compliance of Airbus Service Bulletin A320–25–1CFU, dated September 26, 2024; Airbus Service Bulletin

A320–25–1CFV, dated September 26, 2024; and Airbus Service Bulletin A320–25–1CFV, Revision 01, dated July 2, 2025; refers to “All aircraft”, this AD requires replacing that text with “All aircraft on which the vertical member has not been repaired as per RDAF and it has not been repaired in accordance with SRM 53–21–29–300–002”.

(4) Where the Conditions column of Table 3 in paragraph 1.E. Compliance of Airbus Service Bulletin A320–25–1CFU, dated September 26, 2024; Airbus Service Bulletin A320–25–1CFV, dated September 26, 2024; and Airbus Service Bulletin A320–25–1CFV, Revision 01, dated July 2, 2025; refers to “All aircraft”, this AD requires replacing that text with “All aircraft on which the upper fitting has not been repaired in accordance with SRM 53–21–29–283–003”.

(5) Where paragraph 1.E. Compliance and the Accomplishment Instructions of Airbus Service Bulletin A320–25–1CFU, dated September 26, 2024; Airbus Service Bulletin A320–25–1CFV, dated September 26, 2024; and Airbus Service Bulletin A320–25–1CFV, Revision 01, dated July 2, 2025; specify “should be replaced”, this AD requires replacing that text with “must be replaced”.

#### (i) No Reporting Requirement

Although Airbus Service Bulletin A320–25–1CFU, dated September 26, 2024; Airbus Service Bulletin A320–25–1CFV, dated September 26, 2024; and Airbus Service Bulletin A320–25–1CFV, Revision 01, dated July 2, 2025; specify to submit certain information to the manufacturer, this AD does not include that requirement.

#### (j) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs)*: The Manager, AIR–520, Continued Operational Safety Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the Manager, AIR–520, Continued Operational Safety Branch, send it to the attention of the person identified in paragraph (k) of this AD and email to: [AMOC@faa.gov](mailto:AMOC@faa.gov). Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer*: For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, AIR–520, Continued Operational Safety Branch, FAA; or the European Union Aviation Safety Agency (EASA); or Airbus SAS’s EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC)*: Except as required by paragraph (j)(2) of this AD, if any material contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD;

any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator’s maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

#### (k) Additional Information

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

#### (l) Material Incorporated by Reference

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

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

(i) Airbus Service Bulletin A320–25–1CFU, dated September 26, 2024.

(ii) Airbus Service Bulletin A320–25–1CFV, dated September 26, 2024.

(iii) Airbus Service Bulletin A320–25–1CFV, Revision 01, dated July 2, 2025.

(3) For Airbus material identified in this AD, contact Airbus SAS, Airworthiness Office—EIAS, Rond-Point Emile Dewoitine No: 2, 31700 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email [account.airworth-eas@airbus.com](mailto:account.airworth-eas@airbus.com); website [airbus.com](http://airbus.com).

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

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

Issued on July 31, 2025.

**Peter A. White,**

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

[FR Doc. 2025–15480 Filed 8–13–25; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA–2025–0908; Project Identifier MCAI–2025–00035–T; Amendment 39–23105; AD 2025–16–07]

RIN 2120–AA64

#### Airworthiness Directives; Bombardier, Inc., Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** The FAA is adopting a new airworthiness directive (AD) for certain Bombardier, Inc., Model BD–700–1A10 airplanes. This AD was prompted by a report indicating that the clearance between therapeutic flexible oxygen hoses and electrical harnesses may be non-compliant to design requirements, and that positive separation mechanisms and appropriate protective barriers may not have been installed in accordance with the applicable installation standards. This AD requires a detailed inspection of the therapeutic flexible oxygen hose for damage and protection, and the electrical harnesses for damage; a detailed inspection for the clearance between the therapeutic oxygen rigid tube to oxygen hose elbow fitting (also referred to as elbow fitting), if applicable, and the nearest electrical harness, and between the therapeutic flexible oxygen hose and electrical harness; and applicable related investigative and corrective actions. The FAA is issuing this AD to address the unsafe condition on these products.

**DATES:** This AD is effective September 18, 2025.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of September 18, 2025.

#### ADDRESSES:

**AD Docket:** You may examine the AD docket at [regulations.gov](http://regulations.gov) under Docket No. FAA–2025–0908; 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 Bombardier material identified in this AD, contact Bombardier Business

Aircraft Customer Response Center, 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514-855-2999; email [ac.yul@aero.bombardier.com](mailto:ac.yul@aero.bombardier.com); website [bombardier.com](http://bombardier.com).

• You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195. It is also available at [regulations.gov](http://regulations.gov) under Docket No. FAA-2025-0908.

**FOR FURTHER INFORMATION CONTACT:** Brenda L. Buitrago, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516-228-7300; email: [9-avs-nyaco-cos@faa.gov](mailto:9-avs-nyaco-cos@faa.gov).

**SUPPLEMENTARY INFORMATION:**

**Background**

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Bombardier, Inc., Model BD-700-1A10 airplanes. The NPRM was published in the **Federal Register** on May 20, 2025 (90 FR 21437). The NPRM was prompted by AD CF-2025-02, dated January 14, 2025, issued by Transport Canada, which is the aviation authority for Canada (Transport Canada AD CF-2025-02) (also referred to as the MCAI). The MCAI states that Bombardier, Inc., has discovered the clearance between therapeutic flexible oxygen hoses and electrical harnesses may be noncompliant to design requirements, and that the positive separation mechanisms and appropriate protective barriers may not have been installed in accordance with the applicable installation standards. The MCAI also states that instances of hard fouling have been observed on the production line, which could lead to damage to the electrical harness and subsequent latent failure of the firewall hydraulic shutoff valve. This condition could result in the inability to control a powerplant fire in the presence of a hydraulic fluid leak.

In the NPRM, the FAA proposed to require a detailed inspection of the therapeutic flexible oxygen hose for damage and protection, and the electrical harnesses for damage; a

detailed inspection for the clearance between the therapeutic oxygen rigid tube to oxygen hose elbow fitting (also referred to as elbow fitting), if applicable, and the nearest electrical harness, and between the therapeutic flexible oxygen hose and electrical harness; and applicable related investigative and corrective actions. The FAA is issuing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at [regulations.gov](http://regulations.gov) under Docket No. FAA-2025-0908.

**Discussion of Final Airworthiness Directive**

**Comments**

The FAA received no comments on the NPRM or on the determination of the cost to the public.

**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 Bombardier Service Bulletin 700-35-016, Bombardier Service Bulletin 700-35-6006, and Bombardier Service Bulletin 700-35-6503, all dated June 12, 2024. This material specifies procedures for accomplishing the following actions near fuselage station (FS) 530 right-hand side (RHS) and FS 650.00 RHS and applicable related investigative and corrective actions, including:

- A detailed inspection to determine the gap between the clocking angle of the therapeutic oxygen rigid tube to

oxygen hose elbow fitting, if equipped, and the nearest electrical harness.

- A detailed inspection for damage (*i.e.*, crushing, fraying, or permanent deformation) to the therapeutic flexible oxygen hose, part number (P/N) 38911-5-0250, and to determine if protection (*i.e.*, split convolox shroud, P/N HCTE0437-0-SP or similar, or spiral wrap, P/N TSW ¼ or similar) is installed on the therapeutic flexible oxygen hose.

- A detailed inspection of the electrical harnesses surrounding the therapeutic flexible oxygen hose for damage (*i.e.*, damaged wire sheathing or cut or nicked wires).

The applicable corrective actions include the following:

- If the gap between the clocking angle of the therapeutic oxygen rigid tube to oxygen hose elbow fitting and nearest harness is less than 0.5 inch, adjust the elbow fitting to ensure the maximum possible clearance between the fitting and nearest harness.
- If the clearance between the wiring harness and oxygen hose is less than 0.5 inch, install a Teflon cable wrap or Nomex sleeving on the wiring harness.
- Replacing any damaged therapeutic flexible oxygen hose with a new hose.
- Installing a split convolox shroud (P/N HCTE0437-0-SP) on the therapeutic flexible oxygen hose, if the protection is missing.
- Repairing any damaged electrical harnesses surrounding the therapeutic flexible oxygen hose.

The related investigative actions are leak and operational tests of the therapeutic oxygen system if any parts are repaired or replaced.

These documents are distinct since they apply to different airplane configurations.

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

**Costs of Compliance**

The FAA estimates that this AD affects 317 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

**ESTIMATED COSTS FOR REQUIRED ACTIONS**

| Labor cost                                  | Parts cost | Cost per product | Cost on U.S. operators |
|---------------------------------------------|------------|------------------|------------------------|
| 10 work-hours × \$85 per hour = \$850 ..... | \$0        | \$850            | \$269,450              |

The FAA has received no definitive data on which to base the cost estimates

for the on-condition actions specified in this AD.

The FAA has included all known costs in its cost estimate. According to

the manufacturer, however, some or all of the costs of this 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

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

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

- (1) Is not a "significant regulatory action" under Executive Order 12866,
- (2) Will not affect intrastate aviation in Alaska, and
- (3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 39

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

#### The Amendment

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

### PART 39—AIRWORTHINESS DIRECTIVES

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

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

#### § 39.13 [Amended]

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

**2025–16–07 Bombardier, Inc.:** Amendment 39–23105; Docket No. FAA–2025–0908; Project Identifier MCAI–2025–00035–T.

##### (a) Effective Date

This airworthiness directive (AD) is effective September 18, 2025.

##### (b) Affected ADs

None.

##### (c) Applicability

This AD applies to Bombardier, Inc., Model BD–700–1A10 airplanes, certificated in any category, as identified in Bombardier Service Bulletin 700–35–016, dated June 12, 2024; Bombardier Service Bulletin 700–35–6006, dated June 12, 2024; and Bombardier Service Bulletin 700–35–6503, dated June 12, 2024.

##### (d) Subject

Air Transport Association (ATA) of America Code 35, Oxygen.

##### (e) Unsafe Condition

This AD was prompted by a report indicating that the clearance between therapeutic flexible oxygen hoses and electrical harnesses may be non-compliant to design requirements, and that positive separation mechanisms and appropriate protective barriers may not have been installed in accordance with the applicable installation standards. The FAA is issuing this AD to prevent damage to the electrical harness for the therapeutic flexible oxygen hose and subsequent latent failure of the firewall hydraulic shutoff valve. The unsafe condition, if not addressed, could result in the inability to control a powerplant fire in the presence of a hydraulic fluid leak.

##### (f) Compliance

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

##### (g) Detailed Inspections and Related Investigative and Corrective Actions

Within 10 years after the effective date of this AD, do all the actions specified in paragraphs (g)(1) through (4) of this AD, and do all the applicable related investigative and corrective actions before further flight, in accordance with sections 2.B and 2.C of the Accomplishment Instructions of Bombardier Service Bulletin 700–35–016, Bombardier Service Bulletin 700–35–6006, and Bombardier Service Bulletin 700–35–6503, all dated June 12, 2024, as applicable.

(1) Do a detailed inspection to determine the gap between the clocking angle of the therapeutic oxygen rigid tube to oxygen hose elbow fitting, if equipped, and the nearest electrical harness.

(2) Do a detailed inspection of the therapeutic flexible oxygen hose, part number (P/N) 38911–5–0250, for damage and to determine if protection is installed on the hose.

(3) Do a detailed inspection of the electrical harnesses surrounding the therapeutic flexible oxygen hose for damage.

(4) Do a detailed inspection to determine the clearance between the electrical harnesses and therapeutic flexible oxygen hose.

##### (h) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (i) of this AD and email to: [AMOC@faa.gov](mailto:AMOC@faa.gov). Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, International Validation Branch, FAA; or Transport Canada; or Bombardier, Inc.'s Transport Canada Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

##### (i) Additional Information

For more information about this AD, contact Brenda L. Buitrago, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228–7300; email: [9-avs-nyaco-cos@faa.gov](mailto:9-avs-nyaco-cos@faa.gov).

##### (j) Material Incorporated by Reference

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

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

(i) Bombardier Service Bulletin 700–35–016, dated June 12, 2024.

(ii) Bombardier Service Bulletin 700–35–6006, dated June 12, 2024.

(iii) Bombardier Service Bulletin 700–35–6503, dated June 12, 2024.

(3) For Bombardier material identified in this AD, contact Bombardier Business Aircraft Customer Response Center, 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–2999; email [ac.yul@aero.bombardier.com](mailto:ac.yul@aero.bombardier.com); website [bombardier.com](http://bombardier.com).

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

(5) You may view this material at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA,

visit [www.archives.gov/federal-register/cfr/ibr-locations](http://www.archives.gov/federal-register/cfr/ibr-locations) or email [fr.inspection@nara.gov](mailto:fr.inspection@nara.gov).

Issued on August 1, 2025.

**Steven W. Thompson,**

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

[FR Doc. 2025–15481 Filed 8–13–25; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF COMMERCE

### Census Bureau

#### 15 CFR Part 30

[Docket No: 250808–0135]

RIN 0607–AA62

#### **Foreign Trade Regulations (FTR): Clarification of Filing Requirements Regarding In-Transit Shipments and Other FTR Provisions**

**AGENCY:** Census Bureau, Department of Commerce.

**ACTION:** Final rule.

**SUMMARY:** The Bureau of the Census (Census Bureau) issues this final rule to clarify its regulations governing in-transit shipments from foreign countries through the United States that are subsequently exported to a foreign destination. Specifically, the final rule addresses the identification of the U.S. Principal Party in Interest (USPPI) in scenarios where goods are entered into the United States for consumption or warehousing and subsequently stored in a warehouse or storage facility, admitted into a Foreign Trade Zone (FTZ), or entered into a bonded warehouse before being exported. The rule establishes clear guidelines for different parties involved in export transactions. For customs brokers serving as the USPPI, the regulation notes obtaining client consent to provide customs entry information for Electronic Export Information (EEI) filing is required per customs regulations. Similarly, when a warehouse, storage facility, FTZ, or bonded warehouse operator acts as the USPPI, they are responsible for the EEI based on information they possess or have received from other parties to the export transaction. Additionally, this final rule revises several regulatory sections, including definitions, mandatory filing requirements, responsibilities of parties to the export transaction, confidentiality protocols, penalty provisions, and voluntary self-disclosure processes to ensure greater clarity, accuracy, and consistency throughout the FTR.

**DATES:** This final rule is effective September 15, 2025.

**FOR FURTHER INFORMATION CONTACT:** Epa Uwimana, Chief, Economic Management Division, Census Bureau, 4600 Silver Hill Road, Washington, DC 20233–6010 by email at [gtmd.ftrnotices@census.gov](mailto:gtmd.ftrnotices@census.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

The Census Bureau, as delegated by the Secretary of Commerce, is responsible for collecting, compiling, and publishing import and export trade statistics for the United States under the provisions of Title 13, United States Code (U.S.C.), Chapter 9, Section 301(a). Under 13 U.S.C. 302, the Secretary of Commerce is authorized to promulgate regulations necessary or proper to carry out the purposes of and prevent the circumvention of the requirements of Chapter 9 of Title 13. The Secretary also may promulgate regulations covering the confidentiality, publication, and disclosure of information collected under Chapter 9. The Secretary developed the Automated Export System (AES), consistent with Public Law 106–113 and considering the confidentiality requirements of Chapter 9 of Title 13, to collect EEI in concert with the export control and enforcement functions of U.S. Customs and Border Protection (CBP) of the Department of Homeland Security, the Bureau of Industry and Security (BIS) of the Department of Commerce, and the Directorate of Defense Trade Controls (DDTC) of the Department of State.

Public Law 107–228 directed the Secretary to publish regulations requiring exporters to file Shippers' Export Declarations, now referenced as EEI, in the AES. As a result, the Census Bureau is responsible for publishing the FTR that set the export reporting requirements for preparing and filing the EEI in the AES. The EEI is made up of mandatory, conditional, and optional data elements.

Under the aforementioned authorities, the Census Bureau is publishing this final rule.

The Census Bureau has experienced an increase in the number of inquiries regarding in-transit movements and as a result, the USPPI scenarios defined in the FTR have been amended. Specifically, one scenario was added, and two existing scenarios were revised to add clarity.

One of the objectives of this final rule is to revise the FTR to define which party is the USPPI when goods are entered into the United States for consumption or warehousing then

stored in a warehouse or storage facility, admitted into an FTZ, or entered into a bonded warehouse before exportation. When these movements occur prior to exportation, the USPPI may be one of the following: a customs broker, or an operator of the warehouse, storage facility, FTZ, or bonded warehouse. When the customs broker is the USPPI and supports the preparation or filing of the EEI with information from the import entry, the customs broker must have consent from the importer of record to disclose confidential information to third parties. When a warehouse, storage facility, FTZ or bonded warehouse operator is the USPPI, they are responsible for the EEI based on information they have or have received from other parties to the export transaction.

The Census Bureau is clarifying the language of the existing mandatory EEI filing requirements for exports subject to the Drug Enforcement Administration regulations. The Census Bureau also is revising the list of information that a USPPI and an authorized agent provide in a routed export transaction. The Census Bureau is also clarifying the filing requirements related to specific data elements and the language regarding AES downtime, confidentiality, penalties, and Voluntary Self-Disclosures. Additionally, the Census Bureau is adding one definition, removing one definition, and revising nineteen other definitions in order to ensure the continued collection of complete, accurate and timely trade statistics. Finally, the Census Bureau is making grammatical and style changes in the FTR. Further background discussing need for this regulation is contained in the proposed rule, 89 FR 86762 (Oct. 31, 2024), and is not repeated here.

The U.S. Department of Homeland Security and the U.S. Department of State concur with the revisions to the FTR as required by Title 13, U.S.C., Section 303, and Public Law 107–228, div. B, title XIV, Section 1404.

#### **Response to Comments**

The Census Bureau received 11 letters and emails commenting on the proposed rule. A summary of the comments and the Census Bureau's responses are provided below.

1. *Provide resources and training materials to assist with compliance with the FTR.* One commenter suggested adding clarity and reducing confusion by providing a consent form template for customs brokers to use to obtain client authorization, examples of U.S. Principal Party in Interest (USPPI) scenarios, a glossary of definitions,

guidance on the methods for EEI filing and how a user transitions between those methods, and a detailed user guide or tutorial video to assist with the complex details of the data elements in § 30.6. The Census Bureau currently has resources and training materials available to assist with educating the trade community of the requirements including a glossary of terms in § 30.1(c), a Frequently Asked Questions (FAQ) document that can be amended to add USPPI scenarios, and user guide and video tutorials to address filing in the AES. Additionally, the Census Bureau maintains an International Trade Call Center at 1-800-549-0595 to assist with more complex scenarios. However, the Census Bureau cannot provide a consent form template because the requirement to obtain consent is set by CBP, per 19 CFR 111.24.

2. *Amend § 30.1(c) Definitions to ensure clarity.* Several commenters suggested the following revisions to the definitions.

(a) Cross reference the definition of “USPPI” with the scenarios for a USPPI listed at § 30.3(b)(2). The Census Bureau agrees and made this change.

(b) Amend the “Ultimate Consignee” definition to: include that it is the party who ultimately receives the goods, as known at the time of export; amend the reference to the forwarding agent to foreign forwarding agent; and amend the term intermediary. The Census Bureau agrees and made this change.

(c) Amend the definition of “Buyer (purchaser)” to state that the goods are purchased from the U.S. Seller. The Census Bureau agrees and made this change.

(d) Amend the definition of “Order Party” to be consistent with § 30.2(b)(2)(iii) where the USPPI scenario of an order party is described. The Census Bureau agrees and changed the definition to reference § 30.2(b)(2)(iii) to ensure consistency with the USPPI scenario for an order party.

(e) Amend the definition of “Filer” to state that the authorized agent or USPPI is authorized to submit the EEI. This will help clarify that a USPPI must be authorized in a routed export transaction to file. The Census Bureau agrees with amending the definition of Filer; however, we expect to address this in a future routed rule, which will involve additional coordination between the Bureau of Industry and Security and the Census Bureau to ensure consistency between the Export Administration Regulations and FTR.

(f) Define the terms “Warehouse” and “Storage Facility” and the distinction between the two terms.

“Warehouse” and “Storage Facility” are commonly understood terms. While adding definitions could help distinguish between them, the Census Bureau has concluded that such definitions are unnecessary since these terms are used in their ordinary, plain meaning within this context.

*Amend § 30.2(d)(1) to clarify that admissions into bonded warehouse/facilities and in-bond movements are not impacted by the proposal.* One commenter was concerned that the proposed change to § 30.2(d)(1) may impact their use of the exclusion in that subsection. The Census Bureau’s revised language to § 30.2(d)(1) does not impact the use of this exclusion, which remains solely for goods originating from a foreign country that move in-transit through the United States and are subsequently exported and are not entered into the commerce of the United States for consumption or warehousing. An existing FAQ addresses such shipments to provide additional clarity.

*Amend § 30.3(b)(2) Parties to the Export Transaction, USPPI to ensure clarity.* One commenter suggested removing the new proposed scenarios. Several commenters suggested revising the language in this section to be more precise as follows.

(a) Amend § 30.3(b)(2) to add that a USPPI must be aware that its Employer Identification Number (EIN) is being reported by an authorized agent prior to the filing of an EEI. In response to this concern the Census Bureau revised a note to § 30.3(e)(2) indicating that the authorized agent should not report information without first obtaining it from the USPPI directly and the parties to the export transaction should have continuous communication.

(b) Amend § 30.3(b)(2) to include a new USPPI scenario of U.S. Entity with Legal Authority to be consistent with the EAR’s definition of exporter. Based on outreach and communication with stakeholders and our needs as a statistical agency, the Census Bureau has determined that the proposed language remains appropriate, the new and existing USPPI scenarios are sufficient, and the addition of a U.S. Entity with Legal Authority is not necessary.

(c) Amend § 30.3(b)(2)(i), (ii), or (iii) to include the term “or other foreign party” following “FPPI” and replace FPPI with “foreign person.” The Census Bureau determined that the proposed language remains appropriate. When the USPPI sells goods directly to a foreign person, that person is the FPPI by definition. The Census Bureau will not replace “FPPI” with “foreign person” because the actions and roles of a

“foreign person” would have to be consistently defined in the context of the subsection, which is unnecessary when FPPI is a specific term defined in the FTR to be used throughout the regulations in scenarios like this.

(d) Amend the note to § 30.3(b)(2)(iv) by simplifying the language pertaining to the responsibility of a customs broker to obtain consent from its client. The Census Bureau agrees and made this change.

(e) Amend § 30.3(b)(2)(v) by expanding the text to include a bonded warehouse in addition to an FTZ. The Census Bureau determined that the proposed language remains appropriate. This scenario was added to be specific to FTZs. Bonded warehouses are separately covered by § 30.3(b)(2)(iv).

(f) Amend § 30.3(b)(2)(v) to ensure the definition of an FTZ operator is consistent with CBP’s regulations. Additionally, clarify that the USPPI may not always be the exporter as defined in the Export Administration Regulations (EAR). The Census Bureau has made the change to ensure the definition of an FTZ operator is consistent with CBP’s regulations. However, the Census Bureau did not incorporate the reference to the EAR as recommended because the reference is already incorporated into the Note to § 30.3.

(g) Amend § 30.3(b)(2)(v) by changing “shall” to “may” so the operator may opt out of being the USPPI. The Census Bureau disagrees with changing “shall” to “may” because operators do not have the flexibility to decline to be the USPPI. Instead, the Census Bureau edited § 30.2(b)(iv) to allow the customs broker to retain the role and responsibilities of the USPPI if they choose to do so.

(h) Remove the additional USPPI scenarios added to § 30.3(b)(2) because the proposal will make arranging routed export transactions more difficult, protracted, tedious, and frustrating. The Census Bureau has determined that the proposed language remains appropriate, in part because the proposed revisions were broadly supported by other public comments.

(i) Amend the Automated Commercial Environment (ACE) authorization check when the customs broker acts as the USPPI. The Census Bureau has determined this comment is outside the scope of this rule.

*Amend § 30.3(b) to include a statement that the USPPI will reasonably rely on information provided by other parties who have actual knowledge of the goods.* Five commenters stated the USPPIs in the new scenarios may not have complete knowledge of the goods, including the

export control requirements. Two commenters also requested that the Census Bureau amend its civil penalty provisions in Subpart H by acknowledging that the USPPi relies on other parties who have the actual knowledge of the merchandise being exported. The Census Bureau agrees that the new parties listed in the USPPi scenarios under § 30.3(b)(2) may not always have all the information available to comply with the FTR. Therefore, the Census Bureau amended § 30.3(c)(1)(i) to clarify that the USPPi may receive the information from other parties to the export transaction. The Census Bureau will continue to work with the CBP on their EEI penalty mitigation guidelines.

6. *Amend the FTR by making changes to the routed export transaction provisions in § 30.3(e).* Several commenters stated that the Census Bureau was missing an opportunity to make changes to the routed export transaction definition and requirements. The Census Bureau agrees that changes to the FTR related to routed export transactions are needed. The Census Bureau and the BIS are working in partnership to update the FTR and EAR and will address the routed and standard export transaction requirements in their respective rules. Both the Census Bureau and the BIS must publish their respective rules concurrently because the FTR addresses the filing requirements related to routed export transactions while the EAR addresses the export control and licensing requirements.

7. *Amend § 30.3(e)(2) by removing the term “exactly.”* Two commenters suggested the removal of this term because the USPPi may not “exactly” provide terms in the reporting instructions, such as codes in the AES appendices and the value, which may not include insurance and freight. The Census Bureau disagrees. The term “exactly” was added to prevent an authorized agent from reporting different information on the EEI than the information on the reporting instructions. To address the concern that the USPPis may not have complete information, the Census Bureau included a note to § 30.3(e)(2) that states the authorized agent and parties to the export transaction should have continuous communication to ensure the reporting of accurate, complete, and timely information.

8. *Amend § 30.6(a)(3) and (b)(2) by removing the proposed changes to the ultimate consignee and intermediate consignee data elements, respectively.* One commenter suggested that if the Census Bureau is attempting to capture

the end user, it should create an end user field. The Census Bureau disagrees, and notes the changes better clarify that an ultimate consignee may be an end user if the information is known at the time of exportation. Statistically, the Census Bureau receives what it needs in the ultimate consignee field and does not need to contemplate the addition of a new data element.

Another commenter suggested leaving in the language referring to consistency with the export licenses in the ultimate and intermediate consignee descriptions in § 30.6(a)(3) and (b)(2), respectively. The Census Bureau disagrees. The rule removes references to the export license because there are certain scenarios where the end user on the license is known at the time of export and the ultimate consignee and intermediate consignee reported on the EEI may be the end user and ultimate consignee on the license, respectively.

9. *Amend the FTR by eliminating the state of origin data element in § 30.6(a)(4).* Two commenters suggested the removal of the state of origin as a data element because it is duplicative of the state code in the USPPi address under § 30.6(a)(1)(ii). The Census Bureau agrees that the data element is duplicative but has taken steps to first research the impact of the removal of state of origin and ensure data is being reported accurately rather than removing it at this time. Similar comments were first provided in the 2019 Office of Management and Budget (OMB) clearance package and as a result, the Census Bureau implemented a series of AES response messages. We continue to research how the elimination of the state of origin, if implemented, will impact statistical releases and our data users.

10. *Amend the Automated Export System Trade Interface Requirements (AESTIR) to expand the commodity description (referenced in § 30.6(a)(13)) from its current limitation of 45 characters.* One commenter suggested that the length of the commodity description field is too short. The Census Bureau held previous discussions with the trade community and CBP where it was determined that major reprogramming of the AES Commodity Record Format in the AESTIR would be required to provide more space in this field. We will keep a record of this comment for potential future research.

11. *Amend § 30.6(b)(13) by removing the requirement to use the entry number and Foreign Trade Zone Admission Number to link the export to the import for the purpose of collecting the country of origin.* One commenter noted that if

the entry number is collected, the information should be used to support automatic drawback claims, which would be a tangible benefit to exporters. However, several commenters stated that there are costs and operational challenges, such as software system limitations, to identifying a one-to-one relationship between the admission of goods to an FTZ and the entire shipment of goods exported. Additionally, commentors stated that the trade community involved in FTZ warehousing lack the information technology systems to comply with the proposal. These commenters added that obtaining the country of origin from an entry number at the shipment level of the export may result in inaccurate data. Some commenters suggested the Census Bureau instead require a country of origin data element and allow the trade ample time to absorb this change, which the Census Bureau initially presented in a proposed rule published December 2021 (86 FR 71187 (Dec. 15, 2021)). At that time, commenters suggested that the Census Bureau research how to make linkages with the data it already collects for import rather than add a country of origin data element, which the agency did. That examination led to the proposal to use entry number to obtain the country of origin from the import data. However, the Census Bureau agrees with commenters on this proposed rule that filers would face challenges to reporting the entry number as proposed and critical data could be missed. Additionally, the Census Bureau changed the requirements for entry number to clarify what must be reported for each in-bond type code.

Furthermore, the Census Bureau agrees with commentors who recommended the collection of the country of origin data element in place of the entry number. Based on the comments received, the Census Bureau has determined it will collect country of origin, but will issue a future rule related to the implementation of it.

12. *Amend § 30.10(a) by revising the note to include examples of “official purposes.”* One commenter suggested that since the phrase “non-official purposes” is used in the note to § 30.10(a), the Census Bureau should also provide examples of “official purposes.” The Census Bureau has changed the proposed language to remove “non-official purpose” in the note to § 30.10(a) because a foreign person may never have the EEI for any purpose.

13. *Amend the FTR by implementing a new Export Information Code (EIC) for exports originating from in-transit*

*movements*. One commenter suggested developing a new process where the filer reports a new EIC for in-transit movements originating from a foreign country where certain data elements are not required, such as the USPPI name. The Census Bureau disagrees. The USPPI name is a mandatory data element required for statistical purposes by the Census Bureau and export enforcement purposes by other federal agencies to fulfill their respective statutory requirements.

14. *Amend Appendix C table to clarify the responsible party for reporting the EEI data elements for routed export transactions.* Several commenters suggested amendments to the title and content of Appendix C to provide references to the AESTIR. Additionally, commenters requested that (1) the responsibility for providing the ultimate consignee type be assigned to the USPPI and (2) the Kimberley Process Certificate (KPC) and filing option indicator be removed from the required EEI data elements for routed export trade. The Census Bureau agrees and changed the table in Appendix C to remove KPC. However, for the ultimate consignee type, filing option indicator, and references to the AESTIR, the Census Bureau did not make the requested changes. Regarding the ultimate consignee type and filing option indicator, the authorized agent is in the best position to provide the primary business function of the ultimate consignee and whether it is filing predeparture or postdeparture. References to the AESTIR were not added because CBP maintains the AESTIR, which would require the Census Bureau to make regulatory updates anytime the AESTIR is changed.

15. *Clarify that the proposed changes could increase compliance burden and cost.* One commenter stated that businesses handling specific types of goods including perishable goods, pharmaceuticals, high-value electronics, and hazardous materials would be burdened by these proposed requirements because of the delay in export clearance. The Census Bureau believes that the proposed changes add more clarity and practical solutions to existing provisions, which reduces ambiguity and, therefore, filing time and errors that delay export clearance.

16. *Other Comments in Support of the Proposed Rule.*

(a) One commenter supported the proposed designation of a customs broker or storage facility as the USPPI when goods are previously imported and stored in a warehouse, asserting that doing so would streamline the

export process and ensure clarity in determining the responsible party.

(b) One commenter supported adding additional data elements accessible by the USPPI in routed export transactions and listed in Appendix C. Adding more data elements visible to the USPPI enables identification and monitoring of orders effectively, ensures oversight of shipments, and leads to improved compliance and operational efficiency.

(c) One commenter supported ACE account deactivation for AES filers who remain unresponsive to requests for updating or correcting EEI or responding to inquiries from the federal government. The commenter added that it is essential to give filers ample opportunity to rectify the situation before deactivation occurs.

#### Changes From the Proposed Rule

After consideration of the comments received, the Census Bureau revised, removed, or added certain provisions in the Final Rule to address the concerns of commenters and to clarify the requirements of the rule as discussed in the section “Response to Comments” above. Additional changes made in this Final Rule are as follows:

- Section 30.1(c) is amended to revise the definitions for “Buyer (purchaser)”, “Country of ultimate destination”, “Export statistics”, “Foreign goods”, “Foreign port of unloading”, “Forwarding agent”, “Intermediate consignee”, “Order party”, “Ultimate consignee”, and “U.S. Principal Party in Interest (USPPI)”.

- Section 30.2(a)(2) is amended by removing a space between AES and *Direct* and closing the parentheses after *cbp.gov*.

- Section 30.2(d)(5) is amended to revise the exclusion for exports where the country of destination is the United States and exports to international waters where the goods are controlled by a United States entity.

- Section 30.3 is amended to remove the description of a standard export transaction because this term is expected to be added in a future proposed rule including standard and routed export transactions.

- Section 30.3(a) is amended to separate the first requirement from the title.

- Section 30.3(a)(3) is amended by adding a comma after “accurate” in the first sentence.

- Section 30.3(b)(2)(iv) is amended to clarify that a customs broker may be the USPPI after thirty (30) calendar days of import if they choose to be.

- The Note to Section 30.3(b)(2)(iv) is amended to simplify the language that a customs broker must have consent

from the importer of record to disclose confidential information to third parties.

- Section 30.3(b)(2)(v) is amended to refer to CBP’s definition of an “operator” as defined in 19 CFR 146.1 for the purposes of identifying an FTZ operator.

- Section 30.3(c)(1)(i) is amended to clarify that the information that a USPPI is responsible for is based on information that the USPPI has or has received from other parties to the export transaction.

- Section 30.3(e)(1) is amended to clarify that the USPPI provides the agent with information based on information the USPPI has or has received from other parties to the export transaction.

- The Note to Section 30.3(e)(1) is revised to reference 15 CFR 758.3 of the Export Administration Regulations to determine the responsibility of export control data elements in Appendix C when the FPPI has assumed export control responsibilities.

- Section 30.3(e)(2) is amended by adding a comma after “accurate.”

- The Note to Section 30.3(e)(2) was revised to clarify that an authorized agent should not report information that is the responsibility of the USPPI without obtaining it from the USPPI directly, and to clarify that continuous communication between the authorized agent and other parties to the export transaction is necessary to ensure accurate, complete and timely reporting.

- Section 30.4(f)(1) is amended to add a reference to publicly available information on the AES filing methods, and to reference § 30.5(f) for support during downtime.

- Section 30.5(d)(2) is amended to change “Title 13” to “EEI” to specify that the integrity and confidentiality requirements relate to the EEI rather than Title 13 more broadly.

- Section 30.5(f) is amended to update contact information.

- Section 30.6(a)(11) is amended to add a section symbol before § 30.1(c).

- Section 30.6(b)(2) is amended to add “foreign” to clarify that the intermediate consignee is a foreign forwarding agent or other person and to clarify the intermediate consignee takes physical possession.

- Section 30.6(b)(4) is amended to add “ultimate” to be consistent with the term “country of ultimate destination” as defined in § 30.1(c).

- Section 30.6(b)(5) is amended to provide a reference to the Kimberley Process Certificate requirements.

- Section 30.6(b)(13) is amended to clarify that the entry number is required when goods of foreign origin enter into the U.S. for warehousing (entered into a

bonded warehouse) or are admitted into a FTZ.

- Section 30.6(b)(17) is removed because the Kimberley Process Certificate is already included in § 30.6(b)(5), Export license number/CFR citation/KPC number.

- Section 30.8 is amended to better clarify that proof of filing, postdeparture, and downtime require presentation of citations and an exclusion or exemption involves legends.

- The Note to Section 30.10(a) is amended to remove “for nonofficial purposes” and replace with the specific nonofficial purpose “to a foreign person or foreign government”.

- Section 30.26(b) is amended to add “ultimate” to be consistent with the term “country of ultimate destination” as defined in § 30.1(c).

- Section 30.29(a)(1) and (2) is amended to clarify what the value reported must include.

- Section 30.36(b) is amended to remove redundant references to the mandatory filing requirements, which were already identified in § 30.36(a).

- FTR Appendix C to Part 30 is amended to revise the title to Party Responsibilities for Data Elements in Routed Export Transactions and remove the Kimberley Process Certificate from the responsibility of the USPPPI because this data element is already included in § 30.6(b)(5), Export license number/CFR citation/KPC number.

#### Revisions Unchanged From the Proposed Rule

In addition to the above changes, this final rule amends relevant sections of the FTR to comply with the requirements of the Foreign Relations Act, Public Law 107–228 consistent with the changes set forth in the proposed rule:

- Revise § 30.1(c) by amending the definitions for “Commerce Control List (CCL)”, “End user”, “Filer”, “Foreign Principal Party in Interest (FPPI)”, “Person”, “Seller”, “Shipment”, “Shipping documents”, and “Voluntary Self-Disclosure (VSD)”. Additionally, add the definition for “Conveyance” and remove the definition for “Consignee”.

- Revise § 30.2(a)(1)(iv)(D) by amending the Drug Enforcement Administration’s authorization to require EEI filing in the AES for all licenses and permits under 21 CFR 1300 through 1399.

- Revise § 30.2(d)(1) by amending the language to clarify that EEI filing is excluded when goods are moving in-transit through the United States, Puerto Rico, or the U.S. Virgin Islands from one

country or area to another where such goods do not enter the United States for consumption or warehousing.

- Revise § 30.2(d)(4) by removing the reference to the exemption in § 30.39 as the exclusion overrides the exemption.

- Revise § 30.3 by adding introductory text that states international commercial terms, terms of sale, and industry or other agreements do not determine the type of or parties to the export transaction.

- Revise § 30.3(a) by replacing “General requirements” with “General filer requirements” and to include specific subparagraphs designated as (a)(1) that the filer is a USPPPI or authorized agent, (a)(2) that the filer must be located physically in the United States when filing the EEI, and (a)(3) that the EEI must be filed completely, accurately, and timely.

- Revise § 30.3(b)(2) by removing the foreign entity as the USPPPI because it has been added as a scenario in this section.

- Revise § 30.3(b)(iv) by amending to combine the existing language in § 30.3(b)(2)(iv) and (v), add a time frame from when the customs broker clears goods into the United States for consumption or warehousing, and clarify who the USPPPI is in the scenario.

- Revise § 30.3(b)(iv) by adding a Note that reminds the customs broker to obtain consent from its client when the information from the customs entry is used to prepare and file the EEI as required under CBP regulations, 19 CFR 111.24.

- Revise § 30.3(b)(2)(v) to identify the USPPPI as a person who admits goods into an FTZ or the FTZ operator.

- Revise § 30.3(b)(2)(vi) to add a USPPPI scenario when the foreign entity is in the United States when the goods are purchased or obtained for export.

- Revise § 30.3(d)(4) by adding postdeparture, downtime, and exclusion to the list of citations.

- Revise § 30.3(e)(1) and § 30.3(e)(2) by removing the subparagraphs that list the data elements the USPPPI provides to the authorized agent to assist in the preparation and filing of the EEI and the list of data elements the authorized agent must provide to the USPPPI upon request, and replace the references to those lists with Appendix C.

- Revise § 30.4(b)(1) to remove references to the downtime procedures.

- Revise § 30.4(b)(4) by amending to replace with the existing language in § 30.4(b)(5) regarding EEI filing time frames for the export of used self-propelled vehicles.

- Remove § 30.4(b)(5).

- Revise § 30.4(c)(2) to replace the term “consignee” with “ultimate consignee”.

- Revise § 30.4(f) by adding the downtime procedures.

- Revise § 30.6(a)(1) to remove examples of the USPPPI from the USPPPI data element description, rename the “Address of the USPPPI” to “Address of origin”, and revise the USPPPI Address of origin example.

- Revise § 30.6(a)(3) to provide examples of the ultimate consignee based on knowledge at the time of export.

- Revise § 30.6(a)(4) by amending the U.S. state of origin example.

- Revise § 30.6(a)(11) to refer to § 30.1(c) for detailed definitions of foreign and domestic goods.

- Revise § 30.6(b)(2) to clarify that the intermediate consignee must physically take possession of the goods.

- Revise § 30.6(b)(4) to clarify that the foreign port of unloading is the location where the goods are removed from the exporting conveyance.

- Revise § 30.6(b)(6) to provide a reference to § 758.1(g) of the EAR to clarify the ECCN reporting requirements.

- Revise § 30.6(b)(13) to clarify that the customs broker shall provide the entry number, when required, to assist in the preparation of the EEI.

- Revise § 30.10 by amending paragraph (a) and adding a Note to paragraph (a).

- Revise the introductory text to § 30.17 remove the reference to the U.S. Government Printing Office website.

- Revise § 30.18(c) to remove the reference to the Department of State website.

- Revise § 30.26(b) by replacing “sold foreign” with “exported for sale” to be clear that the goods were exported as a result of a sale.

- Revise § 30.29(a)(1) and (a)(2) to add a reference to § 30.53 to clarify the import reporting requirements for repairs.

- Revise § 30.37(a) by amending the first sentence to be consistent with the revised “Shipment” definition in § 30.1(c), specifically that the goods are shipped to an ultimate consignee.

- Revise the introductory text of § 30.51 to update the reference to the CBP website.

- Revise the introductory text of § 30.52 to update the reference to the CBP website.

- Revise § 30.60(c)(1) to amend by combining the existing language in (c)(1) and (c)(2) to clarify that the EEI may not be used for tax purposes unless otherwise noted.

- Revise § 30.60(c)(2) to add language to prohibit the use of EEI for export

marketing and promotion unless otherwise noted.

- Revise § 30.60(c)(4) to amend “foreign entities” to “foreign persons” as “person” is a broader term.
- Revise § 30.71(a)(2) by amending the language to add that deactivation of a filer’s account may be a penalty if the filer furthers illegal activity.
- Revise § 30.74(b)(4) and (d) to clarify that foreign persons may not submit a Voluntary Self-Disclosure and to amend the Census Bureau’s actions when responding to a Voluntary Self-Disclosure.
- Revise § 30.74(d) by removing paragraphs (1) through (3) as the content is now contained in § 30.74(d).
- Revise FTR Appendix B to Part 30—AES Filing Citation, Exemption and Exclusion Legends to replace X. with Miscellaneous Exclusion Statements and move Split Shipments to XI.
- Add FTR Appendix C to Part 30—Required Data Elements—Routed Export Transactions to include the data elements that the USPPI and authorized agent are responsible for in a routed export transaction.

#### Classification

##### *Regulatory Flexibility Act*

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) that this rule will not have a significant impact on a substantial number of small entities. The factual basis for this determination was published in the proposed rule and is not repeated here. No comments were received regarding this certification. As a result, a regulatory flexibility analysis was not required, and none was prepared.

##### *Executive Orders*

This rule has been determined to be not significant for purposes of Executive Order 12866. This final rule is not an Executive Order 14192 regulatory action because this action is not significant under Executive Order 12866. This rule does not contain policies with federalism implications as that term is defined under Executive Order 13132.

##### *Paperwork Reduction Act*

Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act (PRA), unless that collection of information displays a current and valid OMB control number. This rule contains a collection-of-

information subject to the requirements of the PRA (44 U.S.C. 3501 *et seq.*) and has been approved under OMB control number 0607–0152.

#### List of Subjects in 15 CFR Part 30

Economic statistics, Exports, Foreign trade, Reporting and recordkeeping requirements.

For the reasons set out in the preamble, the Census Bureau is amending 15 CFR part 30 as follows:

#### PART 30—FOREIGN TRADE REGULATIONS

- 1. The authority citation for part 30 continues to read as follows:

**Authority:** 5 U.S.C. 301; 13 U.S.C. 301–307; Reorganization plan No. 5 of 1990 (3 CFR 1949–1953 Comp., p. 1004); Department of Commerce Organization Order No. 35–2A, July 22, 1987, as amended, and No. 35–2B, December 20, 1996, as amended; Pub. L. 107–228, 116 Stat. 1350.

- 2. Amend § 30.1(c) by:

- a. Revising the definitions for “Buyer (purchaser)” and “Commerce Control List (CCL)”;
- b. Removing the definition for “Consignee”;
- c. Adding, in alphabetical order, the definition for “Conveyance”; and
- d. Revising the definitions for “Country of ultimate destination”, “End user”, “Export statistics”, “Filer”, “Foreign goods”, “Foreign port of unloading”, “Foreign Principal Party in Interest (FPPI)”, “Forwarding agent”, “Intermediate consignee”, “Order party”, “Person”, “Seller”, “Shipment”, “Shipping documents”, “Ultimate consignee”, “U.S. Principal Party in Interest (USPPI)”, and “Voluntary Self-Disclosure (VSD)”.

The revisions and additions read as follows:

##### **§ 30.1 Purpose and definitions.**

\* \* \* \* \*

(c) \* \* \*

**Buyer (purchaser).** The person located abroad in the export transaction that purchases the goods from the U.S. seller for delivery to the ultimate consignee. The buyer (purchaser) and ultimate consignee may be the same.

\* \* \* \* \*

**Commerce Control List (CCL).** A list of items found in Supplement No. 1 to Part 774 of the Export Administration Regulations (EAR). Supplement No. 2 to Part 774 of the EAR contains the General Technology and Software Notes relevant to entries contained in the CCL.

\* \* \* \* \*

**Conveyance.** The actual aircraft, vessel, railcar, truck, and other means of

transport used to transport goods from one place to another. See § 30.6(a)(7).

\* \* \* \* \*

**Country of ultimate destination.** The country where the goods are to be consumed, further processed, stored, or manufactured, as known to the USPPI at the time of export. See § 30.6(a)(5).

\* \* \* \* \*

**End user.** The person located abroad who receives and ultimately uses the exported, reexported or transferred (in-country) items. The end user is not an authorized agent or intermediary but may be the FPPI or ultimate consignee.

\* \* \* \* \*

**Export statistics.** The measure of quantity and value of goods (except for shipments to U.S. military forces overseas) moving out of the United States to foreign countries, whether such goods are exported from within the Customs territory of the United States, a bonded warehouse, or a U.S. Foreign Trade Zone (FTZ).

\* \* \* \* \*

**Filer.** The USPPI or an authorized agent who is responsible for submitting the Electronic Export Information (EEI) in the Automated Export System (AES).

\* \* \* \* \*

**Foreign goods.** Goods that were originally grown, produced, or manufactured in a foreign country, then subsequently entered into the United States, admitted to a U.S. FTZ, or entered into a bonded warehouse, but not substantially transformed in form or condition by further processing or manufacturing in the United States, U.S. FTZs, Puerto Rico, or the U.S. Virgin Islands.

\* \* \* \* \*

**Foreign port of unloading.** The port in a foreign country where the goods are removed from the exporting conveyance. The foreign port does not have to be located in the country of ultimate destination. The foreign port of unloading shall be reported in terms of Schedule K, “Classification of CBP Foreign Ports by Geographic Trade Area and Country.”

\* \* \* \* \*

**Foreign Principal Party in Interest (FPPI).** The person located abroad who purchases the goods for export or to whom final delivery of the goods will be made. This party may be the ultimate consignee, buyer (purchaser), or end user.

\* \* \* \* \*

**Forwarding agent.** The person who is selected by the principal party in interest to facilitate the movement of the

cargo from the United States to the foreign destination.

\* \* \* \* \*

**Intermediate consignee.** The person located abroad who acts as an agent for the principal party in interest and takes physical possession of the goods for the purpose of effecting delivery of goods to the ultimate consignee. The intermediate consignee may be a foreign forwarding agent or other person who acts as an agent for a principal party in interest.

\* \* \* \* \*

**Order party.** The person in the United States who conducts the direct negotiations or correspondence with the buyer (purchaser) or ultimate consignee and who, as a result of these negotiations, receives the order from the FPPI. See § 30.3(b)(2)(iii) of the FTR.

\* \* \* \* \*

**Person.** Any natural person, corporation, partnership, or other legal entity of any kind, domestic or foreign.

\* \* \* \* \*

**Seller.** A person in the transaction, usually the manufacturer, producer, wholesaler, or distributor of the goods, that receives the monetary benefit or other consideration for the exported goods.

\* \* \* \* \*

**Shipment.** All goods being sent from one USPPI to one ultimate consignee located in a single country of destination on a single conveyance and departing from the United States on the same day. Except as noted in § 30.2(a)(1)(iv), the EEI shall be filed when the value of the goods is over \$2,500 per Schedule B or HTSUSA commodity classification code.

\* \* \* \* \*

**Shipping documents.** Documents that include but are not limited to commercial invoices, export shipping instructions, packing lists, bills of lading and air waybills.

\* \* \* \* \*

**Ultimate consignee.** The person located abroad who ultimately receives the export shipment, as known at the time of export. The ultimate consignee is not a foreign forwarding agent or intermediate consignee, but may be the FPPI, buyer (purchaser), or end user.

\* \* \* \* \*

**U.S. Principal Party in Interest (USPPI).** The person in the United States that receives the primary benefit, monetary or otherwise, from the export transaction. See § 30.3(b)(2).

\* \* \* \* \*

**Voluntary Self-Disclosure (VSD).** A narrative account with supporting documentation that sufficiently

describes suspected violations of the FTR. A VSD reflects due diligence in detecting and correcting potential violations when required information was not reported or when incorrect information was provided that violates the FTR.

\* \* \* \* \*

■ 3. Amend § 30.2 by revising (a)(1)(iv)(D), (a)(2), (d)(1), (d)(4), and (d)(5).

The revisions read as follows:

**§ 30.2 General requirements for filing Electronic Export Information (EEI).**

(a) \* \* \*

(1) \* \* \*

(iv) \* \* \*

(D) Requiring a Department of Justice, Drug Enforcement Administration (DEA) export permit or declaration (21 CFR 1300 through 1399).

\* \* \* \* \*

(2) **Filing methods.** The USPPI has four means for filing EEI: use *AESDirect*; develop AES software using the *AESTIR* (see *AESTIR* Introduction and Guidelines | U.S. Customs and Border Protection (cbp.gov)); purchase software developed by certified vendors using the *AESTIR*; or use an authorized agent. An FPPI can only use an authorized agent in a routed transaction.

\* \* \* \* \*

(d) \* \* \*

(1) Goods moving in-transit through the United States, Puerto Rico, or the U.S. Virgin Islands from one foreign country or area to another where such goods do not enter into the United States for consumption or warehousing.

\* \* \* \* \*

(4) Goods shipped to Guantanamo Bay Naval Base in Cuba from the United States, Puerto Rico, or the U.S. Virgin Islands and from Guantanamo Bay Naval Base to the United States, Puerto Rico, or the U.S. Virgin Islands.

(5) Goods licensed by a U.S. federal government agency where the country of ultimate destination is the United States, or goods destined to international waters where the person(s) or entity assuming control of the item(s) is a citizen or permanent resident alien of the United States or a juridical entity organized under the laws of the United States or a jurisdiction within the United States.

\* \* \* \* \*

■ 4. Amend § 30.3 by:

■ a. Adding introductory text to § 30.3;

■ b. Revising the section heading for paragraph (a);

■ c. Adding paragraphs (a)(1) through (3);

■ d. Revising paragraphs (b)(1), (b)(2), (b)(2)(i), (b)(2)(ii), and (b)(2)(iv);

■ e. Adding a Note to (b)(2)(iv);

■ f. Revising (b)(2)(v);

■ g. Adding (b)(2)(vi);

■ h. Revising (d)(4) and (e)(1);

■ i. Removing paragraphs (e)(1)(i) through (xii);

■ j. Revising the Note to paragraph (e)(1);

■ k. Removing paragraphs (e)(2)(i) through (xv); and

■ l. Revising the Note to paragraph (e)(2).

The revisions and additions read as follows:

**§ 30.3 Electronic Export Information filer requirements, parties to export transactions, and responsibilities of parties to export transactions**

All parties that participate in an export transaction subject to the FTR must comply with the FTR. There are two types of export transactions: standard and routed. International commercial terms, terms of sale, and industry or other agreements do not determine the type of or parties to the export transaction, as they have no regulatory basis.

(a) **General filer requirements.**

(1) The filer of EEI for export transactions is either the USPPI or the authorized agent. If a foreign entity is the USPPI, they are prohibited from filing the EEI and must authorize an agent to file on their behalf.

(2) The filer shall maintain a physical office or residence in the United States, be physically located in the United States at the time of preparing and filing the EEI, and have an EIN or DUNS and be certified to report in the AES. If the filer does not have an EIN or DUNS, the filer must obtain an EIN from the Internal Revenue Service.

(3) All EEI submitted to the AES shall be complete, accurate, and timely. The filer is responsible for ensuring that the EEI is complete, accurate, and timely, except insofar as that party can demonstrate that it reasonably relied on information based on personal knowledge of the facts and information furnished by other responsible persons participating in the transaction. All parties involved in export transactions, including authorized agents, should be aware that invoices and other commercial documents may not necessarily contain all the information needed to prepare and file the EEI.

(b) \* \* \*

(1) **Principal parties in interest.** Those persons in a transaction that receive the primary benefit, monetary or otherwise, are considered principal parties to the transaction. Generally, the principal parties in interest in a transaction are the seller and buyer. In most cases, the

U.S. forwarding or other agent is not a principal party in interest.

(2) *USPPI*. For purposes of filing EEI, the USPPI is the person in the United States that receives the primary benefit, monetary or otherwise, from the transaction. Below are scenarios where the USPPI is identified:

(i) If a U.S. manufacturer sells the goods for export directly to a FPPI, the U.S. manufacturer shall be listed as the USPPI in the EEI.

(ii) If a U.S. manufacturer sells goods, as a domestic sale, to a U.S. buyer (wholesaler/distributor) and that U.S. buyer sells the goods for export to a FPPI, the U.S. buyer shall be listed as the USPPI in the EEI.

\* \* \* \* \*

(iv) If a customs broker or foreign person is listed as the importer of record when entering goods into the United States, the customs broker shall be listed as the USPPI in the EEI if the goods are being exported without change or enhancement in thirty (30) calendar days or less of import. After thirty (30) calendar days, if the customs broker decides to retain the USPPI responsibilities, then they shall continue to be listed as the USPPI in the EEI; otherwise, the warehouse or storage facility in possession and with knowledge and control of the goods when the goods begin their journey to the port of export shall be listed as the USPPI in the EEI.

**Note to paragraph § 30.3(b)(2)(iv) of this section:** The U.S. Customs and Border Protection regulations (19 CFR 111.24) state that the import entry records pertaining to the business of the clients serviced by the customs broker are to be considered confidential. If applicable, when the customs broker supports the preparation or filing of the EEI with information from the import entry, the customs broker must have consent from the foreign importer of record to disclose confidential information to third parties.

(v) If a U.S. person admits goods into a Foreign Trade Zone (FTZ), then the U.S. person shall be listed as the USPPI in the EEI if the goods are subsequently exported without change or enhancement. If a foreign person admits goods into an FTZ, then the FTZ operator as defined in 19 CFR 146.1 shall be listed as the USPPI in the EEI if the goods are subsequently exported without change or enhancement.

(vi) If the foreign entity is in the United States at the time the goods are purchased or obtained for export, the foreign entity shall be listed as the USPPI in the EEI. The foreign entity is prohibited from filing the EEI; therefore,

they must authorize an agent to comply with the provisions of the FTR.

\* \* \* \* \*

(c) \* \* \*

(1) \* \* \*

(i) The USPPI can prepare and file the EEI itself, or it can authorize an agent to prepare and file the EEI on its behalf. If the USPPI prepares the EEI itself, the USPPI is responsible for the accurate and timely transmission of all the export information reported to the AES based on information it has or has received from other parties to the transaction to support the preparing or filing of the EEI, such as export control requirements.

\* \* \* \* \*

(d) \* \* \*

(4) Providing the exporting carrier with the proof of filing, postdeparture, downtime, exclusion, or exemption citations in accordance with provisions and requirements contained in this part.

\* \* \* \* \*

(e) \* \* \*

(1) *USPPI responsibilities*. In a routed export transaction, the FPPI may authorize or agree to allow the USPPI to prepare and file the EEI. If the FPPI agrees to allow the USPPI to file the EEI, the FPPI must provide a written authorization to the USPPI assuming the responsibility for filing. If the FPPI agrees to allow the USPPI to file EEI, the filing of the export transaction shall be treated as a routed export transaction. The USPPI shall retain documentation to support the EEI filed. The USPPI may authorize an agent to file the EEI on its behalf, and both the USPPI and its authorized agent shall retain documentation to support the EEI filed. If the FPPI authorizes an agent to prepare and file the EEI, the USPPI shall retain documentation to support the information provided to the agent for preparing the EEI as specified in § 30.10 and provide the agent with complete, accurate, and timely export information it has or has received from other parties to the transaction necessary to prepare and file the EEI as set forth in Appendix C.

**Note to paragraph (e)(1) of this section:** For items in Appendix C, where the FPPI has assumed responsibility for determining and obtaining license authority, see requirements set forth in 15 CFR 758.3 of the EAR.

(2) *Authorized agent responsibilities*. In a routed export transaction, if an authorized agent is preparing and filing the EEI on behalf of the FPPI, the authorized agent must obtain a power of attorney or written authorization from the FPPI and shall be responsible for preparing and filing complete, accurate, and timely EEI based on information

obtained from the USPPI or other parties involved in the transaction. The authorized agent must file the EEI based on export information exactly as provided by the USPPI as set forth in Appendix C. The authorized agent shall retain documentation to support the export information reported to the AES as specified in § 30.10 and, upon request, provide the USPPI with a copy of the power of attorney or written authorization from the FPPI and the data elements filed that the USPPI provided as listed in Appendix C, along with the authorized agent name, authorized agent contact information, date of export, and ITN.

**Note to paragraph (e)(2) of this section:**

The authorized agent should not report the information above without obtaining it from the USPPI directly. The authorized agent and parties to the transaction should have continuous communication to ensure accurate, complete, and timely information is reported.

\* \* \* \* \*

- 5. Amend § 30.4 by
- a. Revising paragraphs (b)(1) and (4);
- b. Removing paragraph (b)(5);
- c. Revising (c)(2); and
- d. Adding paragraph (f).

The revisions and additions read as follows:

**§ 30.4 Electronic Export Information filing procedures, deadlines, and certification statements.**

\* \* \* \* \*

(b) \* \* \*

(1) For USML shipments, refer to the ITAR (22 CFR 123.22(b)(1)) for specific requirements concerning predeparture filing time frames.

\* \* \* \* \*

(4) For used self-propelled vehicles as defined in 19 CFR 192.1 of U.S. Customs and Border Protection regulations, the USPPI or the authorized agent shall file the EEI as required by § 30.6 and provide the filing citation to the CBP at least 72 hours prior to export. The filer must also provide the carrier with the filing citation as required by paragraph (b) of this section.

(c) \* \* \*

(2) *Pipeline filing procedures*. USPPIs or authorized agents may file data elements required by § 30.6 no later than four (4) calendar days following the end of the month. The operator of a pipeline may transport goods to a foreign country without the prior filing of the proof of filing citation, exemption, or exclusion legend, on the condition that within four (4) calendar days following the end of each calendar month the operator will deliver to the CBP Port Director the proof of filing

citation, exemption, or exclusion legend covering all exports through the pipeline to each ultimate consignee during the month.

\* \* \* \* \*

(f) *Downtime procedures.* The Downtime policy becomes effective when the Census Bureau has officially notified filers electronically that the AES and/or AESDirect are not operating and cannot generate ITNs.

(1) If the filer's transmission method to the AES (e.g., certified software) is unavailable, the filer must delay the export of the goods or find an available alternative filing method (e.g., AESDirect, authorized agent). The various AES filing methods include but are not limited to EDI Bulk Upload, AES WebLink, direct connection to AES via third party software or self-developed software. See § 30.5(f) for support.

(2) Except as noted in § 30.4(f)(3), if AES and/or AESDirect is unavailable, the goods may be exported, and the filer must: (A) Provide the appropriate downtime citation as described in § 30.7(b) and appendix B; and (B) Report the EEI at the first opportunity AES or AESDirect is available.

(3) For export shipments noted in § 30.2(a)(1)(iv), if a filer is unable to acquire an ITN because the AES and/or AESDirect is not operating, the filer shall not export until the AES is operating and an ITN is acquired, and the downtime filing citation shall not be used.

■ 6. Amend § 30.5 by revising paragraphs (c)(3)(i)(E) and (F), (d)(1) and (2), and (f). The revisions read as follows:

**§ 30.5 Electronic Export Information filing processes and standards.**

\* \* \* \* \*

(c) \* \* \*

(3) \* \* \*

(i) \* \* \*

(E) The USPPI has failed to comply with existing export regulations or has failed to pay any outstanding penalties assessed in connection with such noncompliance;

(F) The USPPI would pose a significant threat to national security interests such that its continued participation in postdeparture filing should be terminated; or

\* \* \* \* \*

(d) \* \* \*

(1) *AESDirect* usernames and passwords are to be kept secure by the account administrator and not disclosed to any unauthorized user or any persons outside the registered company.

(2) Registered companies are responsible for those persons having a

username and password. If an employee with a username and password leaves the company or otherwise is no longer an authorized user, the company shall immediately deactivate that username in the system to ensure the integrity and confidentiality of EEI.

\* \* \* \* \*

(f) *Support.* The Census Bureau provides online services that allow the USPPI and the authorized agent to seek assistance pertaining to the AES and this part. For AES assistance, filers may send an email to [askaes@census.gov](mailto:askaes@census.gov). For FTR assistance, filers may send an email to [emd.askregs@census.gov](mailto:emd.askregs@census.gov).

■ 7. Amend § 30.6 by

■ a. Revising (a)(1), (a)(1)(ii) and (iii), (a)(3), (a)(4), (a)(11), (a)(13), (b)(2), (b)(4) through (6), and (b)(13); and

■ b. Removing (b)(17).

The revisions read as follows:

**§ 30.6 Electronic Export Information data elements.**

\* \* \* \* \*

(a) \* \* \*

(1) *USPPI.* The person in the United States that receives the primary benefit, monetary or otherwise, from the export transaction. See § 30.3(b)(2) for scenarios identifying the USPPI. The name, address of origin, identification number, and contact information of the USPPI shall be reported to the AES as follows:

\* \* \* \* \*

(ii) *Address of origin.* In all EEI filings, the USPPI shall report the address of origin (no post office box number) from which the goods actually begin the journey to the port of export even if the USPPI does not own/lease the facility. For example, the EEI covering goods stored in inventory at a warehouse in Georgia for transport to Florida for loading onto a vessel for export to a foreign country shall show the address of origin of the warehouse in Georgia. For shipments of multi-addresses of origin, reported as a single shipment, report the address of origin of the commodity with the greatest value. If such information is not known, report the address of origin where the commodities are consolidated for export.

(iii) *USPPI identification number.* Report the Employer Identification Number (EIN) of the USPPI. If the USPPI has only one EIN, report that EIN. If the USPPI has more than one EIN, report the EIN that the USPPI uses to report employee wages and withholdings, and not the EIN used to report only company earnings or receipts. Use of another company's EIN is prohibited. If a USPPI reports a DUNS, the EIN is also

required to be reported. If a foreign entity is in the United States at the time goods are purchased or obtained for export, the foreign entity is the USPPI. In such situations, when the foreign entity does not have an EIN, the authorized agent shall report a border crossing number, passport number, or any number assigned by U.S. Customs and Border Protection (CBP) on behalf of the foreign entity. The appropriate Party ID Type code shall be reported to the AES.

\* \* \* \* \*

(3) *Ultimate consignee.* The ultimate consignee is the person located abroad as known at the time of export who receives the export shipment. The name and address of the ultimate consignee, whether by sale in the United States or abroad or by consignment, shall be reported in the EEI. For example, when there is knowledge of an end user's name, address and when the end user will receive the goods, the end user is the ultimate consignee. When the foreign buyer is a reseller/distributor and the end user's name and address is unknown or there is no knowledge when the end user will receive the goods from the foreign buyer, e.g., the goods are stored in inventory, the foreign buyer is the ultimate consignee. For goods sold en route, report the appropriate "To be Sold En Route" indicator in the EEI, and report corrected information as soon as it is known (see § 30.9 for procedures on correcting AES information).

(4) *U.S. state of origin.* The U.S. state of origin is the 2-character postal code for the state in which the goods begin their journey to the port of export. For example, the EEI covering goods stored in inventory at a warehouse in Georgia for transport to Florida for loading onto a vessel for export to a foreign country shall show GA as the state of origin. For shipments of multi-state origin, reported as a single shipment, report the U.S. state of the commodity with the greatest value. If such information is not known, report the state in which the commodities are consolidated for export.

\* \* \* \* \*

(11) *Domestic or foreign indicator.* Indicates if the goods exported are of domestic or foreign origin. Report foreign goods as a separate line item from domestic goods even if the commodity classification number is the same. See § 30.1(c) for definitions of domestic and foreign goods.

\* \* \* \* \*

(13) *Commodity description.* Report the description of the goods shipped in English in sufficient detail to permit

verification of the Schedule B or HTSUSA number. Clearly and fully state the name of the commodity in terms that can be identified or associated with the language used in Schedule B or HTSUSA (usually the commercial name of the commodity), and any characteristics of the commodity that distinguish it from commodities of the same name covered by other Schedule B or HTSUSA classifications. If the shipment requires a license, the description reported in the EEI shall conform with that shown on the license. If the shipment is eligible for a license exception or exemption, the description shall be sufficient to ensure compliance with that license exception or exemption. However, where the description on the license does not state all of the characteristics of the commodity that are needed to completely verify the commodity classification number, as described in this paragraph, report the missing characteristics, as well as the description shown on the license, in the commodity description field of the EEI.

\* \* \* \* \*

(b) \* \* \*

(2) *Intermediate consignee.* The name and address of the intermediate consignee (if any) shall be reported. The intermediate consignee is the person located abroad and acts as an agent for the principal party in interest or the ultimate consignee and takes physical possession of the goods for the purpose of effecting delivery of goods to the ultimate consignee. The intermediate consignee may be a foreign forwarding agent or other person abroad who acts as an agent for a principal party in interest.

\* \* \* \* \*

(4) *Foreign port of unloading.* The foreign port of unloading is the foreign port in the country where the goods are removed from the exporting conveyance. The foreign port does not have to be located in the country of ultimate destination. For exports by sea to foreign countries, not including Puerto Rico, the foreign port of unloading is the code contained in Schedule K, Classification of Foreign Ports by Geographic Trade Area and Country. For exports by sea or air between the United States and Puerto Rico, the foreign port of unloading is the code provided in Schedule D, Classification of CBP Districts and Ports. The foreign port of unloading is not required for exports by other modes of transportation, including rail, truck, mail, fixed (pipeline), or air (unless between the U.S. and Puerto Rico).

(5) *Export license number/CFR citation/Kimberley Process Certificate (KPC) number.* License number, permit number, citation, certificate number, or authorization number assigned by the Department of Commerce, BIS; Department of State, DDTC; Department of the Treasury, OFAC; Department of Justice, DEA; Nuclear Regulatory Commission; or any other federal government agency. For KPC, rough diamonds are classified under 6-digit HS subheadings 7102.10, 7102.21, and 7102.31. Enter the KPC number in the license number field excluding the 2-digit ISO country code for the United States.

(6) *Export Control Classification Number (ECCN).* The number used to identify items on the CCL, Supplement No. 1 to Part 774 of the EAR. The ECCN consists of a set of digits and a letter. Items that are not classified under an ECCN are designated "EAR99". See § 758.1(g) of the EAR for ECCN reporting requirements.

\* \* \* \* \*

(13) *Entry number.* The entry number must be reported when goods of foreign origin enter the United States for warehousing (entered into a bonded warehouse) or are admitted into a FTZ before being exported. For goods that are exported after entering the United States for consumption or warehousing, the 11-position entry number as identified on the CBP-7501 shall be reported. For goods that are exported from a FTZ, the 9-digit inbound serial number associated with the removal shall be reported. For all other scenarios where goods are exported after entering the United States for consumption, the 11-position entry number as identified on the CBP-7501 may be reported. When the importer of record on the import entry is the customs broker or foreign person, the customs broker shall provide the entry number to assist in the preparation of the EEI (See 15 CFR 30.3(b)(2) and the Note to paragraph § 30.3(b)(2)(iv)).

\* \* \* \* \*

■ 8. Amend § 30.8 by revising the introductory text. The revision reads as follows:

**§ 30.8 Time and place for presenting proof of filing citations and exemption legends.**

The following conditions govern the time and place to present the proof of filing, postdeparture, or downtime citations or exclusion or exemption legends. The USPPi or the authorized agent is required to deliver the proof of filing, postdeparture, or downtime citations or exclusion or exemption legends required in § 30.7 to the

exporting carrier. See *Appendix B* of this part for the properly formatted proof of filing, postdeparture, or downtime citations and exclusion or exemption legends. Failure of the USPPi or authorized agent to comply with these requirements constitutes a violation of the regulations in this part and renders such principal party or the authorized agent subject to the penalties provided for in *Subpart H* of this part.

\* \* \* \* \*

■ 9. Amend § 30.10 by revising paragraph (a) and adding a Note to paragraph (a). The revision and addition read as follows:

**§ 30.10 Retention of export information and the authority to require production of documents.**

(a) *Retention of export information.* All parties to the export transaction (USPPis, FPPIs, authorized agents, and/or owners and operators of export carriers) shall retain documents pertaining to the export shipment for five years from the date of export. If the Department of State or other regulatory agency has recordkeeping requirements for exports that exceed the retention period specified in this part, then those requirements prevail. The USPPi or the authorized agent may request a copy of the electronic record or submission from the Census Bureau as provided for in Subpart G of this part. The Census Bureau's retention and maintenance of AES records does not relieve filers from requirements in § 30.10.

**Note to paragraph (a) of this section:** As set forth in § 30.60(c)(4), the USPPi, the authorized agent, or a representative of the USPPi shall not disclose the EEI to a foreign person or foreign government, including the foreign entity as the USPPi or the FPPI. For items in this section, a foreign entity as the USPPi and the FPPI shall retain documents pertaining to the export shipment as a party to the export transaction; however, the EEI shall not be disclosed to a foreign person or foreign government either in whole or in part.

\* \* \* \* \*

■ 10. Amend § 30.17 by revising the introductory text. The revision reads as follows:

**§ 30.17 Customs and Border Protection regulations.**

Refer to the DHS's CBP regulations, 19 CFR part 192, for information referencing the advanced electronic submission of cargo information on exports for screening and targeting purposes pursuant to the Trade Act of 2002. The regulations also prohibit postdeparture filing of export information for certain shipments and

contain other regulatory provisions affecting the reporting of EEI.

#### § 30.18 [Amended]

■ 11. Amend § 30.18 by removing paragraph (c).

■ 12. Amend § 30.26 by revising paragraph (b).

The revision reads as follows:

#### § 30.26 Reporting of vessels, aircraft, cargo vans, and other carriers and containers.

\* \* \* \* \*

(b) The country of ultimate destination to be shown in the EEI for vessels exported for sale is the country of new ownership. The country for which the vessel clears, or the country of registry of the vessel, should not be reported as the country of ultimate destination in the EEI unless such country is the country of new ownership.

■ 13. Amend § 30.29 by revising paragraphs (a)(1) and (2). The revisions read as follows:

#### § 30.29 Reporting of repairs and replacements.

\* \* \* \* \*

(a) \* \* \*

(1) The return of goods not licensed by a U.S. Government agency and not subject to the ITAR, temporarily imported for repair and alteration, and declared as such on importation as described in § 30.53 shall have Schedule B number 9801.10.0000. The value reported shall be parts and labor, plus inland or domestic freight, insurance, and other charges to the U.S. seaport, airport, or land border port of export. The value of the original product shall not be included. If the value is over \$2,500, then EEI must be filed.

(2) The return of goods licensed by a U.S. Government agency or subject to the ITAR, temporarily imported for repair or alteration, and declared as such on importation as described in § 30.53 shall have Schedule B number 9801.10.0000. In the value field, report the value of the parts and labor, plus inland or domestic freight, insurance, and other charges to the U.S. seaport, airport, or land border port of export. In the license value field, report the value designated on the export license that corresponds to the commodity being exported if required by the licensing agency. EEI must be filed regardless of value.

\* \* \* \* \*

#### § 30.36 [Amended]

■ 14. Amend § 30.36 by removing paragraphs (b)(3) through (7).

■ 15. Amend § 30.37 by revising paragraph (a).

The revision reads as follows:

#### § 30.37 Miscellaneous exemptions.

\* \* \* \* \*

(a) Exports of commodities where the value of the commodities shipped from one USPP to one ultimate consignee on a single exporting conveyance classified under an individual Schedule B number or HTSUSA commodity classification code is \$2,500 or less. This exemption applies to individual Schedule B numbers or HTSUSA commodity classification codes regardless of the total shipment value. In instances where a shipment contains a mixture of individual Schedule B numbers or HTSUSA commodity classification codes valued at \$2,500 or less and individual Schedule B numbers or HTSUSA commodity classification codes valued over \$2,500, only those Schedule B numbers or HTSUSA commodity classification codes valued over \$2,500 are required to be reported. If the filer reports multiple items of the same Schedule B number or HTSUSA commodity classification code, this exemption only applies if the total value of exports for the Schedule B number or HTSUSA commodity classification code is \$2,500 or less. Items of domestic and foreign origin under the same commodity classification number must be reported separately and EEI filing is required when either is over \$2,500. For the reporting of household goods see § 30.38.

\* \* \* \* \*

■ 16. Amend § 30.39 by revising the introductory text. The revision reads as follows:

#### § 30.39 Special exemptions for shipments to the U.S. Armed Services.

Except as noted in § 30.2(a)(1)(iv), filing of EEI is not required for any commodities, whether shipped commercially or through government channels, consigned to the U.S. Armed Services for their exclusive use, including shipments to armed services exchange systems. This exemption does not apply to articles that are on the USML and thus controlled by the ITAR and/or shipments that are not consigned to the U.S. Armed Services, regardless of whether they may be for their ultimate and exclusive use.

■ 17. Amend § 30.51 by revising the introductory text. The revision reads as follows:

#### § 30.51 Statistical information required for import entries.

The information required for statistical purposes is, in most cases,

also required by CBP regulations for other purposes. Refer to the CBP website at [cbp.gov](http://cbp.gov) to download “Instructions for Preparation of CBP–7501” for completing the entry summary documentation (CBP Form–7501). Refer to the Customs and Trade Automated Interface Requirements for instructions on submitting an Automated Commercial Environment (ACE) Automated Broker Interface (ABI) electronic record or instructions for completing CBP–226 for declaring any equipment, repair parts, materials purchased, or expense for repairs incurred outside of the United States.

■ 18. Amend § 30.52 by revising the introductory text.

The revision reads as follows:

#### § 30.52 Foreign Trade Zones (FTZ).

When goods are withdrawn from a FTZ for export to a foreign country, the export shall be reported in accordance with § 30.2. Foreign goods admitted into FTZs shall be reported as a general import. Statistical requirements for zone admissions are provided to the Census Bureau via CBP’s ABI electronic 214 (e214) program or the CBP Form 214A Application for Foreign Trade Zone Admission and/or Status Designation. Refer to the CBP website at [cbp.gov](http://cbp.gov) to download the “Foreign Trade Zone Manual” that includes the CBP Form 214—Application for FTZ Admission (Appendix A) and Instructions for filling out the 214 (Appendix B). When goods are withdrawn from a FTZ to be entered for consumption or entered into a bonded warehouse, the withdrawal from the FTZ shall be reported on CBP Form 7501 or through the appropriate entry documents, or their electronic equivalents, in accordance with CBP regulations. The instructions and definitions for completing the e214 are provided in 19 CFR 146. The following data items are required to be filed on Form 214A for statistical purposes:

\* \* \* \* \*

■ 19. Amend § 30.60 by revising paragraphs (b)(1)(vii), and (c)(1), (2), and (4).

The revisions read as follows:

#### § 30.60 Confidentiality of Electronic Export Information.

\* \* \* \* \*

(b) \* \* \*

(1) \* \* \*

(vii) Analyzing the impact of proposed and implemented trade agreements and fulfilling U.S. obligations under such agreements; and

\* \* \* \* \*

(c) \* \* \*

(1) Any purpose related to the collection of domestic or foreign taxes,

or other fees, except as related to paragraph (b)(1)(vi) of this section.

(2) For export promotion or similar types of marketing operations. This limitation does not preclude the use of the information to monitor compliance with agricultural marketing orders and export quality compliance programs.

(4) To foreign persons or foreign governments for any purpose, including the foreign entity as the USPPI or the FPPI.

■ 20. Amend § 30.61 by revising the introductory text and paragraphs (a) and (b).

The revisions read as follows:

**§ 30.61 Statistical classification schedules.**

The following statistical classification schedules are referenced in this part. These schedules may be accessed through the Census Bureau's website at <http://www.census.gov/trade>.

(a) *Schedule B—Statistical Classification for Domestic and Foreign Commodities Exported from the United States* shows the detailed commodity classification requirements and 10-digit statistical reporting numbers to be used in preparing EEI as required by these regulations.

(b) *Harmonized Tariff Schedule of the United States* shows the 10-digit statistical reporting number to be used

in preparing import entries and withdrawal forms.

■ 21. Amend § 30.71 by revising paragraph (a)(2).

The revision reads as follows:

**§ 30.71 False or fraudulent reporting on or misuse of the Automated Export System.**

(a) \* \* \*

(2) *Furtherance of illegal activities.*

Any person, including USPPIs, authorized agents, or carriers, who knowingly reports, directly or indirectly, to the U.S. Government any information through or otherwise uses the AES to further any illegal activity shall be subject to account deactivation, a fine not to exceed \$10,000, imprisonment for not more than five years, or any or all of these penalties for each violation.

■ 22. Amend § 30.74 by revising paragraphs (b)(4) and (d).

The revisions read as follows:

**§ 30.74 Voluntary self-disclosure.**

(b) \* \* \*

(4) Any person, including USPPIs, authorized agents, or carriers, will not be deemed to have made a voluntary self-disclosure under this section unless the individual making the disclosure did so with the full knowledge and authorization of senior management.

The Census Bureau will not accept a voluntary self-disclosure from a FPPI or legal counsel or other party representing a FPPI.

(d) Action by the Census Bureau. After the Census Bureau has been provided with the required narrative, it may promptly notify CBP, ICE, and BIS's Office of Export Enforcement (OEE) of the voluntary disclosure, acknowledge the disclosure by letter, provide the person making the disclosure with a point of contact, and take whatever additional action, including further investigation, it deems appropriate. As quickly as the facts and circumstances of a given case permit, the Census Bureau may take any of the following actions:

(1) Inform the person or company making the voluntary self-disclosure of the action to be taken.

(2) Issue a letter in response to the voluntary self-disclosure.

(3) Refer the matter, if necessary, to the OEE for the appropriate action.

■ 23. Amend Appendix B to part 30 by revising the entries for "X. Miscellaneous Exclusion Statements" and "XI. Split Shipments".

The revisions read as follows:

**Appendix B to Part 30—AES Filing Citation, Exemption and Exclusion Legends**

\* \* \* \* \*

|                                                                                                                                                                                                                                                                                                                                                                                                                         |                                              |      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|------|
| X. Miscellaneous Exclusion Statements are found in 15 CFR part 30 subpart A § 30.2(d) .....                                                                                                                                                                                                                                                                                                                             | NOEEI § 30.2(d) (site corresponding number). | cor- |
| XI. Split Shipments Split Shipments should be referenced as such on the manifest in accordance with provisions contained in § 30.28, Split Shipments. The notation should be easily identifiable on the manifest. It is preferable to include a reference to a split shipment in the exemption statements cited in the example, the notation "SS" should be included at the end of the appropriate exemption statement. | AES ITN SS Example: AES X20170101987654 SS.  |      |

■ 24. Add Appendix C to part 30.

**Appendix C to Part 30—Party Responsibilities for Data Elements in Routed Export Transactions**

| Responsibility of the USPPI 30.3(e)(1)                                                 | Responsibility of the authorized agent 30.3(e)(2)                      |
|----------------------------------------------------------------------------------------|------------------------------------------------------------------------|
| (A) Name, address of origin, contact name and contact phone of the USPPI [30.6(a)(1)]. | (A) Date of export [30.6(a)(2)].                                       |
| (B) USPPI identification number [30.6(a)(1)] .....                                     | (B) Ultimate consignee [30.6(a)(3)].                                   |
| (C) U.S. State of origin [30.6(a)(4)] .....                                            | (C) Ultimate consignee type [30.6(a)(28)].                             |
| (D) Domestic or foreign indicator [30.6(a)(11)] .....                                  | (D) Country of ultimate destination [30.6(a)(5)].                      |
| (E) Commodity classification number [30.6(a)(12)] .....                                | (E) Method of transportation [30.6(a)(6)].                             |
| (F) Commodity description [30.6(a)(13)] .....                                          | (F) Conveyance name/carrier name [30.6(a)(7)].                         |
| (G) Primary unit of measure [30.6(a)(14)] .....                                        | (G) Carrier identification [30.6(a)(8)].                               |
| (H) Primary quantity [30.6(a)(15)] .....                                               | (H) Port of export [30.6(a)(9)].                                       |
| (I) Value [30.6(a)(17)] .....                                                          | (I) Related party indicator [30.6(a)(10)].                             |
| (J) Export information code [30.6(a)(18)] .....                                        | (J) Shipping weight [30.6(a)(16)].                                     |
| (K) Hazardous material indicator [30.6(a)(21)] .....                                   | (K) Shipment Reference Number [30.6(a)(19)].                           |
| (L) Inbond code [30.6(a)(22)] .....                                                    | (L) License code/license exemption code [30.6(a)(23)].                 |
| (M) License code/license exemption code [30.6(a)(23)] .....                            | (M) Routed export transaction indicator [30.6(a)(24)].                 |
| (N) FTZ identifier, if applicable. [30.6(b)(3)] .....                                  | (N) Filing option indicator [30.6(a)(27)].                             |
| (O) Export license number/CFR citation/KPC number, if applicable. [30.6(b)(5)].        | (O) Authorized agent and authorized agent identification [30.6(b)(1)]. |

| Responsibility of the USPTO 30.3(e)(1)                                           | Responsibility of the authorized agent 30.3(e)(2)                               |
|----------------------------------------------------------------------------------|---------------------------------------------------------------------------------|
| (P) Export Control Classification Number (ECCN), if applicable. [30.6(b)(6)].    | (P) Intermediate consignee, if applicable. [30.6(b)(2)].                        |
| (Q) Secondary units of measure, if applicable. [30.6(b)(7)]                      | (Q) Foreign port of unloading, if applicable. [30.6(b)(4)].                     |
| (R) Secondary quantity, if applicable. [30.6(b)(8)]                              | (R) Export license number/CFR citation/KPC number, if applicable. [30.6(b)(5)]. |
| (S) Vehicle Identification Number (VIN)/Product ID, if applicable. [30.6(b)(9)]. | (S) Transportation Reference Number, if applicable. [30.6(b)(14)].              |
| (T) Vehicle ID qualifier, if applicable. [30.6(b)(10)]                           | (T) License value, if applicable. [30.6(b)(15)].                                |
| (U) Vehicle title number, if applicable. [30.6(b)(11)]                           |                                                                                 |
| (V) Vehicle title state code, if applicable. [30.6(b)(12)]                       |                                                                                 |
| (W) Entry number, if applicable. [30.6(b)(13)]                                   |                                                                                 |
| (X) License value, if applicable. [30.6(b)(15)]                                  |                                                                                 |

**Note to Appendix C:** For the License code/ license exemption code, Export license number/CFR citation/KPC number, Export Control Classification Number (ECCN), and License value where the FPPI has assumed responsibility for determining and obtaining license authority, see requirements set forth in 15 CFR 758.3 of the EAR. When accessing routed export transactions reported on the EEI in AES, the USPTO will be limited to viewing in an AES report in ACE only the data elements in Appendix C, Date of export, Filer ID, the ITN, and any approved system generated data elements.

Ron Jarmin, Acting Director, Census Bureau, approved the publication of this notice in the **Federal Register**.

Dated: August 11, 2025.

**Shannon Wink,**  
*Program Analyst, Policy Coordination Office,*  
*U.S. Census Bureau.*

[FR Doc. 2025–15493 Filed 8–13–25; 8:45 am]

**BILLING CODE 3510–07–P**

**DEPARTMENT OF COMMERCE**

**Patent and Trademark Office**

**37 CFR Part 1**

**[Docket No.: PTO–P–2025–0004]**

**RIN 0651–AD83**

**Eliminating Expedited Examination of Design Applications**

**AGENCY:** United States Patent and Trademark Office, Department of Commerce.

**ACTION:** Final rule.

**SUMMARY:** The United States Patent and Trademark Office (USPTO) previously suspended expedited examination of design applications effective April 17, 2025. Further to the suspension, the USPTO hereby amends the Rules of Practice in Patent Cases by removing the provisions in the Code of Federal Regulations that provide for expedited examination of design applications. The removal of those regulations supports the USPTO’s efforts to reduce the pendency of unexamined design

applications, which will benefit all design patent applicants. The removal also facilitates the USPTO’s efforts to address the problem of erroneous micro entity certifications, as well as the USPTO’s broader efforts to mitigate and protect against threats to the intellectual property system.

**DATES:** This rule is effective August 14, 2025.

**FOR FURTHER INFORMATION CONTACT:** Erin Harriman, Senior Legal Advisor, Office of Patent Legal Administration, at 571–272–7747.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

The USPTO previously suspended the expedited examination of design applications under 37 CFR 1.155 effective April 17, 2025. See Suspension of Expedited Examination of Design Patent Applications, 1533 Off. Gaz. Pat. Office 212 (April 29, 2025) (Suspension Notice). As detailed in the Suspension Notice, the USPTO suspended the expedited examination of design applications because an extraordinary situation existed, and justice required the suspension. Specifically, there had been a significant increase in the number of requests for expedited examination of design applications, which negatively impacted the pendency of all design applications. The Suspension Notice also noted a significant increase in the number of erroneous micro entity certifications from applicants who do not qualify for micro entity status, coupled with heavy use of the expedited examination procedure by these applicants. The combination led to longer wait times for all applicants seeking design patents, including legitimate micro entity applicants, and revenue loss for the USPTO. The USPTO therefore suspended the expedited examination procedure for design applications to support its efforts to reduce the pendency of unexamined design applications and facilitate its efforts to address the problem of erroneous micro

entity certifications, as well as its broader efforts to mitigate and protect against threats to the intellectual property system.

As a result of the suspension, the USPTO will not grant any request for expedited examination of a design application filed on or after April 17, 2025. The phrase “any request” encompasses initial and renewed requests. Accordingly, the USPTO will not grant a renewed request filed on or after April 17, 2025, irrespective of the filing date and time of the initial request, and whether the USPTO’s dismissal of the initial request afforded the applicant an opportunity to submit a renewed request to rectify the deficiency. Additionally, 37 CFR 1.155 requires a complete request to include the fee under 37 CFR 1.17(k). The USPTO will *sua sponte* refund the fee under 37 CFR 1.17(k) associated with any request filed on or after April 17, 2025. The USPTO also removed form PTO/SB/27, titled “REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155),” from the USPTO’s website, and decommissioned the corresponding document code—ROCKET—in Patent Center.

Further to the suspension, the USPTO hereby amends the Rules of Practice in Patent Cases by removing and reserving 37 CFR 1.17(k) and 1.155.

Although the expedited examination of design applications under 37 CFR 1.155 is eliminated, design patent applicants still have the ability to advance the examination of a design application in certain limited circumstances. Specifically, the Accelerated Examination program remains in effect for design applications where an applicant files a petition to make special with the appropriate showing and fee. See section 708.02(a) of the Manual of Patent Examining Procedure (MPEP) (9th Edition, Rev. 01.2024, November 2024) and *Discontinuation of the Accelerated Examination Program for Utility*

*Applications*, 90 FR 24324 (June 10, 2025). In addition, under 37 CFR 1.102(c)(1), a petition to make an application special may be filed without a fee where the basis of the petition is the applicant's age or health. See section 708.02, subsections I and II, of the MPEP.

## II. Regulations Being Removed

This rulemaking removes the regulations concerning the expedited examination of design applications in 37 CFR part 1.

In particular, this rulemaking removes § 1.17(k). Section 1.17(k) sets forth the fee for filing a request for expedited examination under § 1.155(a).

This rulemaking additionally removes § 1.155. Section 1.155 established an expedited procedure for design applications for the fee set forth in § 1.17(k), whereby such applications are examined with priority and undergo expedited processing through the entire course of prosecution in the USPTO.

## III. Discussion of Rule Changes

### Part 1

Section 1.17: Section 1.17(k) is removed and reserved.

Section 1.155: Section 1.155 is removed and reserved.

## IV. Rulemaking Considerations

*A. Administrative Procedure Act:* This final rule eliminates the provisions and fee for the expedited examination of design applications. It does not change the substantive criteria of patentability for design applications. The changes are procedural in nature and do not impose any additional requirements on applicants. Therefore, the changes in this rulemaking involve rules of agency practice and procedure and/or interpretive rules and do not require notice-and-comment rulemaking, pursuant to 5 U.S.C. 553(b)(A). See *Perez v. Mortg. Bankers Ass'n*, 575 U.S. 92, 97, 101 (2015) (explaining that interpretive rules “advise the public of the agency’s construction of the statutes and rules which it administers” and do not require notice-and-comment when issued or amended); *Cooper Techs. Co. v. Dudas*, 536 F.3d 1330, 1336–37 (Fed. Cir. 2008) (5 U.S.C. 553, and thus 35 U.S.C. 2(b)(2)(B), do not require notice-and-comment rulemaking for “interpretative rules, general statements of policy, or rules of agency organization, procedure, or practice”); *In re Chestek PLLC*, 92 F.4th 1105, 1110 (Fed. Cir. 2024) (noting that rule changes that “do[] not alter the substantive standards by which the USPTO evaluates trademark

applications” are procedural in nature and thus “exempted from notice-and-comment rulemaking.”); and *JEM Broadcasting Co. v. F.C.C.*, 22 F.3d 320, 328 (D.C. Cir. 1994) (“[T]he ‘critical feature’ of the procedural exception [in 5 U.S.C. 553(b)(A)] ‘is that it covers agency actions that do not themselves alter the rights or interests of parties, although [they] may alter the manner in which the parties present themselves or their viewpoints to the agency.’” (quoting *Batterton v. Marshall*, 648 F.2d 694, 707 (DC Cir. 1980))). Accordingly, the USPTO implements this final rule without prior notice and opportunity for comment.

Also, the 30-day delay in effectiveness set forth in 5 U.S.C. 553(d) is specific to substantive rules. Because the changes in this rulemaking involve rules of agency practice and procedure and/or interpretive rules, rather than substantive provisions, the 30-day delay is not required.

*B. Regulatory Flexibility Act:* As prior notice and an opportunity for public comment are not required pursuant to 5 U.S.C. 553 or any other law, neither a Regulatory Flexibility Act analysis nor a certification under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) is required. See 5 U.S.C. 603.

*C. Executive Order 12866 (Regulatory Planning and Review):* This rulemaking has been determined to be not significant for purposes of Executive Order 12866 (September 30, 1993).

*D. Executive Order 13563 (Improving Regulation and Regulatory Review):* The USPTO has complied with Executive Order 13563 (January 18, 2011). Specifically, and as discussed above, the USPTO has, to the extent feasible and applicable: (1) reasonably determined that the benefits of the rule justify its costs; (2) tailored the rule to impose the least burden on society consistent with obtaining the agency’s regulatory objectives; (3) selected a regulatory approach that maximizes net benefits; (4) specified performance objectives; (5) identified and assessed available alternatives; (6) involved the public in an open exchange of information and perspectives among experts in relevant disciplines, affected stakeholders in the private sector, and the public as a whole, and provided online access to the rulemaking docket; (7) attempted to promote coordination, simplification, and harmonization across government agencies and identified goals designed to promote innovation; (8) considered approaches that reduce burdens while maintaining flexibility and freedom of choice for the public; and (9) ensured the objectivity of scientific and

technological information and processes.

### *E. Executive Order 14192*

*(Deregulation):* This regulation is not an Executive Order 14192 regulatory action because it has been determined to be not significant under Executive Order 12866.

### *F. Executive Order 13132*

*(Federalism):* This rulemaking pertains strictly to federal agency procedures and does not contain policies with federalism implications sufficient to warrant preparation of a Federalism Assessment under Executive Order 13132 (August 4, 1999).

### *G. Executive Order 13175 (Tribal Consultation)*

This rulemaking will not: (1) have substantial direct effects on one or more Indian tribes; (2) impose substantial direct compliance costs on Indian tribal governments; or (3) preempt tribal law. Therefore, a tribal summary impact statement is not required under Executive Order 13175 (November 6, 2000).

### *H. Executive Order 13211 (Energy Effects)*

This rulemaking is not a significant energy action under Executive Order 13211 because this rulemaking is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, a Statement of Energy Effects is not required under Executive Order 13211 (May 18, 2001).

### *I. Executive Order 12988 (Civil Justice Reform)*

This rulemaking meets applicable standards to minimize litigation, eliminate ambiguity, and reduce burden as set forth in sections 3(a) and 3(b)(2) of Executive Order 12988 (February 5, 1996).

*J. Executive Order 13045 (Protection of Children):* This rulemaking does not concern an environmental risk to health or safety that may disproportionately affect children under Executive Order 13045 (April 21, 1997).

*K. Executive Order 12630 (Taking of Private Property):* This rulemaking will not effect a taking of private property or otherwise have taking implications under Executive Order 12630 (March 15, 1988).

*L. Congressional Review Act:* Under the Congressional Review Act provisions of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 801 *et seq.*), the USPTO will submit a report containing the final rule and other required information to the United States Senate, the United States House of Representatives, and the Comptroller General of the Government Accountability Office. The changes in this rulemaking are not expected to result in an annual effect on the economy of \$100 million or more, a

major increase in costs or prices, or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets. Therefore, this rulemaking is not expected to result in a “major rule” as defined in 5 U.S.C. 804(2).

*M. Unfunded Mandates Reform Act of 1995:* The changes set forth in this rulemaking do not involve a Federal intergovernmental mandate that will result in the expenditure by State, local, and tribal governments, in the aggregate, of \$100 million (as adjusted) or more in any one year, or a Federal private sector mandate that will result in the expenditure by the private sector of \$100 million (as adjusted) or more in any one year, and will not significantly or uniquely affect small governments. Therefore, no actions are necessary under the provisions of the Unfunded Mandates Reform Act of 1995. See 2 U.S.C. 1501 *et seq.*

*N. National Environmental Policy Act of 1969:* This rulemaking will not have any effect on the quality of the environment and is thus categorically excluded from review under the National Environmental Policy Act of 1969. See 42 U.S.C. 4321 *et seq.*

*O. National Technology Transfer and Advancement Act of 1995:* The requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) are not applicable because this rulemaking does not contain provisions that involve the use of technical standards.

*P. Paperwork Reduction Act of 1995:* The Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) requires that the USPTO consider the impact of paperwork and other information collection burdens imposed on the public. The collection of information involved in this final rule has been reviewed and previously approved by OMB under control number 0651–0031. In view of this final rule, the USPTO will submit an update to the 0651–0031 information collection in the form of a nonsubstantive change request.

Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB control number.

*Q. E-Government Act Compliance:* The USPTO is committed to compliance with the E-Government Act to promote

the use of the internet and other information technologies, to provide increased opportunities for citizen access to Government information and services, and for other purposes.

#### List of Subjects in 37 CFR Part 1

Administrative practice and procedure, Biologics, Courts, Freedom of information, Inventions and patents, Reporting and recordkeeping requirements, Small businesses.

For the reasons stated in the preamble, the USPTO amends 37 CFR part 1 as follows:

### PART 1—RULES OF PRACTICE IN PATENT CASES

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

**Authority:** 35 U.S.C. 2(b)(2), unless otherwise noted.

#### § 1.17 [Amended]

- 2. Section 1.17 is amended by removing and reserving paragraph (k).

#### § 1.155 [Removed and Reserved]

- 3. Remove and reserve § 1.155.

**Coke Morgan Stewart,**

*Acting Under Secretary of Commerce for Intellectual Property and Acting Director of the United States Patent and Trademark Office.*

[FR Doc. 2025–15497 Filed 8–13–25; 8:45 am]

BILLING CODE 3510–16–P

### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[EPA–R10–OAR–2024–0569; FRL–12446–02–R10]

#### Air Plan Approval; Oregon; Lane Regional Air Protection Agency, Outdoor Burning

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving and incorporating by reference into the Oregon State Implementation Plan (SIP) the Lane Regional Air Protection Agency (LRAPA) revised outdoor burning rule revisions submitted by the Oregon Department of Environmental Quality (ODEQ) on July 1, 2024, in coordination with LRAPA. The revised rule, applicable in Lane County, Oregon, clarifies terminology, revises formatting, and expands the residential outdoor burning season to allow burning of

woody yard trimmings on approved burn days within Lowell city limits from October 1 through June 15. The ODEQ included in the submittal a technical demonstration that the requested expansion of the residential outdoor burning season will not interfere with attainment and maintenance of the NAAQS and other applicable Clean Air Act (CAA) requirements. The EPA is approving these revisions because they meet the applicable requirements of the Clean Air Act.

**DATES:** This final rule is effective September 15, 2025.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA–R10–OAR–2024–0569 at <https://www.regulations.gov>. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information 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 at <https://www.regulations.gov>, or please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

**FOR FURTHER INFORMATION CONTACT:** Jacob Wolf, EPA Region 10, 950 West Bannock Avenue—Suite 900, Boise, ID 83702, at (206) 553–0275, or [wolf.jacob@epa.gov](mailto:wolf.jacob@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document, wherever “we,” “us,” or “our” is used, it is intended to refer to the EPA.

#### Table of Contents

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

#### I. Background

On July 1, 2024, the ODEQ and LRAPA submitted revisions to the Oregon SIP as it applies in Lane County. These changes include updates to the LRAPA section 47–015(2) outdoor burning rule to expand the outdoor burning season in the city of Lowell (which is located in the Eugene-Springfield metropolitan statistical area), updates and revisions to definitions in section 47–010, and revisions to formatting throughout section 47–001, section 47–005, section 47–010, section 47–015, and section 47–020. On May 23, 2025, the EPA proposed to approve these changes (90 FR 22051). The reasons for our proposed

approval were stated in the proposed rulemaking and will not be re-stated here. The public comment period for our proposed action ended on June 23, 2025. We received no comments.

## II. Final Action

We are approving, and incorporating by reference into the Oregon SIP, the submitted revisions to the LRAPA title 47 outdoor burning rule, sections 001, 005, 010 (except the definition of “nuisance”), 015 (except (1)(d), (1)(h), and the note in (2)(i)), and 020 (except (3), (9)(i), and (10)). These rules became State effective May 24, 2024, and were submitted to the EPA by the ODEQ in coordination with LRAPA on July 1, 2024. Based on the demonstration provided by ODEQ and LRAPA, we find that these revisions will not interfere with attainment of the NAAQS or any other applicable requirement of the Clean Air Act.

## III. Incorporation by Reference

In this document, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, we are finalizing the incorporation by reference of LRAPA Title 47 revisions, State effective May 24, 2024, as described in section II of this preamble and set forth in the amendments to 40 CFR part 52 in this document. The EPA has made, and will continue to make, these documents generally available through <https://www.regulations.gov> and at the EPA Region 10 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 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 by the Director of the Federal Register in the next update to the SIP compilation.

## 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, 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 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 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 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 September 15, 2025. 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: August 1, 2025.

**Emma Pokon,**

*Regional Administrator, Region 10.*

For the reasons stated in the preamble, 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.*

### Subpart MM—Oregon

- 2. In § 52.1970, amend paragraph (c), Table 4, under the heading “Title 47—Rules for Outdoor Burning”, by revising the entries for “47–001”, “47–005”, “47–010”, “47–015”, and “47–020” to read as follows:

#### § 52.1970 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

TABLE 4—EPA APPROVED LANE REGIONAL AIR PROTECTION AGENCY (LRAPA) RULES FOR LANE COUNTY, OREGON<sup>1</sup>

| LRAPA citation                            | Title/subject                 | State effective date | EPA approval date                                                                 | Explanations                                  |
|-------------------------------------------|-------------------------------|----------------------|-----------------------------------------------------------------------------------|-----------------------------------------------|
| *                                         | *                             | *                    | *                                                                                 | *                                             |
| <b>Title 47—Rules for Outdoor Burning</b> |                               |                      |                                                                                   |                                               |
| 47-001 .....                              | General Policy .....          | 5/24/2024            | 8/14/2025, 90 FR [INSERT <b>FEDERAL REGISTER</b> PAGE WHERE THE DOCUMENT BEGINS]. |                                               |
| 47-005 .....                              | Exemptions from These Rules.  | 5/24/2024            | 8/14/2025, 90 FR [INSERT <b>FEDERAL REGISTER</b> PAGE WHERE THE DOCUMENT BEGINS]. |                                               |
| 47-010 .....                              | Definitions .....             | 5/24/2024            | 8/14/2025, 90 FR [INSERT <b>FEDERAL REGISTER</b> PAGE WHERE THE DOCUMENT BEGINS]. | Except the definition of “nuisance.”          |
| 47-015 .....                              | Outdoor Burning Requirements. | 5/24/2024            | 8/14/2025, 90 FR [INSERT <b>FEDERAL REGISTER</b> PAGE WHERE THE DOCUMENT BEGINS]. | Except (1)(d), (1)(h) and the note in (2)(i). |
| 47-020 .....                              | Letter Permits .....          | 5/24/2024            | 8/14/2025, 90 FR [INSERT <b>FEDERAL REGISTER</b> PAGE WHERE THE DOCUMENT BEGINS]. | Except (3), (9)(i), and (10).                 |
| *                                         | *                             | *                    | *                                                                                 | *                                             |

<sup>1</sup> The EPA approves the requirements in Table 4 of this paragraph (c) only to the extent they apply to (1) pollutants for which NAAQS have been established (criteria pollutants) and precursors to those criteria pollutants as determined by the EPA for the applicable geographic area; and (2) any additional pollutants that are required to be regulated under Part C of Title I of the CAA, but only for the purposes of meeting or avoiding the requirements of Part C of Title I of the CAA.

\* \* \* \* \*

[FR Doc. 2025-15441 Filed 8-13-25; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R07-OAR-2025-0138; FRL-12693-02-R7]

### Air Plan Approval; Missouri; Removal of Obsolete Rules on Control of NO<sub>x</sub> Emissions

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is taking final action to approve a revision to the State Implementation Plan (SIP) submitted by the Missouri Department of Natural Resources (MoDNR) on November 14, 2018. MoDNR requested that the EPA remove from its SIP two rules related to control of emissions of nitrogen oxides (NO<sub>x</sub>). One of the rules previously applied to electricity generating units (EGUs) and certain non-EGUs in a portion of the state and the other rule previously applied to EGUs throughout the entire state. The EPA has already approved a SIP revision that included provisions to sunset the two rules, and removal of the now-sunsetted rules from the SIP would not have an adverse effect on air quality. The EPA’s approval of this rule revision is being done in accordance with the requirements of the Clean Air Act (CAA).

**DATES:** This final rule is effective on September 15, 2025.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA-R07-OAR-2025-0138. 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) 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 information.

**FOR FURTHER INFORMATION CONTACT:** William Stone, Environmental Protection Agency, Region 7 Office, Air Permitting and Planning Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219; telephone number: (913) 551-7714; email address: [stone.william@epa.gov](mailto:stone.william@epa.gov).

#### SUPPLEMENTARY INFORMATION:

Throughout this document “we,” “us,” and “our” refer to EPA.

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- I. What is being addressed in this document?
- II. Have the requirements for approval of a SIP revision been met?
- III. The EPA’s Response to Comments
- IV. What action is the EPA taking?
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- VI. Statutory and Executive Order Reviews

#### I. What is being addressed in this document?

The EPA is approving the removal of 10 Code of State Regulations (CSR) 10–6.360, *Control of NO<sub>x</sub> Emissions From Electric Generating Units and Non-Electric Generating Boilers* (referred to here as the Missouri NBTP Rule), and 10 CSR 10–6.350, *Emission Limitations and Emissions Trading of Oxides of Nitrogen* (referred to here as the Missouri EGU Emission Rate Rule), from the Missouri SIP.

#### II. Have the requirements for approval of a SIP revision been met?

The State submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. The State provided public notice on this SIP revision from February 28, 2018, to April 5, 2018 and received one comment from the EPA. Missouri’s official submission addressed the EPA’s comment. In addition, as explained above the revision meets the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

#### III. The EPA’s Response to Comments

The public comment period on the EPA’s proposed rule opened April 28, 2025, the date of its publication in the **Federal Register** and closed on May 29, 2025. During this period, EPA received comments from four commenters.

*Comment 1:* One comment did not identify a specific issue that was relevant to the proposed rule and

therefore does not require a response. The comment can be found in the docket for this action.

*Comment 2:* Two commenters were concerned that the removal of these rules could lead to an increase in “greenhouse gases (GHG) like Nox” emissions.

*Response:* As stated in the proposal, the rules were sunsetted in 2009 and have not been in effect since that time. This action has no effect on ozone-precursor emissions and thus, no direct or indirect effects with respect to GHGs or climate change.

*Comment 3:* The commenter stated that EPA should require an analysis of the air quality or public health impacts from removing these NO<sub>x</sub> control rules, especially vulnerable and low-income groups.

*Response:* Please see response to Comment 2. Because the rules were sunsetted in 2009 and no substantive provisions of the Missouri NBTP Rule and the Missouri EGU Emission Rate Rule remain operative, this action has no effect on emissions or air quality.

*Comment 4:* The commenter stated that EPA should require Missouri to correct a compliance gap for large non-EGUs in eastern Missouri with a deadline.

*Response:* This action only removes obsolete provisions from the Missouri SIP. As noted in the NPRM, while the EPA has identified the existence of this compliance gap for NO<sub>x</sub> SIP Call-affected large non-EGUs in eastern Missouri, the removal of the already-sunsetted rules from the state’s SIP would not have any effect on the compliance gap. See 90 FR at 17754. As EPA further states in the NPRM, the EPA remains ready to assist Missouri in remedying the gap, but that remedy is beyond the scope of this action.

*Comment 5:* The commenter stated that EPA and Missouri should perform environmental justice reviews to prevent disproportionate impacts on marginalized, low-income, or Black communities for SIP revisions.

*Response:* Please see response to Comment 3. Because no substantive provisions of the Missouri NBTP Rule and the Missouri EGU Emission Rate Rule remain operative, the rules currently have no effect on emissions or air quality.

*Comment 6:* The commenter stated that NO<sub>x</sub> emissions, seasonal trends and ozone readings should be publicly posted.

*Response:* The state of Missouri<sup>1</sup> and the EPA publicly post ozone levels from

each monitor<sup>2</sup> and annual NO<sub>x</sub> emissions are publicly available from the EPA’s National Emissions Inventory (NEI).<sup>3</sup> More detailed emissions data is available for sources regulated by the EPA’s Clean Air Markets Program Data (CAMPD).<sup>4</sup>

*Comment 7:* The commenter stated that the rule should be reinstated if air quality deteriorates or the ozone non-attainment areas expand.

*Response:* As stated in the proposal, this rulemaking only removes obsolete provisions of the Missouri SIP. Further, these rules are no longer in effect and have not been since 2009. There are ongoing ozone season requirements for EGU sources. Missouri’s large EGUs continue to participate in the interstate Cross-State Air Pollution Rule (CSAPR) Ozone Season Group 2 Trading Program (the CSAPR OS G2 trading program), as required by the Missouri CSAPR OS G2 Rule. See 90 FR at 17753. In addition, for the state’s NO<sub>x</sub> SIP Call-affected large non-EGUs, the Missouri Clean Air Interstate Rule (CAIR) OS Rule’s requirements to monitor seasonal NO<sub>x</sub> emissions in accordance with 40 CFR part 75 remain federally enforceable SIP requirements, notwithstanding the fact that the EPA has stopped carrying out its functions administering the trading program elements of that rule and the fact that the state has removed the rule from the state’s regulations. Those monitoring requirements remain codified federal law. See id. 17753–54.

*Comment 8:* The commenter stated that EPA should track GHG emission co-benefits from EGU controls for NO<sub>x</sub>.

*Response:* As stated in the proposal, this rulemaking only removes obsolete provisions of the Missouri SIP. GHG tracking is beyond the scope of the rulemaking.

*Comment 9:* The commenter stated that Missouri should do meaningful community engagement for SIP revisions and provide information in multiple languages.

*Response:* The State submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102.

*Comment 10:* The commenter stated that EPA should clarify how this action will be impacted by pending litigation on interstate transport.

*Response:* Since the rules being removed are no longer in effect and have not been since 2009, this action is not affected by or relevant to more recent interstate transport litigation,

which generally concerns interstate transport obligations for the 2015 ozone NAAQS.

*Comment 11:* The commenter stated that EPA should require Missouri to assess and mitigate any negative impacts on workers in the EGU and non-EGU sectors, including air quality monitoring professionals during regulatory transitions.

*Response:* As stated above, this rulemaking is limited to the removal of obsolete SIP provisions for a program that EPA no longer implements. This comment is outside the scope of the rulemaking.

*Comment 12:* The commenter stated that the SIP should mandate periodic, data-driven reviews of NO<sub>x</sub> and ozone trends, with automatic triggers for rule reassessment if air quality indicators worsen or if EPA adopts new ozone standards.

*Response:* See response to Comment 10.

#### IV. What action is the EPA taking?

The EPA is taking final action to approve Missouri’s request to remove 10 CSR 10–6.350 and 10 CSR 10–6.360 from the SIP because the rules are no longer operative.

#### V. Incorporation by Reference

In this document, the EPA is removing rules that were previously incorporated by reference from the applicable Missouri SIP. In accordance with requirements of 1 CFR 51.5, the EPA is removing 10 CSR 10–6.350 and 10 CSR 10–6.360 as discussed in section II. of this preamble and as set forth below in the proposed revision to 40 CFR part 52.

#### 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 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)

<sup>1</sup> Air Quality Analysis Ozone—Weekly Monitor Data | Missouri Department of Natural Resources.

<sup>2</sup> Air Quality Design Values | US EPA.

<sup>3</sup> Get Air Emissions Data | US EPA.

<sup>4</sup> Clean Air Markets Program Data (CAMPD) | US EPA.

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 (CRA), 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 October 14, 2025. 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, and Ozone.

Dated: July 31, 2025.

**James Macy,**

*Regional Administrator, Region 7.*

For the reasons stated in the preamble, the EPA amends 40 CFR part 52 as set forth below:

## 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 AA—Missouri

#### § 52.1320 [Amended]

- 2. In § 52.1320, the table in paragraph (c) is amended by removing the entries “10–6.350” and “10–6.360” under the heading “Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods, and Air Pollution Control Regulations for the State of Missouri”.

[FR Doc. 2025–15440 Filed 8–13–25; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA–R05–OAR–2023–0564; FRL–12835–02–R5]

### Finding of Failure To Attain; Air Plan Approval; Indiana; Huntington County Sulfur Dioxide Attainment Plan

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is determining that the Huntington County, Indiana nonattainment area failed to attain the 2010 Sulfur Dioxide (SO<sub>2</sub>) National Ambient Air Quality Standard (NAAQS) by the applicable attainment date of April 9, 2023. EPA is also approving revisions into the Indiana State Implementation Plan (SIP) intended to provide for attainment of the 2010 SO<sub>2</sub> NAAQS for the Huntington County nonattainment area. These SIP revisions include Indiana’s attainment demonstration and other planning elements required under the Clean Air Act (CAA), and an order issued by the Commissioner of the Indiana Department of Environmental

Management containing enforceable emission limits. Further, EPA is determining that the provisions of Indiana’s SIP submittal adequately provide for attainment of the NAAQS and that the plan meets all other applicable CAA requirements. EPA proposed to approve this action on June 18, 2025, and received no adverse comments.

**DATES:** This final rule is effective on September 15, 2025.

**ADDRESSES:** EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2023–0564. 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 Abigail Teener, at (312) 353–7314, before visiting the Region 5 office.

**FOR FURTHER INFORMATION CONTACT:** Abigail Teener, Air and Radiation Division (AR18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–7314, [teener.abigail@epa.gov](mailto:teener.abigail@epa.gov).

### SUPPLEMENTARY INFORMATION:

#### I. Background Information

On June 18, 2025 (90 FR 25968), EPA proposed to approve Indiana’s plan for attaining the 2010 SO<sub>2</sub> NAAQS for the Huntington County area and for meeting other nonattainment area planning requirements of CAA sections 110, 172, 179 and 192. EPA proposed to approve Indiana’s demonstration that these requirements provide for attainment of the 2010 SO<sub>2</sub> NAAQS in Huntington County and that Indiana had satisfied the other applicable requirements for nonattainment areas. EPA also proposed to approve Commissioner’s Order 2023–Air–02, approved and signed on February 12, 2024, which contains the enforceable emission limits and associated requirements for Isolotek International (Isolotek), formerly known

as U.S. Mineral Wool, that Indiana's Huntington County SO<sub>2</sub> attainment plan relies upon. In the same action, EPA proposed to find that the Huntington County nonattainment area failed to attain the 2010 SO<sub>2</sub> NAAQS by the applicable attainment date of April 9, 2023, but that finalizing the approval of Indiana's plan would fulfill the requirement under CAA section 179 for a State to submit a revision to its SIP to provide for attainment in that area no later than five years from the date of any final determination that the area failed to attain.

An explanation of the CAA requirements, a detailed analysis of the revisions, and EPA's reasons for proposing approval were provided in the notice of proposed rulemaking (90 FR 25968, June 18, 2025) and will not be restated here. The public comment period for this proposed rule ended on July 18, 2025. EPA received two supportive comments on the proposal, which are included in the docket for this action.

## II. Final Action

EPA is determining, under section 179 of the CAA, that the Huntington County, Indiana nonattainment area failed to attain the 2010 SO<sub>2</sub> NAAQS by the applicable attainment date of April 9, 2023, and that Indiana is therefore subject to the requirement under section 179 to submit a revision to its SIP to provide for attainment in that area no later than five years from the date of any final determination that the area failed to attain. *See* section 179(c)–(d). EPA is also approving Indiana's November 6, 2023, SIP attainment plan submittal and February 12, 2024, supplemental SIP revision for the Huntington County SO<sub>2</sub> nonattainment area as fulfilling this requirement to provide for attainment of the 2010 SO<sub>2</sub> NAAQS by the attainment date in this unique circumstance because control measures are now in place and effective, the area is attaining the 2010 SO<sub>2</sub> NAAQS, and the State has submitted a complete and approvable attainment plan with all required planning elements. EPA is determining that Indiana has appropriately demonstrated that the plan provides for attainment of the 2010 SO<sub>2</sub> NAAQS in the Huntington County, Indiana nonattainment area and that the plan meets the other applicable requirements under CAA sections 172, 191, and 192. The approval of Indiana's SO<sub>2</sub> attainment plan also terminates the Federal Implementation Plan deadline that was triggered by EPA's November 3, 2020 (85 FR 69504), Finding of Failure to Submit for the Huntington County 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 Indiana Regulations described in section I 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 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.<sup>1</sup>

## IV. Statutory and Executive Order Reviews

Approving an attainment plan for a nonattainment area and a finding that an area has failed to attain the NAAQS by the relevant attainment date under sections 110, 172, 179 and 192 of the CAA are actions that affect the status of a geographical area and do not impose any additional regulatory requirements on sources beyond those imposed by State law. Moreover, 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.

### A. Executive Order 12866: Regulatory Planning and 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 subject to Executive Order 14192 (90 FR 9065, February 6, 2025) because SIP approval and finding of failure to attain actions under the

CAA are exempt from review under Executive Order 12866.

### C. Paperwork Reduction Act

This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

### D. Regulatory Flexibility Act

This action merely approves State law as meeting Federal requirements and imposes no additional requirements beyond those imposed by State law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

### 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. This action does not impose additional requirements beyond those imposed by State law. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, will result from this action.

### F. Executive Order 13132: Federalism

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

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

Executive Order 13175 (65 FR 67249, November 9, 2000), requires EPA to develop an accountable process to ensure “meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.” This rule does not have Tribal implications, as specified in Executive Order 13175. It will not have substantial direct effects on Tribal governments. Thus, Executive Order 13175 does not apply to this rule.

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

This action is not subject to Executive Order 13045 because it is not 3(f)(1) significant as defined in Executive Order 12866, and because EPA does not believe the environmental health or

<sup>1</sup> 62 FR 27968 (May 22, 1997).

safety risks addressed by this action present a disproportionate risk to children 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 Advancement Act

This rulemaking does not involve technical standards.

K. Congressional Review 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).

L. Judicial Review

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 October 14, 2025. 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, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: August 5, 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. Amend § 52.770:

■ a. In the table in paragraph (d) by adding an entry at the end for “Isolatek International”; and

■ b. In the table in paragraph (e) by adding an entry at the end for “Huntington County 2010 Sulfur Dioxide (SO<sub>2</sub>) Attainment Plan”.

The addition reads as follows:

§ 52.770 Identification of plan.

\* \* \* \* \*

(d) \* \* \*

EPA-APPROVED INDIANA SOURCE-SPECIFIC PROVISIONS

| CO date   | Title                  | SIP rule | EPA approval                                                               | Explanation                             |
|-----------|------------------------|----------|----------------------------------------------------------------------------|-----------------------------------------|
| 2/12/2024 | Isolatek International | N.A      | 8/14/2025, 90 FR [Insert Federal Register page where the document begins]. | Limitations to support attainment plan. |

(e) \* \* \*

EPA-APPROVED INDIANA NONREGULATORY AND QUASI-REGULATORY PROVISIONS

| Title                                                                     | Indiana date | EPA approval                                                               | Explanation    |
|---------------------------------------------------------------------------|--------------|----------------------------------------------------------------------------|----------------|
| Huntington County 2010 Sulfur Dioxide (SO <sub>2</sub> ) Attainment Plan. | 11/6/2023    | 8/14/2025, 90 FR [Insert Federal Register page where the document begins]. | Full approval. |

■ 3. In § 52.774, add paragraph (c) to read as follows:

§ 52.774 Determination of attainment.

(c) Based upon air quality modeling, EPA determined that the Huntington County sulfur dioxide (SO<sub>2</sub>) nonattainment area failed to attain the 2010 SO<sub>2</sub> NAAQS by the applicable attainment date of April 9, 2023. Therefore, EPA has met the requirement pursuant to CAA section 179(c) to determine, based on the Area’s air quality as of the attainment date, whether the Area attained the standard. EPA also determined that Indiana has met the requirements resulting from

failing to attain pursuant to section 179(d) for the Huntington County SO<sub>2</sub> nonattainment area.

[FR Doc. 2025–15455 Filed 8–13–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R02–OAR–2025–0040; FRL–12733–02–R2]

Approval and Promulgation of State Implementation Plans; New York; Emission Statement Certification of the 2008 and 2015 Ozone National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving portions of

the comprehensive State Implementation Plan (SIP) revisions submitted by New York State that certify that the State has satisfied the requirements for an emission statement program for both the Serious and Moderate classifications of the 2008 and 2015 ozone National Ambient Air Quality Standards (NAAQS), respectively. These actions are being taken in accordance with the requirements of the Clean Air Act (CAA). The EPA proposed to approve this SIP revision on May 8, 2025, and received no comments.

**DATES:** This final rule is effective on September 15, 2025.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA-R02-OAR-2025-0040. 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.*, 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>.

**FOR FURTHER INFORMATION CONTACT:** Fausto Taveras, Environmental Protection Agency, Air Programs Branch, Region 2, 290 Broadway, New York, New York 10007-1866, telephone number: (212) 637-3378, or by email address: [taveras.fausto@epa.gov](mailto:taveras.fausto@epa.gov).

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

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- I. What is the background for this action?
- II. What comments were received in response to the EPA’s proposed action?
- III. What action is the EPA taking?
- IV. Statutory and Executive Order Reviews

#### I. What is the background for this action?

On May 8, 2025, the EPA proposed to approve State Implementation Plan (SIP) revisions submitted by New York State for purposes of addressing ozone elements for the 2008 and 2015 ozone 8-hour NAAQS for the New York portion of the New York-Northern New Jersey-Long Island (NY-NJ-CT) nonattainment area (also referred to as the New York Metro Area or NYMA). See 90 FR 19434. Specifically, the EPA proposed to approve the State’s

certification that it has satisfied the requirements for an emission statement program for the 2015 ozone Moderate classification, pursuant to CAA section 182(a)(3)(B) and 182(b), for the NYMA nonattainment area included in its comprehensive SIP submittal from January 29, 2021. Additionally, New York State also submitted a comprehensive SIP revision on November 29, 2021. Within that submittal, the State included its certification that it has satisfied the requirements of an emission statement program for the 2008 ozone Serious classification, pursuant to CAA section 182(a)(3)(B) and 182(c), for the NYMA nonattainment area.<sup>1</sup> Within both submissions, New York certifies that the emission statement requirement under CAA section 182(a)(3)(B) continues to be fully addressed through the implementation and enforcement of its state-wide federally approved regulation at Title 6 of the New York Code of Rules and Regulation (NYCRR) subpart 202-2, “Emission Statements.”<sup>2</sup>

Planning elements addressed in this final action from New York’s comprehensive January 29, 2021, and November 29, 2021, SIP submissions along with the respective NAAQS classification and nonattainment areas are outlined in table 1.

TABLE 1—SIP ELEMENTS THAT THE EPA IS APPROVING THAT ARE ADDRESSED IN NEW YORK STATE’S COMPREHENSIVE SIP REVISION SUBMITTED ON JANUARY 29, 2021, AND NOVEMBER 29, 2021

| Ozone NAAQS & classification              | SIP element                                                                                   | Nonattainment areas                                                            | SIP submission date |
|-------------------------------------------|-----------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|---------------------|
| 2008 Ozone NAAQS—Serious Classification.  | Certification of the State’s Emission Statement Program Pursuant to CAA section 182(c).       | New York’s portion of the New York-Northern New Jersey-Long Island (NY-NJ-CT). | November 29, 2021.  |
| 2015 Ozone NAAQS—Moderate Classification. | Certification of the State’s Emission Statement Program Pursuant to CAA section 182(a)(3)(B). | New York’s portion of the New York-Northern New Jersey-Long Island (NY-NJ-CT). | January 29, 2021.   |

The specific details of New York’s SIP submittals and the rationale for the EPA’s approval action are explained in the EPA’s proposed rulemaking and are not restated in this final action. For this detailed information, the reader is referred to the May 8, 2025, proposal. See 90 FR 19434.

#### II. What comments were received in response to the EPA’s proposed action?

The EPA provided a 30-day review and comment period for the May 8, 2025, proposed rule. The comment period ended on June 9, 2025. We received no comments on the EPA’s

action. As a result, no changes have been made to this final rule.

#### III. What action is the EPA taking?

In this rule, the EPA is approving the certifications included in New York State’s January 29, 2021, and November 29, 2021, comprehensive SIP revisions. Within the January 29, 2021, comprehensive SIP revision, the State certified that it has satisfied the requirements of an emission statement program for the 2015 ozone Moderate classification, pursuant to CAA sections 182(a)(3)(B) and 182(b), for the NYMA nonattainment area. Additionally, the State’s November 29, 2021,

comprehensive SIP revision provided certification that its existing emission statement regulation addresses the requirements for an emission statement program for the 2008 ozone Serious classification, pursuant to CAA sections 182(a)(3)(B) and 182(c), for the NYMA nonattainment area. In this action, the EPA has determined that New York State’s federally approved emission statement regulation, 6 NYCRR subpart 202-2, “Emission Statements,” continues to properly implement the emissions statement requirements of CAA sections 182(a)(3)(B) and 182(c) consistent with 40 CFR 51.1115 and 40 CFR 51.1315.

<sup>1</sup> The EPA addressed the remaining ozone elements, outlined in New York’s comprehensive January 29, 2021, and November 29, 2021, SIP

revisions, in a separate rulemaking. See 88 FR 77208 (November 9, 2023).

<sup>2</sup> The EPA approved a revision to 6 NYCRR subpart 202-2 into New York’s SIP on December 28, 2023. See 88 FR 89593.

#### 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 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 it 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 (CRA), 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 October 14, 2025. 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, Nitrogen dioxide, Nitrogen oxides, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

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

**Michael Martucci,**

*Regional Administrator, Region 2.*

For the reasons set forth 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 HH—New York

- 2. In § 52.1670, the table in paragraph (e) is amended by adding the entries “2008 8-hour Ozone NAAQS Serious Emission Statement Program Certification Pursuant to Clean Air Act section 182(c)” and “2015 8-hour Ozone NAAQS Moderate Emission Statement Program Certification Pursuant to Clean Air Act sections 182(a)(3)(B) and 182(b)” in alphabetical order at the end of the table to read as follows:

#### § 52.1670 Identification of plan.

\* \* \* \* \*

(e) \* \* \*

#### EPA-APPROVED NEW YORK NONREGULATORY AND QUASI-REGULATORY PROVISIONS

| Action/SIP element                                                                                                                    | Applicable geographic or nonattainment area                                                                | New York submittal date | EPA approval date                                                          | Explanation      |
|---------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|-------------------------|----------------------------------------------------------------------------|------------------|
| 2008 8-hour Ozone NAAQS Serious Emission Statement Program Certification Pursuant to Clean Air Act section 182(c).                    | New York portion of the New York-Northern New Jersey-Long Island NY–NJ–CT 8-hour ozone nonattainment area. | 11/29/2021              | 8/14/2025, 90 FR [insert FEDERAL REGISTER page where the document begins]. | • Full approval. |
| 2015 8-hour Ozone NAAQS Moderate Emission Statement Program Certification Pursuant to Clean Air Act sections 182(a)(3)(B) and 182(b). | New York portion of the New York-Northern New Jersey-Long Island NY–NJ–CT 8-hour ozone nonattainment area. | 01/29/2021              | 8/14/2025, 90 FR [insert FEDERAL REGISTER page where the document begins]. | • Full approval. |

- 3. In § 52.1683, add paragraphs (w)(8) and (9) to read as follows:

#### § 52.1683 Control strategy: Ozone.

\* \* \* \* \*

(w) \* \* \*

(8) New York's certification that the State has satisfied the requirements for Emission Statement Program under the Clean Air Act for the 2008 8-hour Ozone NAAQS Serious classification, included in the State's November 29, 2021, SIP

submittal for the New York portion of the New York-Northern New Jersey-Long Island nonattainment area, pursuant to Clean Air Act section 182(c), is approved.

(9) New York's certification that the State has satisfied the requirements for Emission Statement Program under the Clean Air Act for the 2015 8-hour Ozone NAAQS Moderate classification, included in the State's January 29, 2021, SIP submittal for the New York portion of the New York-Northern New Jersey-Long Island nonattainment area, pursuant to Clean Air Act sections 182(a)(3)(B) and 182(b), is approved.

[FR Doc. 2025-15443 Filed 8-13-25; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R07-OAR-2025-0200; FRL-12750-02-R7]

#### Air Plan Approval; IA; Alter Metal Recycling Permit Modification

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is taking final action to approve revisions to the Iowa State Implementation Plan (SIP) to include a permit modification for Alter Metal Recycling. This final action will amend the SIP to incorporate revisions to the air construction permit for Alter Metal Recycling included in the State's 2008 Lead (Pb) National Ambient Air Quality Standards (NAAQS) attainment plan for a portion of Council Bluffs, Pottawattamie County, IA. These revisions do not impact the stringency of the SIP or have an adverse effect on air quality. The EPA's approval of this revision is being done in accordance with the requirements of the Clean Air Act (CAA).

**DATES:** This final rule is effective on September 15, 2025.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA-R07-OAR-2025-0200. 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) 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 information.

#### FOR FURTHER INFORMATION CONTACT:

Bethany Olson, Environmental Protection Agency, Region 7 Office, Air Quality Planning Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219; telephone number: (913) 551-7905; email address: [olson.bethany@epa.gov](mailto:olson.bethany@epa.gov).

#### SUPPLEMENTARY INFORMATION:

Throughout this document "we," "us," and "our" refer to EPA.

#### Table of Contents

- I. What is being addressed in this document?
- II. Have the requirements for approval of a SIP revision been met?
- III. What action is the EPA taking?
- IV. Incorporation by Reference
- V. Statutory and Executive Order Reviews

#### I. What is being addressed in this document?

The EPA is approving revisions to the Iowa SIP received on October 23, 2017. Iowa Department of Natural Resources (IDNR) requested to replace a SIP-approved air construction permit with a modified permit at Alter Metal Recycling in Council Bluffs, Pottawattamie County, IA. The air construction permit #A-14-521 for Alter Metal Recycling was included in Iowa's 2008 Lead NAAQS attainment plan for the Pottawattamie County, Council Bluffs, Iowa nonattainment area, which was approved by EPA on February 26, 2016 (81 FR 9770).

As discussed in further detail in the notice of proposed rulemaking (NPRM), dated June 3, 2025 (90 FR 23495), the SIP-approved permit #14-A-521 provided that Alter Metal Recycling could request to reduce the frequency of required silt load sampling if the silt load content was less than 2.70 g/m<sup>2</sup> for 12 consecutive months. As detailed in Iowa's October 23, 2017, letter requesting approval of the modified permit #A-14-521-S1 into the SIP, data submitted by Alter Metal Recycling demonstrated compliance between October 2014 and November 2016. Accordingly, IDNR granted Alter Metal's request to reduce the frequency of required silt load sampling from monthly to quarterly. The modified permit also includes updated contingency measures that are more protective of air quality during inclement weather.

The state's SIP submission requested that the EPA not act on Condition 11 of the permit, and accordingly that condition is not included in this action. Condition 11 references 567 Iowa Administrative Code (IAC) Chapter 24.1(1) pertaining to excess emissions during periods of startup, shutdown, or

cleaning of control equipment. The EPA finds that the permit modification does not increase potential lead emissions and retains all measures necessary to attain and maintain the 2008 lead NAAQS.

For these reasons, the EPA finds that this SIP revision will not interfere with any applicable requirement concerning attainment and reasonable further progress (as defined in section 171 of the CAA), or any other applicable requirement of the CAA as required under section 110(l) of the Act. Accordingly, EPA is taking final action to remove permit #14-A-521 from the SIP and replace it with permit #14-A-521-S1. The full permit and the State's submission can be found in the docket for this action.

#### II. Have the requirements for approval of a SIP revision been met?

The State submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. The State provided public notice on this SIP revision from May 25, 2017, to June 27, 2017, and held a public hearing on June 27, 2017. The State received no comments. The EPA's NPRM and supporting information contained in the docket were made available for public comment from June 3, 2025, to July 3, 2025. The EPA received no comments. In addition, as explained above, the revision meets the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

#### III. What action is the EPA taking?

The EPA is taking final action to approve the State's request to modify the SIP-approved permit for Alter Metal Recycling. This action removes air construction permit #14-A-521 from the Iowa SIP and replaces it with permit #14-A-521-S1.

#### IV. Incorporation by Reference

In this document, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is removing the EPA-approved permit #14-A-521 from the Iowa SIP and adding incorporation by reference of the Iowa permit #14-A-521-S1 discussed in section II. of this preamble and as set forth below in the amendments to 40 CFR part 52. The EPA has made, and will continue to make, these materials generally available through <https://www.regulations.gov> and at the EPA

Region 7 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 the 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 the EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.<sup>1</sup>

**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 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 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 October 14, 2025. 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.

Dated: July 31, 2025.

**James Macy,**  
*Regional Administrator, Region 7.*

For the reasons stated in the preamble, the EPA amends 40 CFR part 52 as set forth below:

**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 Q—Iowa**

- 2. In § 52.820, the table in paragraph (d) is amended by revising the entry “(111)” to read as follows:

**§ 52.820 Identification of plan.**

\* \* \* \* \*

(d) \* \* \*

**EPA-APPROVED IOWA SOURCE-SPECIFIC ORDERS/PERMITS**

| Name of source               | Order/permit No.        | State effective date | EPA approval date                                                                 | Explanation                                                                       |
|------------------------------|-------------------------|----------------------|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| (111) Alter Metal Recycling. | Permit No. 14–A–521–S1. | 6/30/2017            | 8/14/2025, 90 FR [insert <b>Federal Register</b> page where the document begins]. | 2008 Pb NAAQS Attainment Plan; condition 11 of the permit is not part of the SIP. |

\* \* \* \* \*

[FR Doc. 2025–15442 Filed 8–13–25; 8:45 am]

**BILLING CODE 6560–50–P**

<sup>1</sup> 62 FR 27968, May 22, 1997.

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 73**

[DA 25–696; MB Docket No. 25–135; FR ID 307891]

**Radio Broadcasting Services; Matador, Texas**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document amends the Table of FM Allotments, of the Federal Communications Commission's (Commission) rules, by substituting Channel 276C2 for vacant Channel 244C2 and Channel 252C3 for vacant Channel 276C3 at Matador, Texas. A staff engineering analysis determines that Channel 276C2 can be allotted to Matador, consistent with the minimum distance separation requirements of the Commission's rules with a site restriction of 27 kilometers (16.8 miles) west of the community. The reference coordinates are 33–56–19 NL and 101–06–08 WL. The staff engineering analysis indicates that Channel 252C3 can be allotted to Matador consistent with the minimum distance separation requirements of the Commission's rules, with a site restriction of 12 kilometers (7.5 miles) southeast of the community. The reference coordinates are 33–57–50 NL and 100–42–07 WL.

**DATES:** Effective September 22, 2025.

**FOR FURTHER INFORMATION CONTACT:** Rolanda F. Smith, Media Bureau, (202) 418–2054, [Rolanda-Faye.Smith@fcc.gov](mailto:Rolanda-Faye.Smith@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MB Docket No. 25–135, adopted August 7, 2025 and released August 7, 2025. The full text of this Commission decision is available online at <https://apps.fcc.gov/ecfs/>. The full text of this document can also be downloaded in Word or Portable Document Format (PDF) at <https://www.fcc.gov/edocs>. This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13.

The Commission will send a copy of the Report and Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

**List of Subjects in 47 CFR Part 73**

Radio, Radio broadcasting, Television.

Federal Communications Commission.  
**Nazifa Sawez,**  
*Assistant Chief, Audio Division, Media Bureau.*

**Final Rules**

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 73 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. In § 73.202(b), amend table 1 to paragraph (b) under Texas, by revising the entry for “Matador” to read as follows:

**§ 73.202 Table of Allotments.**

\* \* \* \* \*

(b) *Table of FM Allotments.*

TABLE 1 TO PARAGRAPH (b)  
[U.S. States]

|               |   |   |   |   | Channel No.  |
|---------------|---|---|---|---|--------------|
| *             | * | * | * | * |              |
| <b>Texas</b>  |   |   |   |   |              |
| *             | * | * | * | * |              |
| Matador ..... |   |   |   |   | 252C3, 276C2 |
| *             | * | * | * | * |              |

[FR Doc. 2025–15514 Filed 8–13–25; 8:45 am]

**BILLING CODE** 6712–01–P

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 73**

[MB Docket No. 25–131; RM–11999; DA 25–691; FR ID 307206]

**Television Broadcasting Services Henderson, Nevada**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document amends the Table of TV Allotments (table) of the Federal Communications Commission's (Commission) rules by substituting channel 9 for channel 24 at Henderson, Nevada in response to a Petition for Rulemaking filed by Gray Television Licensee, LLC (Gray), the licensee of KVVU–TV, Henderson, Nevada. The staff engineering analysis finds that the

proposal is in compliance with the Commission's principal community coverage and technical requirements. The substitution of channel 9 for channel 24 in the table will allow the station to continue to operate on its licensed channel and provide uninterrupted service to its viewers.

**DATES:** Effective August 14, 2025.

**FOR FURTHER INFORMATION CONTACT:**

Shaun Maher, Media Bureau, at [Shaun.Maher@fcc.gov](mailto:Shaun.Maher@fcc.gov), (202) 418–2324, or Mark Colombo, Media Bureau, at [Mark.Colombo@fcc.gov](mailto:Mark.Colombo@fcc.gov), (202) 418–7611.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Report and Order*, MB Docket No. 25–131; RM–11999; DA 25–691, adopted August 4, 2025, and released August 4, 2025. The proposed rule was published at 90 FR 12508 on March 18, 2025. The full text of this document is available online at <https://www.fcc.gov/edocs>.

This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed information collection burden “for small business concerns with fewer than 25 employees,” pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4). Provisions of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, do not apply to this proceeding.

The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

**List of Subjects in 47 CFR Part 73**

Television.

Federal Communications Commission.

**Thomas Horan,**

*Chief of Staff, Media Bureau.*

**Final Rule**

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 73 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. In § 73.622, in the table in paragraph (j), under Nevada, revise the entry for “Henderson” to read as follows:

§ 73.622 Digital television table of allotments.

\* \* \* \* \*

(j) \* \* \*

| Community | Channel No. |
|-----------|-------------|
| * * * * * | *           |
| Nevada    |             |

| Community       | Channel No. |
|-----------------|-------------|
| * * * * *       | *           |
| Henderson ..... | 9           |
| * * * * *       | *           |

\* \* \* \* \*

[FR Doc. 2025–15438 Filed 8–13–25; 8:45 am]  
BILLING CODE 6712–01–P

# Proposed Rules

Federal Register

Vol. 90, No. 155

Thursday, August 14, 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 HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 146

[Docket No. FDA-2022-P-1668]

#### Food Standards of Identity Modernization; Pasteurized Orange Juice; Proposed Rule; Correction

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Proposed rule.

**SUMMARY:** The Food and Drug Administration (FDA or we) is correcting the proposed rule entitled “Food Standards of Identity Modernization; Pasteurized Orange Juice; Proposed Rule” (90 FR 37817, August 6, 2025). In the proposed rule, FDA proposed to amend the standard of identity (SOI) for pasteurized orange juice (POJ) by lowering the minimum orange juice soluble solids content from 10.5° to 10° Brix. The proposed rule inadvertently included an additional summary of benefits table, an additional summary table and an extraneous paragraph and sentence. This document corrects those errors.

**DATES:** August 14, 2025.

**FOR FURTHER INFORMATION CONTACT:** Keronica Richardson, Office of Policy, Regulations, and Information, Human Foods Program, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240-402-2378.

**SUPPLEMENTARY INFORMATION:** In FR Doc. 2025-14949, appearing on pages 37822 to 37823 in the **Federal Register** of Wednesday, August 6, 2025, the following corrections are made:

1. In the **SUPPLEMENTARY INFORMATION** section, in subsection VII: Preliminary Economic Analysis of Impact, on page 37822, remove the extraneous paragraph starting with the sentence, “The proposed rule, if finalized, would not require firms in the POJ industry to change their manufacturing practices or behavior in any way” and ending with

the sentence, “We request comment on our described benefits and costs of the proposed rule.”

2. In the **SUPPLEMENTARY INFORMATION** section, in subsection VII: Preliminary Economic Analysis of Impact, on page 37823, remove “Table 1—Summary of Benefits, Costs and Distributional Effects of the Proposed Rule”.

3. In the **SUPPLEMENTARY INFORMATION** section, in subsection VII: Preliminary Economic Analysis of Impact, on page 37823, remove the extraneous sentence “In line with Executive Order 14192, in 2 we estimate present and annualized values of cost, cost savings, and net costs over an infinite time horizon.”

4. In the **SUPPLEMENTARY INFORMATION** section, in subsection VII: Preliminary Economic Analysis of Impact, on page 37823, remove “Table 2—E.O. 14192 Summary Table”.

The full preliminary analysis of economic impacts remains available in the docket for this proposed rule (Ref. 2) and at <https://www.fda.gov/about-fda/economics-staff/regulatory-impact-analyses-ria>.

Dated: August 11, 2025.

**Grace R. Graham,**

*Deputy Commissioner for Policy, Legislation, and International Affairs.*

[FR Doc. 2025-15473 Filed 8-13-25; 8:45 am]

**BILLING CODE 4164-01-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R01-OAR-2024-0188; FRL-12928-01-R1]

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

**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 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

propose approval of Rhode Island’s revised vapor recovery regulations. This action is being taken under the Clean Air Act.

**DATES:** Written comments must be received on or before September 15, 2025.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R01-OAR-2024-0188 at <https://www.regulations.gov>, or via email to [martinelli.ayla@epa.gov](mailto:martinelli.ayla@epa.gov). For comments submitted at [Regulations.gov](https://www.regulations.gov), follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from [Regulations.gov](https://www.regulations.gov). For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>. Publicly available docket materials are available at <https://www.regulations.gov> or at the U.S. Environmental Protection Agency, EPA Region 1 Regional Office, Air and Radiation Division, 5 Post Office Square—Suite 100, Boston, MA. EPA requests that, if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection.

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

**SUPPLEMENTARY INFORMATION:**

Throughout this document whenever “we,” “us,” or “our” is used, we mean EPA.

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**I. Background and Purpose****A. Stage II Vapor Recovery**

Rhode Island adopted its Stage II Vapor Recovery Program in 1992 in order to satisfy the requirements of sections 182(b)(3) and 184(b)(2) of the CAA. The Rhode Island Stage II vapor recovery program requirements were codified in Rhode Island Air Pollution Control Regulation No. 11, *Petroleum Liquids Marketing and Storage*, and EPA approved the program into the Rhode Island SIP on December 17, 1993 (58 FR 65930). Rhode Island’s rule required gasoline dispensing facilities (GDFs) throughout the state to install Stage II vapor recovery systems.

Stage II vapor recovery and onboard refueling vapor recovery (ORVR) systems are two types of emission control systems that capture fuel vapors from vehicle gas tanks during refueling. Stage II vapor recovery systems are installed at GDFs and capture the refueling fuel vapors at the gasoline pump. The system carries the vapors back to the underground storage tank at the GDF to prevent the vapors from escaping to the atmosphere. ORVR systems are carbon canisters installed directly on automobiles to capture the fuel vapors evacuated from the gasoline tank before they reach the nozzle. The fuel vapors captured in the carbon canisters are then combusted in the engine when the automobile is in operation.

Stage II vapor recovery systems and vehicle ORVR systems were initially both required by the 1990 Amendments to the Clean Air Act (CAA). Section 182(b)(3) of the CAA requires Moderate and above ozone nonattainment areas to implement Stage II vapor recovery programs. Also, under CAA section 184(b)(2), states located in the Ozone Transport Region (OTR) are required to implement Stage II or comparable measures. CAA section 202(a)(6) required EPA to promulgate regulations for ORVR for light-duty vehicles (passenger cars). EPA adopted these requirements in 1994, at which point

Moderate ozone nonattainment areas were no longer subject to the CAA section 182(b)(3) Stage II vapor recovery requirements; however, areas classified as Serious nonattainment and above for ozone, continued to be subject to the CAA section 182(b)(3) Stage II vapor recover requirements. ORVR equipment has been phased in for new passenger vehicles beginning with model year 1998 and starting with model year 2001 for light-duty trucks and most heavy-duty gasoline powered vehicles. ORVR equipment has been installed on nearly all new gasoline powered light-duty vehicles, light-duty trucks, and heavy-duty vehicles since 2006.

During the phase-in of ORVR controls, Stage II provided volatile organic compound (VOC) reductions in ozone nonattainment areas and in the OTR. Congress recognized that ORVR systems would eventually make Stage II vapor recovery systems largely redundant technologies, and provided authority to EPA to allow states to remove Stage II vapor recovery programs from their SIPs after EPA finds that ORVR is in “widespread use.” In a final rule, published by EPA May 16, 2012 (77 FR 28772), EPA determined that ORVR systems are in widespread use nationwide for control of gasoline emissions during refueling of vehicles at GDFs. In this rulemaking, EPA indicated that more than 75 percent of gasoline refueling nationwide occurs with ORVR-equipped vehicles. Thus, Stage II vapor recovery programs have become redundant control systems and achieve an ever-declining emissions benefit as more ORVR-equipped vehicles continue to enter the on-road motor vehicle fleet.<sup>1</sup> In that rulemaking, EPA also exercised its authority under CAA section 202(a)(6) to waive certain federal statutory requirements for Stage II vapor recovery systems at GDFs. EPA’s May 16, 2012, rulemaking waived the requirements for states to implement Stage II vapor recovery programs in ozone nonattainment areas classified as Serious or above. Finally, EPA’s May 16, 2012, rulemaking also noted that any state currently implementing Stage II vapor recovery programs may submit SIP revisions that would allow for the phase-out of Stage II vapor recovery systems. On August 7, 2012, EPA also

<sup>1</sup> In areas where certain types of vacuum-assist Stage II vapor recovery systems are used, the differences in operational design characteristics between ORVR and some configurations of these Stage II vapor recovery systems result in the reduction of overall control system efficiency compared to what could have been achieved relative to the individual control efficiencies of either ORVR or stage II emissions from the vehicle fuel tank.

issued guidance to states on the process for phasing out Stage II vapor recovery systems, titled “Guidance on Removing Stage II Gasoline Vapor Control Programs from State Implementation Plans and Assessing Comparable Measures,”<sup>2</sup> hereafter referred to as EPA’s 2012 Guidance Document.

On June 9, 2015 (80 FR 32469) EPA approved a State Implementation Plan (SIP) submitted by the Rhode Island Department of Environmental Management, which allowed GDFs to decommission their Stage II vapor recovery systems starting on December 25, 2013, and required Stage II vapor recovery systems to be fully decommissioned by December 22, 2017. Most recently, non-substantive changes were made in 2020 to Rhode Island’s Air Pollution Control Regulation No. 11, *Petroleum Liquids Marketing and Storage*, to address Rhode Island’s RACT requirements, which EPA approved into the Rhode Island SIP on September 3, 2020 (85 FR 54924).

On February 24, 2025, the Rhode Island Department of Environmental Management submitted a revision to its SIP. The SIP revision updates Rhode Island’s Air Pollution Control Regulation No. 11 to completely remove reference to Stage II vapor recovery systems at GDFs and to strengthen Stage I vapor recovery requirements.

**B. Stage I Vapor Recovery**

Stage I vapor recovery employs systems that capture vapors displaced from storage tanks at GDFs during gasoline tank truck deliveries. When gasoline is delivered into an above ground or underground storage tank, vapors that were taking up space in the storage tank are displaced by the gasoline entering the storage tank. The Stage I vapor recovery systems route these displaced vapors into the delivery truck’s tank. Some vapors are vented when the storage tank exceeds a specified pressure threshold, however the Stage I vapor recovery systems greatly reduce the possibility of these displaced vapors being released into the atmosphere.

Stage I vapor recovery systems have been in place since the 1970s. EPA has issued guidance regarding Stage I systems, “Design Criteria for Stage I Vapor Control Systems—Gasoline Service Stations,”<sup>3</sup> which is regarded as the control techniques guideline (CTG) for the control of VOC emissions from this source category; and the EPA

<sup>2</sup> A copy of this guidance can be found in the docket of this proposed rulemaking.

<sup>3</sup> A copy of this guidance can be found in the docket of this proposed rulemaking.

document “Model Volatile Organic Compound Rules for Reasonably Available Control Technology” contains a model Stage I regulation.<sup>4</sup>

In more recent years, the California Air Resources Board (CARB) has required Stage I vapor recovery systems capable of achieving vapor control efficiencies higher than those achieved by traditional systems. These systems are commonly referred to as Enhanced Vapor Recovery (EVR) systems.

On June 9, 2015 (80 FR 32469), EPA approved into Rhode Island’s SIP state regulations that required all GDFs to upgrade their Stage I vapor recovery systems to CARB-certified Stage I EVR systems or a Stage I vapor recovery system composed of EVR system components (Stage I EVR component systems) by December 25, 2020.

## II. Summary of Rhode Island’s SIP Revision

On February 24, 2025, Rhode Island submitted a SIP revision consisting of its revised Air Pollution Control Regulation No. 11, *Petroleum Liquids Marketing and Storage*. This SIP revision removes the entire section of 11.14 currently in the SIP, regarding Stage II vapor controls of GDFs. The revision also contains updates to the following sections currently in the SIP, regarding Stage I vapor controls: 11.4 (“Incorporated Materials”), 11.5 (“Definitions”), 11.7 (“Bulk Gasoline Terminal”), and 11.9 (“Gasoline Dispensing Facility Stage I Vapor Controls and General Requirements”).

In particular, the SIP revision incorporates CARB’s Vapor Recovery Phase I EVR Executive Orders by reference in the “Incorporated Materials” section (renumbered in the February 24, 2025, SIP submittal as section 11.2). To reflect this change, the revision adds two definitions for the following terms to the “Definitions” section (renumbered in the February 24, 2025, SIP submittal as section 11.3): “California Air Resources Board (CARB) certified enhanced vapor recovery (EVR) Stage I component or CARB-certified EVR Stage 1 component” and “California Air Resources Board (CARB) certified enhanced vapor recovery (EVR) stage I vapor control system or CARB-certified EVR stage I vapor control system.” A definition for “Motor Vehicle Fuel” has been added as well, along with minor edits to existing definitions.

The SIP submittal also revises the language of section 11.9, which underlines the required conditions of a

GDF Stage I vapor control system. For example, the revision clarifies that an owner of a gasoline storage or delivery vessel must adhere to two other Rhode Island regulations when making modifications or repairs to their vehicles. Additionally, subsection 11.9.2(F) now specifies that GDFs must be equipped with a dual-point CARB-certified Stage I EVR system or a CARB-certified EVR Stage I Component System and cannot install a coaxial Stage 1 system, with allowance to repair an already existing one.

Furthermore, the SIP submittal clarifies the “Stage I Operation, Maintenance and Compliance Testing” requirements (renumbered in the February 24, 2025, SIP submittal as subsection 11.7.3) by adding various Stage I vapor control system tests as well as clarifying language in accordance with applicable CARB Executive Orders added to section 11.2 (“Incorporated Materials”) of the regulation. Rhode Island also formulated a new subsection, 11.7.4 to maintain existing recordkeeping and reporting of Stage 1 vapor recovery systems. Lastly, the SIP revision contains other minor changes such as an update to the bulk gas terminals prohibition regulations in subsection 11.7.1 and minor numerical, grammatical, format and reference changes throughout the regulation.

## III. EPA’s Evaluation of Rhode Island’s SIP Revision

EPA has reviewed Rhode Island’s revised Air Pollution Control Regulation No. 11, *Petroleum Liquids Marketing and Storage*, and has made the preliminary determination that approval into Rhode Island’s SIP is consistent with the CAA. As an initial matter, EPA previously found that Rhode Island’s phase-out of Stage II vapor recovery systems by 2017 was consistent with EPA’s widespread use rule (77 FR 28772) and EPA’s 2012 Guidance Document. At the same time, EPA also concluded that the phase-out was consistent with CAA section 110(l) anti-backsliding requirements for Stage II decommissioning. 80 FR 32469. Accordingly, EPA approved the phase-out into the SIP in 2015. *Id.* Now that Rhode Island has completed the phase-out and GDFs in the State no longer employ Stage II vapor recovery systems, the revision striking section 11.14 from the SIP would simply remove now-obsolete provisions that are no longer applicable to any GDFs in the State. As a result, the revision is an administrative change that will not impact emissions. With respect to Stage I vapor recovery requirements, the

revisions, by incorporating the CARB Executive Orders, remove ambiguity about which Stage I vapor control systems satisfy Rhode Island’s requirements. The revisions also provide important clarifications regarding testing procedures required for the Stage I systems. For these reasons, Rhode Island’s revised Regulation No. 11 is equally as stringent, or more stringent, than the previously approved version of the rule. Thus, Rhode Island meets the CAA section 110(l) anti-back sliding requirements.

## IV. Proposed Action

EPA is proposing to approve Rhode Island’s February 24, 2025, SIP revision to their Air Pollution Control Regulation No. 11, *Petroleum Liquids Marketing and Storage*, and incorporate it into the Rhode Island SIP. This SIP revision meets all applicable requirements of the Clean Air Act and EPA 2012 Guidance Document.

EPA is soliciting public comments on the issues discussed in this notice or on other relevant matters. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to this proposed rule by following the instructions listed in the **ADDRESSES** section of this **Federal Register**.

## V. Incorporation by Reference

In this rule, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference the aforementioned Rhode Island’s revised Air Pollution Control Regulation No. 11, *Petroleum Liquids Marketing and Storage*, subsections identified in section II of this proposal. The EPA has made, and will continue to make, these documents generally available through [www.regulations.gov](http://www.regulations.gov) and at the EPA Region 1 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

## VI. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the 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

<sup>4</sup> A copy of this guidance can be found in the docket of this proposed rulemaking.

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 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a state program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act.

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

#### List of Subjects in 40 CFR Part 52

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

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

Dated: August 4, 2025.

**Mark Sanborn,**

*Regional Administrator, EPA Region 1.*

[FR Doc. 2025–15459 Filed 8–13–25; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA–R04–OAR–2024–0163; FRL–12823–01–R4]

#### Air Plan Approval; North Carolina; Revisions to Regulations for Sulfur Dioxide Emissions From Combustion Sources

**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 North Carolina Division of Environmental Quality (NCDEQ), Division of Air Quality (DAQ) on November 28, 2023, for the purpose of revising regulations that establish sulfur dioxide (SO<sub>2</sub>) emission limits and compliance parameters for SO<sub>2</sub>-emitting combustion sources in the State. EPA is proposing to approve these changes pursuant to the Clean Air Act (CAA or Act) and EPA regulations.

**DATES:** Comments must be received on or before September 15, 2025.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–R04–OAR–2024–0163 at [regulations.gov](https://www.regulations.gov). Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from [Regulations.gov](https://www.regulations.gov). EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>.

[www.epa.gov/dockets/commenting-epa-dockets](https://www.epa.gov/dockets/commenting-epa-dockets).

#### FOR FURTHER INFORMATION CONTACT:

Matthew Bloemer, 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) 562–9653. Mr. Bloemer can also be reached via electronic mail at [Bloemer.Matthew@epa.gov](mailto:Bloemer.Matthew@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

EPA is proposing to approve a SIP revision submitted by the NCDEQ, on November 28, 2023, that revises Rule 15A North Carolina Administrative Code (NCAC) 02D .0516, *Sulfur Dioxide Emissions from Combustible Sources*. Rule 02D .0516 requires sources emitting SO<sub>2</sub> through combustion and discharging through a vent, stack, or chimney to comply with an emission standard of 2.3 pounds per million British thermal unit (lbs/MMBtu). The Rule also provides criteria for how affected sources should determine compliance with the emission standard. North Carolina's November 28, 2023, SIP revision seeks to modify the Rule 02D .0516 applicability criteria respecting control devices and the provisions for determining compliance with the SO<sub>2</sub> emission standard. More specifically, the SIP revision seeks to provide clarity and consistency with North Carolina's position that the use of supplemental fuels in combustion units beyond what is needed for proper operation is not a means for compliance with the SO<sub>2</sub> emission standard at Rule 02D .0516.

SO<sub>2</sub> is one of the group of gases called sulfur oxides (SO<sub>x</sub>). EPA's SO<sub>2</sub> national ambient air quality standards (NAAQS)<sup>1</sup> are designed to protect against exposure to the entire group of SO<sub>x</sub>. Thus, control measures that reduce SO<sub>2</sub> emissions can generally be expected to reduce exposure to all gaseous SO<sub>x</sub>. Emissions of SO<sub>2</sub> are mostly generated through the combustion of fuel or waste that contain sulfur.

North Carolina's November 28, 2023, SIP revision was developed in response

<sup>1</sup> The primary SO<sub>2</sub> NAAQS is 75 parts per billion (ppb) (measured as the 99th percentile of 1-hour daily maximum concentrations, averaged over 3 years). See 40 CFR 50.17. Short-term exposures to SO<sub>2</sub> can harm the respiratory system and make breathing difficult. People with asthma, particularly children, are sensitive to these effects of SO<sub>2</sub>. At high concentrations, gaseous SO<sub>x</sub> can harm trees and plants by damaging foliage and decreasing growth.

to a declaratory ruling<sup>2</sup> issued by the State's Environmental Management Commission (EMC) that the plain language of Rule 02D .0516 does not prohibit the use of supplemental fuels, including natural gas, to determine compliance with the 2.3 lbs/MMBtu SO<sub>2</sub> emission standard. As a result, NCDEQ revised Rule 02D .0516 to align with its position that sources cannot demonstrate compliance with the SO<sub>2</sub> emission standard by burning excess supplemental fuel beyond what is necessary for proper operation of a combustion unit.

## II. North Carolina's SIP Revision and EPA's Analysis

North Carolina's SIP revision modifies and reformat Rule 02D .0516 such that paragraph (a) is split into two separate paragraphs, (a) and (b); rennumbers existing paragraph 02D .0516(b) to new paragraph 02D .0516(c); and includes minor grammatical and rewording edits for clarity. Changes to paragraph 02D .0516(a) include the addition of the phrase "air pollution control devices" and the term "flare" as well as minor grammatical edits due to these additions. These amendments clarify that any source of combustion includes air pollution control devices and that the rule applies to subject emissions discharged through a flare as well as a chimney, vent, or stack.

The compliance language at paragraph 02D .0516(a) in the SIP states, "Sulfur dioxide formed by the combustion of sulfur in fuels, wastes, ores and other substances shall be included when determining compliance with this standard. Sulfur dioxide formed or reduced as a result of treating flue gases with sulfur trioxide or other materials shall also be accounted for when determining compliance with this standard." This language is moved to paragraph 02D .0516(b) as subparagraphs (b)(1) and (b)(1)2. The criteria at subparagraph (b)(1) is further amended by removing the phrase "included when determining

compliance with this standard." This language is repurposed as the introduction of paragraph (b), "When determining compliance with this standard" (*i.e.*, the SO<sub>2</sub> emission standard at paragraph 02D .0516(a)). The criteria at paragraph (b)(2) is revised by replacing the phrase "also be accounted for when determining compliance with this standard" with the phrase "be included in the computation of emissions." This amendment clarifies the discharge or reduction of SO<sub>2</sub> through the stated process shall be included in the computation of emissions to determine compliance with the SO<sub>2</sub> emission standard.

The SIP revision also adds the following new compliance requirement at paragraph 02D .0516(b)(3): "the determination of Btu input shall not include the contribution from any portion of fuels used exclusively to inflate the heat input value used to demonstrate compliance with the emission standard in Paragraph (a) of this Rule." The addition of paragraph (b)(3) provides that the computation of emissions to determine compliance with the emission standard shall not include SO<sub>2</sub> emissions from the use of excess supplemental fuel beyond what is necessary to operate a combustion unit. The revisions to paragraph (b)(3) provide clarity and consistency with the State's position that the use of supplemental fuel beyond what is needed for proper operation of a combustion unit is not a means for determining compliance with the 2.3 lbs/MMBtu SO<sub>2</sub> emission limit.

Former paragraph 02D .0516(b) is renumbered to paragraph 02D .0516(c) with no modifications to the original language. Lastly, DAQ's SIP revision also makes non-substantive grammatical or typographical changes because of modifications to Rule 02D .0516. DAQ's revisions to Rule 15A NCAC 02D .0516 became state-effective on June 1, 2023.

For the reasons discussed above, these proposed changes will not interfere with any applicable requirement concerning attainment and reasonable further progress, or any other applicable requirement of the Act. Therefore, EPA is proposing to approve North Carolina's November 28, 2023, SIP revision.

## III. Incorporation by Reference

In this document, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, and as discussed in Sections I and II of this preamble, EPA is proposing to incorporate by reference North Carolina Rule 15A NCAC 02D .0516, *Sulfur*

*Dioxide Emissions from Combustible Sources*, effective June 1, 2023, which clarifies that sources cannot demonstrate compliance with the SO<sub>2</sub> emission standard in the rule by burning excess supplemental fuel beyond what is necessary for proper operation of the combustion unit. EPA has made, and will continue to make, these materials generally available through [www.regulations.gov](http://www.regulations.gov) and at the EPA Region 4 office (please contact the person identified in the "For Further Information Contact" section of this preamble for more information).

## IV. Proposed Action

EPA is proposing to approve North Carolina's November 28, 2023, SIP revision at Rule 15A NCAC 02D .0516 to provide clarity and consistency with the State's position that the use of supplemental fuels in combustion units beyond what is needed for proper operation is not a means for compliance with the 2.3 lbs/MMBtu SO<sub>2</sub> emission standard at Rule 02D .0516.

## V. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Is not subject to Executive Order 14192 (90 FR 9065, February 6, 2025) because SIP actions are exempt from review under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);

<sup>2</sup>North Carolina's declaratory rulings are authorized by the State's Administrative Procedure Act pursuant to N.C. Gen. Stat. § 150B-4. Using this process, an individual aggrieved may request that an agency, in relevant part, "issue a declaratory ruling as to the validity of a rule or as to the applicability to a given state of facts of a statute administered by the agency or of a rule or order of the agency." N.C. Gen. Stat. § 150B-4(a). As set forth in N.C. Gen. Stat. § 150B-4(a), a declaratory ruling must fall into one of three categories: (1) a request regarding the validity of a rule, (2) a request regarding the application of a statute, rule, or order within the agency's purview "to a given state of facts," or (3) a request to resolve inconsistent interpretations of the agency's rules. *See* North Carolina's November 28, 2023, SIP revision in the docket.

- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a state program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA.

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

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Reporting and recordkeeping requirements, Sulfur oxides.

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

Dated: August 6, 2025.

**Kevin McOmber,**

*Regional Administrator, Region 4.*

[FR Doc. 2025-15460 Filed 8-13-25; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R04-OAR-2024-0606; FRL-12862-01-R4]

### Air Plan Approval; GA; Updates to the Cross-State Air Pollution Rule

**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 through the Georgia Environmental Protection Division (GA EPD) on July 18, 2024, regarding updates to the State's Cross-State Air Pollution Rule (CSAPR) emissions trading programs. The SIP revision incorporates by reference (IBRs) certain amendments EPA has made to the

regulations for the Federal CSAPR trading programs for annual emissions of nitrogen oxides (NO<sub>x</sub>) and sulfur dioxide (SO<sub>2</sub>) and the Federal CSAPR trading program for NO<sub>x</sub> emissions during the ozone season from May 1 to September 30, all three of which apply to large electric generating units (EGUs). EPA created these Federal trading programs in 2011 as market-based mechanisms for Georgia and certain other states to address their obligations to downwind states under the Clean Air Act's (CAA's) good neighbor provision with respect to the national ambient air quality standards (NAAQS) for fine particulate matter (PM<sub>2.5</sub>) and ground-level ozone. The SIP revision also updates the definition for "Volatile Organic Compound." EPA is proposing to approve Georgia's July 18, 2024, SIP revision because it is consistent with EPA's good neighbor CSAPR trading programs and the CAA.

**DATES:** Comments must be received on or before September 15, 2025.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R04-OAR-2024-0606 at [www.regulations.gov](http://www.regulations.gov). Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>.

#### FOR FURTHER INFORMATION CONTACT:

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#### SUPPLEMENTARY INFORMATION:

## I. Overview

EPA is proposing to approve GA EPD's July 18, 2024, SIP submission which updates the State's regulations for trading programs at Rule 391-3-1-.02(12), "Cross State Air Pollution Rule NO<sub>x</sub> Annual Trading Program;" Rule 391-3-1-.02(13), "Cross State Air Pollution Rule SO<sub>2</sub> Annual Trading Program;" and Rule 391-3-1-.02(14), "Cross State Air Pollution Rule NO<sub>x</sub> Ozone Season Trading Program." Large EGUs in Georgia are subject to these three State CSAPR trading programs for annual NO<sub>x</sub> and SO<sub>2</sub> emissions—which are precursors to PM<sub>2.5</sub>—and ozone season NO<sub>x</sub> emissions—which are precursors to ground-level ozone—to address the State's good neighbor obligations with respect to the 1997 annual fine particulate matter (PM<sub>2.5</sub>) NAAQS, the 2006 24-hour PM<sub>2.5</sub> NAAQS, and the 1997 8-hour ozone NAAQS. Pursuant to CAA section 110(a)(2)(D)(i)(I), known as the "good neighbor" provision, states are required to address air pollution from sources within their jurisdiction that affects downwind states' ability to attain and maintain the NAAQS. *See* 42 U.S.C. 7410(a)(2)(D)(i)(I). The State CSAPR trading programs are integrated with the Federal CSAPR NO<sub>x</sub> Annual Trading Program, the Federal CSAPR NO<sub>x</sub> Ozone Season Group 1 Trading Program, and the Federal CSAPR SO<sub>2</sub> Group 2 Trading Program established by EPA's regulations at 40 CFR part 97, subparts AAAAA, BBBBB, and DDDDD, respectively. As adopted by the State before this SIP revision, and as previously approved by EPA into Georgia's SIP, Georgia's CSAPR trading program regulations generally IBR the Federal CSAPR trading program regulations as the Federal regulations had been amended through October 26, 2016.<sup>1</sup>

Georgia's July 18, 2024, SIP submission updates the IBR language to reflect amendments EPA made to the Federal CSAPR trading program regulations in the 2021 Revised CSAPR Update,<sup>2</sup> the 2022 Recordation Rule,<sup>3</sup> the 2023 Good Neighbor Plan<sup>4</sup> (GNP), and a subsequent interim final rule

<sup>1</sup> On October 26, 2016, EPA published the CSAPR Update. *See* Cross-State Air Pollution Rule Update for the 2008 Ozone NAAQS, 81 FR 74504.

<sup>2</sup> Revised Cross-State Air Pollution Rule Update for the 2008 Ozone NAAQS, 86 FR 23054 (April 30, 2021).

<sup>3</sup> Deadlines for Submission and Recordation of Allowance Allocations Under the Cross-State Air Pollution Rule (CSAPR) Trading Programs and the Texas SO<sub>2</sub> Trading Program, 87 FR 52473 (August 26, 2022).

<sup>4</sup> Federal "Good Neighbor Plan" for the 2015 Ozone National Ambient Air Quality Standards, 88 FR 36654 (June 5, 2023).

administratively staying the GNP for sources in several states in response to judicial orders partially staying another EPA action.<sup>5</sup> Section II, below, briefly summarizes the framework of the CSAPR trading programs and how those programs are implemented in Georgia. Additionally, this SIP revision also updates Georgia's volatile organic compounds (VOC) definition at Rule 391–3–1–.01, “Definitions.”

EPA is proposing to approve Georgia's July 18, 2024, SIP revision because it is consistent with EPA's good neighbor CSAPR trading programs and the CAA.<sup>6</sup> Please refer to the **Federal Register** citations referenced herein for additional detailed background on the CSAPR and subsequent rulemakings.

## II. Background on CSAPR and CSAPR-Related Rulemakings

EPA published the original CSAPR in August 2011 to address the good neighbor requirements of CAA section 110(a)(2)(D)(i)(I), concerning interstate transport of air pollution.<sup>7</sup> See 42 U.S.C. 7410(a)(2)(D)(i)(I). Acting to address the same statutory provision, EPA published the CSAPR Update on October 26, 2016 (81 FR 74504) and the Revised CSAPR Update on April 30, 2021 (86 FR 23054). These three rules collectively require 27 states to limit their statewide emissions of SO<sub>2</sub> and/or NO<sub>x</sub> to mitigate transported air pollution unlawfully impacting other states' ability to attain or maintain one or more of the following four NAAQS: the 1997 annual PM<sub>2.5</sub> NAAQS, the 2006 24-hour PM<sub>2.5</sub> NAAQS, the 1997 8-hour ozone NAAQS, and the 2008 8-hour ozone NAAQS. To implement the required emissions reductions, the rules include Federal implementation plans (FIPs) that require EGUs in each covered state to participate in one or more of six Federal emissions trading programs established under regulations set forth at 40 CFR part 97, subparts AAAAA through EEEEE and GGGGG.<sup>8</sup>

<sup>5</sup> Federal “Good Neighbor Plan” for the 2015 Ozone National Ambient Air Quality Standards; Response to Judicial Stays of SIP Disapproval Action for Certain States, 88 FR 49295 (July 31, 2023).

<sup>6</sup> EPA is not acting on proposed changes in Georgia's July 18, 2024, submittal regarding Rule 391–3–1–.02(8), *New Source Performance Standards*, and 391–3–1–.02(9), *Emission Standards for Hazardous Air Pollutants* because these rules are not included in EPA's federally approved SIP and are not submitted as SIP revisions.

<sup>7</sup> Federal Implementation Plans: Interstate Transport of Fine Particulate Matter and Ozone and Correction of SIP Approvals, 76 FR 48208 (August 8, 2011).

<sup>8</sup> The trading programs established under CSAPR, the CSAPR Update, and the Revised CSAPR Update include a program for annual NO<sub>x</sub> emissions; two

Georgia has been subject to CSAPR since its inception, with EGUs required to participate in Federal trading programs for NO<sub>x</sub> and SO<sub>2</sub> emissions. As part of the original CSAPR in 2011, EPA determined that emissions from Georgia significantly contributed to nonattainment or interference with maintenance of the 1997 ozone NAAQS, 1997 annual PM<sub>2.5</sub> NAAQS, and 2006 24-hour PM<sub>2.5</sub> in other states.<sup>9</sup> To address Georgia's good neighbor obligations, the State's large EGUs became subject to the Federal CSAPR NO<sub>x</sub> Annual Trading Program established in subpart AAAAA of 40 CFR part 97, the Federal CSAPR NO<sub>x</sub> Ozone Season Group 1 Trading Program established in subpart BBBB of 40 CFR part 97, and the Federal CSAPR SO<sub>2</sub> Group 2 Trading Program established in subpart DDDDD of 40 CFR part 97.<sup>10</sup>

In the 2016 CSAPR Update, EPA did not reopen the previous determination that Georgia has a good neighbor obligation with respect to the 1997 ozone NAAQS, but found that the State does not need to implement further emissions reductions to meet its good neighbor obligations with respect to the 2008 ozone NAAQS.<sup>11</sup> Georgia's original CSAPR NO<sub>x</sub> ozone season requirements (including its emission budget) continued unchanged.<sup>12</sup> The CSAPR Update included technical corrections to all the trading programs established in CSAPR but did not otherwise address the 1997 or 2006 PM<sub>2.5</sub> NAAQS. Georgia's EGUs that meet the CSAPR applicability criteria therefore continued to be subject to the CSAPR requirements to participate in the Federal CSAPR NO<sub>x</sub> Annual Trading Program, the Federal CSAPR NO<sub>x</sub> Ozone Season Group 1 Trading Program,<sup>13</sup> and the Federal CSAPR SO<sub>2</sub> Group 2 Trading Program to address the State's good neighbor obligations with respect to the 1997 ozone NAAQS and the 1997 and 2006 PM<sub>2.5</sub> NAAQS.

CSAPR includes provisions under which states may submit and EPA will approve SIP revisions to modify or replace the CSAPR FIP requirements while allowing states to continue to

meet their good neighbor obligations using either CSAPR's Federal emissions trading programs or State emissions trading programs integrated with the Federal programs.<sup>14</sup> Georgia took advantage of these provisions in 2017. That year, Georgia submitted and EPA approved revisions to Georgia's SIP establishing three State CSAPR trading programs that replaced the three Federal CSAPR trading programs regarding Georgia EGUs for annual emissions of NO<sub>x</sub> and SO<sub>2</sub> and NO<sub>x</sub> ozone season emissions. EPA approved Georgia's July 26, 2017 SIP submission in an action published on October 13, 2017,<sup>15</sup> which added to the SIP Georgia Rules 391–3–1–.02(12), “Cross State Air Pollution Rule NO<sub>x</sub> Annual Trading Program;” Rule 391–3–1–.02(13), “Cross State Air Pollution Rule SO<sub>2</sub> Annual Trading Program;” and Rule 391–3–1–.02(14), “Cross State Air Pollution Rule NO<sub>x</sub> Ozone Season Trading Program,” comprising Georgia's versions of the Federal trading program regulations. In general, each State CSAPR trading program rule is designed to replace the corresponding Federal trading program regulation. These Georgia CSAPR State trading programs are now integrated with the Federal CSAPR NO<sub>x</sub> Annual Trading program, the Federal CSAPR SO<sub>2</sub> Group 2 Trading Program, and the Federal CSAPR NO<sub>x</sub> Ozone Season Group 1 Trading Program, respectively. The State trading programs are substantively identical to the Federal trading programs.<sup>16</sup> Georgia units subject to the State CSAPR trading programs are generally required to meet the same requirements they would otherwise have been subject to under the corresponding CSAPR Federal trading programs.<sup>17</sup>

Since EPA's approval of the three State CSAPR trading programs into Georgia's SIP in 2017, EPA has promulgated changes to the Federal CSAPR trading programs at 40 CFR part 97, subparts AAAAA, BBBB, and DDDDD, starting with the 2021 Revised CSAPR Update, whose primary purpose was to complete the evaluation and

geographically separate programs for annual SO<sub>2</sub> emissions; and three geographically separate programs for ozone-season NO<sub>x</sub> emissions. CSAPR replaced the earlier Clean Air Interstate Rule (CAIR) and established Federal trading programs for power plants to reduce emissions of NO<sub>x</sub> and SO<sub>2</sub>, which are precursors to ozone and PM<sub>2.5</sub>.

<sup>9</sup> See 76 FR at 48213.

<sup>10</sup> See 76 FR at 48363.

<sup>11</sup> See 81 FR at 74506.

<sup>12</sup> *Id.*

<sup>13</sup> Following the CSAPR Update, Georgia is the only state whose units participate in this trading program. See 40 CFR 52.38(b)(2)(i); CSAPR Update, 81 FR at 74509.

<sup>14</sup> See 76 FR at 48326–332; 40 CFR 52.38, 52.39. States also retain the ability to submit SIP revisions to meet their good neighbor obligations using mechanisms other than the CSAPR Federal trading programs or integrated State trading programs.

<sup>15</sup> See Air Plan Approval; Georgia; Cross-State Air Pollution Rule, 82 FR 47930 (October 13, 2017).

<sup>16</sup> The Georgia regulations are designed to IBR most of subparts AAAAA, BBBB, and DDDDD of 40 CFR part 97, while separately listing the emissions budgets, which are identical to the emissions budgets in the Federal regulations.

<sup>17</sup> Georgia retains EPA's default allowance allocation methodology, and EPA remains the implementing authority for administration of the trading program.

implementation of good neighbor obligations of certain states (not including Georgia) with respect to the 2008 ozone NAAQS.<sup>18</sup> However, that rule also modified subparts AAAAA, BBBBB, and DDDDD of part 97, including (1) adjustments to the procedures for allocating allowances from the portions of the states' emissions budgets set aside for potential allocation to new units (*i.e.*, new unit set-asides or NUSAs)—with conforming adjustments to the assurance provisions<sup>19</sup>—and (2) extensions to the deadlines for EPA to record allocations of allowances in sources' compliance accounts and for sources to hold allowances after each control period, whether the sources participate in the integrated trading programs under FIPs or under approved SIP revisions. EPA's 2022 Recordation Rule further extended the deadlines for EPA to record allocations of allowances in sources' compliance accounts.<sup>20</sup>

In March 2023, EPA promulgated the Good Neighbor Plan (GNP), which determined the good neighbor obligations of 23 states (not including Georgia) with respect to the 2015 ozone NAAQS, establishing FIP requirements for emissions sources in those states to address their obligations by reducing ozone season NO<sub>x</sub> emissions.<sup>21</sup> The GNP modified the CSAPR NO<sub>x</sub> Ozone Season Group 3 trading program at subpart GGGGG of 40 CFR 97, expanding the program to apply to EGUs in additional states to address their good neighbor obligations for the 2015 ozone NAAQS.

EPA previously had found that sources in Georgia did not need to implement further emissions reductions to satisfy good neighbor obligations with respect to the 2015 ozone NAAQS,<sup>22</sup> and in the GNP EPA did not establish a new NO<sub>x</sub> ozone season FIP for the State. However, the GNP also finalized updates to the Federal trading programs integrated with Georgia's State CSAPR trading programs, in 40 CFR part 97 at subparts AAAAA (NO<sub>x</sub> Annual),

BBBBB (NO<sub>x</sub> Ozone Season Group 1), and DDDDD (SO<sub>2</sub> Group 2) (88 FR 36654). These updates included technical corrections regarding allowance allocations for units in Indian Country and cross-reference updates for conformity with the amended provisions of the CSAPR NO<sub>x</sub> Ozone Season Group 3 trading program at subpart GGGGG.

Following the finalization of the GNP and a related action published in February 2023 that disapproved states' good neighbor SIPs,<sup>23</sup> multiple parties challenged one or both actions in eight Federal circuit courts. During 2023, several courts granted requests to stay the SIP disapprovals for certain states pending judicial review, thereby effectively suspending EPA's authority to implement the GNP in those affected states.<sup>24</sup> Then, on June 27, 2024, the U.S. Supreme Court issued a decision staying enforcement of the GNP's requirements against the stay applicants, which included three states, several owners of affected sources, and several trade associations.<sup>25</sup> In response to the judicial stay orders, EPA issued three interim final rules in 2023 and 2024. The interim final rules administratively stayed the effectiveness of all GNP requirements established to address obligations of the states to mitigate interstate air pollution with respect to the 2015 ozone NAAQS.<sup>26</sup> The three interim final rules also include provisions (including some

additional conforming cross-reference updates to subpart BBBBB of 40 CFR part 75) to ensure that power plants in GNP-affected states with previously established requirements to mitigate interstate air pollution with respect to the 2008 ozone NAAQS will remain subject to equivalent requirements while the GNP's effectiveness is stayed.

Just as the GNP and the related action disapproving states' SIPs did not apply to Georgia or sources in Georgia, the judicial orders partially staying those rules do not apply to Georgia or sources in Georgia. Further, the interim final rules administratively staying the effectiveness of the GNP provisions addressing the 2015 ozone NAAQS did not stay the technical corrections or cross-reference updates to subparts AAAAA, BBBBB, or DDDDD of 40 CFR part 97 that were included in the GNP final rule. As a result, Georgia's July 18, 2024, SIP submission, which IBRs Federal good neighbor regulation updates included in the GNP and the first interim final rule, is not affected by the stay orders.

### III. Georgia's SIP Submission and EPA's Analysis

#### A. Georgia's SIP Submittal

As described in Section II of this preamble, EPA approved Georgia's CSAPR SIP revision adopting the State rules at 391–3–1–.02(12), 391–3–1–.02(13), and 391–3–1–.02(14) in an action published on October 13, 2017,<sup>27</sup> replacing the Federal CSAPR NO<sub>x</sub> Annual, CSAPR SO<sub>2</sub> Group 2, and CSAPR NO<sub>x</sub> Ozone Season Group 1 trading programs at 40 CFR part 97, subparts AAAAA, DDDDD, and BBBBB, respectively, for Georgia EGUs with State CSAPR trading programs that are integrated with and substantively identical to the Federal trading programs.

Georgia's July 18, 2024, SIP submission seeks approval into the SIP of the State's revisions to its CSAPR trading program rules that IBR more recent amendments to the Federal CSAPR trading program regulations. Specifically, the submission revises the IBR language in 391–3–1–.02(12), 391–3–1–.02(13), and 391–3–1–.02(14) to IBR revisions to the Federal CSAPR trading programs made after the previous October 26, 2016, IBR date and through July 31, 2023. The revisions also correct the amounts that are reserved from the State's emissions budgets in NUSAs to match the current amounts set forth in the Federal regulations. Lastly, Georgia's July 18, 2024, SIP revision also proposes

<sup>23</sup> Air Plan Disapprovals; Interstate Transport of Air Pollution for the 2015 8-Hour Ozone National Ambient Air Quality Standards, 88 FR 9336 (February 13, 2023).

<sup>24</sup> See, e.g., Order, *Texas v. EPA*, No. 23–60069 (5th Cir. May 1, 2023) and Order, *Texas v. EPA*, No. 23–60069 (5th Cir. June 8, 2023). CAA section 110(c)(1) generally requires EPA to issue a FIP within two years after either disapproving a required SIP from the state or finding that the state failed to submit a required SIP. See 42 U.S.C. 7410(c)(1). In this case, once the circuit courts stayed EPA's disapproval actions for some states, EPA lacked authority to implement the GNP as to the sources in those states.

<sup>25</sup> *Ohio v. EPA*, 603 U.S. 279 (June 27, 2024).

<sup>26</sup> Federal “Good Neighbor Plan” for the 2015 Ozone National Ambient Air Quality Standards; Response to Judicial Stays of SIP Disapproval Action for Certain States, 88 FR 49295 (July 31, 2023); Federal “Good Neighbor Plan” for the 2015 Ozone National Ambient Air Quality Standards; Response to Additional Judicial Stays of SIP Disapproval Action for Certain States, 88 FR 67102 (September 29, 2023); Federal “Good Neighbor Plan” for the 2015 Ozone National Ambient Air Quality Standards; Response to Judicial Stay, 89 FR 87960 (November 6, 2024). EPA's administrative stay of the GNP's effectiveness for power plants and other industrial facilities in each of the 23 states will remain in place until the Supreme Court lifts its order staying enforcement of the GNP, other courts lift any judicial order staying the SIP disapproval action for the relevant state, and EPA takes subsequent rulemaking action consistent with any judicial rulings on the merits.

<sup>27</sup> See 82 FR 47930.

<sup>18</sup> See 86 FR 23054. The Revised CSAPR Update did not reopen EPA's determination in the CSAPR Update that Georgia does not contribute significantly to nonattainment in, or interfere with maintenance by, any other state with respect to the 2008 ozone NAAQS. See 86 FR at 23067 & n.60.

<sup>19</sup> The CSAPR trading programs' “assurance provisions” require the surrender of additional allowances if total emissions from a state's sources in a control period exceed the state's “assurance level,” which equals the state's emissions budget plus a defined “variability limit.” See, e.g., 40 CFR 97.406(c)(2) and 97.425.

<sup>20</sup> See 87 FR 52473 (August 26, 2022).

<sup>21</sup> See 88 FR 36654 (June 5, 2023).

<sup>22</sup> EPA approved Georgia's good neighbor SIP for the 2015 ozone NAAQS in 2021. See 86 FR 68413 (December 2, 2021).

to update Georgia's volatile organic compounds definition at Rule 391–3–1–.01, *Definitions*.

#### *B. EPA's Analysis of Georgia's SIP Submission*

EPA is proposing to approve Georgia's July 18, 2024, SIP revision that update the State's CSAPR trading program rules. First, the SIP revision revises the IBR language for 391–3–1–.02(12), "Cross State Air Pollution Rule NO<sub>x</sub> Annual Trading Program;" 391–3–1–.02(13), "Cross State Air Pollution Rule SO<sub>2</sub> Annual Trading Program;" and 391–3–1–.02(14), "Cross State Air Pollution Rule NO<sub>x</sub> Ozone Season Trading Program." Georgia Rule 391–3–1–.02(12)(a) and Georgia Rule 391–3–1–.02(13)(a) are revised to update the IBR date from October 26, 2016, to June 5, 2023, and Georgia Rule 391–3–1–.02(14)(a) is revised to update the IBR date from October 26, 2016, to July 31, 2023, to incorporate the relevant amendments to the Federal rules at 40 CFR part 97 subpart AAAAA, DDDDD, and BBBBB, respectively. Specifically, Georgia's SIP revision replaces these citations with the updated citations to June 5, 2023 (88 FR 36654) for subparts AAAAA and DDDDD at Rules 391–3–1–.02(12) and 391–3–1–.02(13), and to July 31, 2023 (88 FR 49295) for subpart BBBBB at Rule 391–3–1–.02(14). This revised IBR language ensures that the text of the Federal regulations incorporated into Georgia's SIP is consistent with the most recent Federal amendments through the date of Georgia's SIP submission.

Second, Georgia's SIP revision updates the portions of the emissions budgets reserved in NUSAs for all three trading programs. In 2021, EPA promulgated the corrected NUSA amounts in part 97 in the Revised CSAPR Update.<sup>28</sup> Georgia's July 18, 2024, SIP revision corrects the NUSA amounts from 1,075 tons to 1,074 tons for the CSAPR NO<sub>x</sub> Annual allowances at Georgia Rule 391–3–1–.02(12)(f)2.; from 2,711 tons to 2,721 tons for the CSAPR SO<sub>2</sub> Group 2 allowances at Georgia Rule 391–3–1–.02(13)(f)2.; and from 481 tons to 485 tons for the CSAPR NO<sub>x</sub> Ozone Season Group 1 allowances at Georgia Rule 391–3–1–.02(14)(f)2.

The changes included in Georgia's July 18, 2024, SIP revision make

Georgia's State CSAPR trading program regulations more consistent with the current Federal CSAPR trading program regulations by incorporating more recent amendments. EPA has reviewed Georgia's SIP revision and finds that the updates and corrections align the State's regulations with the amendments codified in part 97, subparts AAAAA, BBBBB, and DDDDD, as part of the Revised CSAPR Update, the Recordation Rule, the GNP (only the revisions to subparts AAAAA, BBBBB, and DDDDD of part 97, which do not address the 2015 ozone NAAQS), and the July 31, 2021, interim final rule.

EPA has determined that the IBR update at Rules 391–3–1–.02(12), 391–3–1–.02(13), and 391–3–1–.02(14) included in Georgia's SIP revision is consistent with the Federal CSAPR NO<sub>x</sub> Annual, CSAPR SO<sub>2</sub> Group 2, and CSAPR NO<sub>x</sub> Ozone Season Group 1 Trading Program regulations. EPA proposes to find that, with these updates, Georgia's State CSAPR rules would continue to satisfy Georgia's obligations under CAA section 110(a)(2)(D)(i)(I) to prohibit emissions that significantly contribute to nonattainment or interfere with maintenance of the 1997 ozone NAAQS and the 1997 and 2006 PM<sub>2.5</sub> NAAQS in downwind states.

Additionally, the submission includes changes to Rule 391–3–1–.01, *Definitions*, where Georgia updates the definitions of "volatile organic compound" (VOC) at subparagraph (llll) to align with the federal definition at 40 CFR 51.100(s). Tropospheric or ground-level ozone occurs when VOC and NO<sub>x</sub> react in the atmosphere in the presence of sunlight. Because of the harmful effects of ozone, EPA and State governments implement rules to limit the amount of certain VOC and NO<sub>x</sub> that can be released into the atmosphere. CAA section 302(s) specifies that EPA has the authority to define the meaning of "VOC" and hence, what compounds shall be treated as VOC for regulatory purposes.<sup>29</sup> EPA's longstanding policy is that compounds of carbon with negligible reactivity need not be regulated to reduce ground-level ozone and should be excluded from the regulatory definition of VOC. *See* 42 FR 35314 (July 18, 1977), 70 FR 54046 (September 13, 2005). EPA lists these compounds in its regulations at 40 CFR 51.100(s) and excludes them from the definition of VOC. Georgia's VOC definition update at subparagraph (llll)

adds trans-1,1,1,4,4,4-hexafluorobut-2-ene (HFO–1336mzz(E)) on the list of organic compounds having negligible photochemical reactivity to align with EPA's addition at 40 CFR 51.100(s), where EPA excludes compounds from the definition of regulated VOCs due to negligible reactivity and therefore contribution to ground-level ozone formation.<sup>30</sup> *See* 88 FR 8226 (February 8, 2023) (adding trans-1,1,1,4,4,4-hexafluorobut-2-ene (HFO–1336mzz(E)) to the exclusion list at 40 CFR 51.100(s)).

EPA proposes to find that Georgia's revised VOC definition will not interfere with attainment or maintenance of any national ambient air quality standards, reasonable further progress, or any other applicable requirement of the CAA, consistent with CAA section 110(l), because EPA has found the excluded chemical to be negligibly reactive.

In addition, Georgia's SIP revision makes administrative updates to the definition of VOC, including: converting the term "Organic Compound" to lower case "organic compound" at Rule 391–3–1–.01(llll); updating the VOC definition term for "chlorodifluoromethane (CFC)" to "chlorodifluoromethane (HCFC–22)" and the term for "trifluoromethane (FC–23)" to "trifluoromethane (HFC–23)" to be consistent with the designations established at 40 CFR 51.100(s); changing the spelling of "Sulphur" to "Sulfur" at Rule 391–3–1–.01(llll)4.; and revising the terms "tertiaryamines" and "nonreactive" at Rule 391–3–1–.01(llll)3. and 5. to "tertiary-amines" and "non-reactive," respectively. The EPA proposes to approve Georgia's revisions to the "VOC" definition at Rule 391–3–1–.01, subparagraph (llll) because these changes are administrative in nature and increase consistency with the Federal VOC definition at 40 CFR 51.100(s).

#### **IV. Incorporation by Reference**

In this document, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, and as discussed in Section III of this preamble, EPA is proposing to incorporate by reference Georgia Rules 391–3–1–.02(12), *Cross State Air Pollution Rule NO<sub>x</sub> Annual Trading Program*; 391–3–1–.02(13), *Cross State Air Pollution Rule SO<sub>2</sub> Annual Trading Program*; and 391–3–1–.02(14), *Cross*

<sup>28</sup> The Revised CSAPR Update also included revised regulatory text in 40 CFR part 52 that authorizes EPA to administer the trading programs using the corrected NUSA amounts even in instances where a state's approved SIP still includes the previous uncorrected NUSA amounts. *See* 40 CFR 52.38(a)(7)(i)(B) (NO<sub>x</sub> Annual), 52.38(b)(14)(i)(B) (NO<sub>x</sub> Ozone Season Group 1), and 52.39(k) (1)(ii) (SO<sub>2</sub> Group 2).

<sup>29</sup> EPA determines whether a given carbon compound has "negligible" reactivity by comparing the compound's reactivity to the reactivity of ethane.

<sup>30</sup> VOC have differing levels of reactivity; they do not react at the same speed or do not form ozone to the same extent when mixed with nitrogen oxides.

*State Air Pollution Rule NO<sub>x</sub> Ozone Season Trading Program*, state effective July 15, 2024, which adopt and incorporate by reference Federal amendments to 40 CFR part 97, subpart AAAAA—CSAPR NO<sub>x</sub> Annual Trading Program, and subpart DDDDD—CSAPR SO<sub>2</sub> Group 2 Trading Program, as promulgated after October 26, 2016, through June 5, 2023 and subpart BBBBB—CSAPR NO<sub>x</sub> Ozone Season Group 1 Trading Program through July 31, 2023. EPA is also proposing to incorporate by reference Georgia Rule 391–3–1–.01, *Definitions*, state effective July 15, 2024,<sup>31</sup> which updates the definitions of “volatile organic compound.” EPA has made, and will continue to make, these materials generally available through [www.regulations.gov](http://www.regulations.gov) and at the EPA Region 4 office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

## V. Proposed Action

For the aforementioned reasons, EPA is proposing to approve the July 18, 2024, SIP revision consisting of changes to Georgia Air Quality Rules related to the CSAPR trading programs found at 391–3–1–.02(12), 391–3–1–.02(13), and 391–3–1–.02(14), and the definition for “Volatile Organic Compound” found at 391–3–1–.01.

## 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. *See* 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA’s role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this proposed action merely proposes to approve state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Is not subject to Executive Order 14192 (90 FR 9065, February 6, 2025)

because SIP actions are exempt from review under Executive Order 12866;

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

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

## List of Subjects in 40 CFR Part 52

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

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

Dated: August 6, 2025.

**Kevin McOmber**,

*Regional Administrator, Region 4.*

[FR Doc. 2025–15461 Filed 8–13–25; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 52 and 81

[EPA–R05–OAR–2025–0238; FRL–12841–01–R5]

### Air Plan Approval; Michigan; Detroit 2010 Sulfur Dioxide Redesignation and Maintenance Plan

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to find that the Detroit, Michigan area is attaining the 2010 sulfur dioxide (SO<sub>2</sub>) National Ambient Air Quality Standard (NAAQS) and to act in accordance with a request from Michigan to redesignate the area to attainment for the 2010 SO<sub>2</sub> NAAQS, because the request meets the statutory requirements for redesignation under the Clean Air Act (CAA). EPA is also proposing to approve Michigan’s maintenance plan for the Detroit area. Michigan submitted the request for approval of the Detroit nonattainment area’s redesignation and maintenance plan on May 5, 2025. EPA approved Michigan’s attainment plan for the Detroit area on May 19, 2025.

**DATES:** Comments must be received on or before September 15, 2025.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–R05–OAR–2025–0238 at <https://www.regulations.gov>, or via email to [arra.sarah@epa.gov](mailto:arra.sarah@epa.gov). For comments submitted at [Regulations.gov](https://www.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

<sup>31</sup> Except the first paragraph, sections (a)–(nn), (pp)–(ccc), (eee)–(jjj), (nnn)–(bbb), (ddd)–(kkk), (mmm), (rrr)–(sss), which were approved on 12/4/2018 with a state effective date of 7/20/2017; sections (ddd) and (ccc) which were approved on 2/2/1996 with a state effective date of 11/20/1994; (nnnn), which was approved on 1/5/2017 with a state effective date of 8/14/2016; and sections (oooo) and (pppp), which are not in the SIP.

multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>.

**FOR FURTHER INFORMATION CONTACT:**

Abigail Teener, Air and Radiation Division (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353-7314, [teener.abigail@epa.gov](mailto:teener.abigail@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:**

**I. Background and Redesignation Requirements**

On June 22, 2010 (75 FR 35520), EPA published a new SO<sub>2</sub> NAAQS of 75 parts per billion (ppb), which is met at an ambient air quality monitoring site when the 3-year average of the annual 99th percentile of daily maximum 1-hour average concentrations does not exceed 75 ppb, as determined in accordance with appendix T of 40 CFR part 50.

Upon promulgation of a new or revised NAAQS, section 107(d)(1)(B) of the CAA requires EPA to designate as nonattainment any areas that are violating the NAAQS. On August 5, 2013 (78 FR 47191), EPA designated the Detroit area, a portion of Wayne County, Michigan, as nonattainment for the 2010 SO<sub>2</sub> NAAQS based on ambient air quality data collected at the Detroit SW monitoring site (AQS ID 26-163-0015) from 2009 to 2011. The nonattainment area designation became effective on October 4, 2013. Section 191 of the CAA directs states to submit a State Implementation Plan (SIP) for an area designated as nonattainment for the 2010 SO<sub>2</sub> NAAQS to EPA within 18 months of the effective date of the designation, *i.e.*, by no later than April 4, 2015, in this case. The SIP must demonstrate attainment of the NAAQS as expeditiously as practicable, but no later than five years from the effective date of designation, which was October 4, 2018, for the Detroit nonattainment area.

On March 18, 2016 (81 FR 14736), EPA published an action finding that Michigan had failed to submit the required SO<sub>2</sub> nonattainment plan by the submittal deadline. This finding initiated deadlines under CAA section 179(a) for the potential imposition of 2-to-1 New Source Review (NSR) offset and Federal highway funding sanctions. Additionally, under CAA section 110(c), the finding triggered a requirement that EPA promulgate a Federal

Implementation Plan (FIP) within two years of the finding unless, by that time, (a) the State had made the necessary complete submittal, and (b) EPA had approved the submittal as meeting applicable requirements.

On May 31, 2016, Michigan submitted a Detroit SO<sub>2</sub> attainment plan and on June 30, 2016, submitted associated final enforceable measures. Michigan's submission of a complete attainment plan terminated the deadlines for imposing sanctions, pursuant to 40 CFR 52.31(d)(5), but it did not terminate EPA's FIP obligation. On March 19, 2021 (86 FR 14827), EPA partially approved and partially disapproved Michigan's SO<sub>2</sub> plan as submitted in 2016. EPA's March 19, 2021, action approved the enforceable control measures for two facilities, approved the base-year emissions inventory, and affirmed that the NSR requirements for the area had previously been met. In the same March 19, 2021, action, EPA disapproved the attainment demonstration, as well as the requirements for meeting reasonable further progress (RFP) toward attainment of the NAAQS, reasonably available control measures/reasonably available control technology (RACM/RACT), and contingency measures. Additionally, EPA disapproved the plan's control measures for two facilities as insufficient to demonstrate attainment. These disapprovals started a new sanctions clock under CAA section 179(a).

On January 28, 2022 (87 FR 4501), EPA issued a finding of failure to attain for the Detroit SO<sub>2</sub> nonattainment area, determining that the area failed to attain the 2010 SO<sub>2</sub> NAAQS by the applicable attainment date of October 4, 2018, and established a requirement that Michigan submit a revised SIP by January 30, 2023, that would provide for expeditious attainment of the NAAQS within the time period specified in CAA sections 179(d)(3) and 172(a)(2).

On October 12, 2022 (87 FR 61514), EPA promulgated a FIP for the Detroit SO<sub>2</sub> nonattainment area, which satisfied EPA's duty to promulgate a FIP for the area under CAA section 110(c) that resulted from the March 18, 2016, finding of failure to submit. While EPA's FIP for the Detroit area met the requirements for SO<sub>2</sub> nonattainment area plans, the FIP did not relieve Michigan of the previously discussed CAA requirement to submit a plan that provides for attainment of the 2010 SO<sub>2</sub> NAAQS for the Detroit nonattainment area. On December 20, 2022, Michigan submitted a revised attainment plan for the Detroit SO<sub>2</sub> nonattainment area mirroring EPA's FIP to remedy

Michigan's 2016 plan deficiencies specified in EPA's March 19, 2021, rulemaking partially approving and partially disapproving Michigan's SIP.

Michigan's revised plan, as submitted on December 20, 2022, depended, in part, upon permits that had not yet been issued but would include limits and associated requirements for the United States Steel Corporation (U.S. Steel), EES Coke Battery (EES Coke), and Dearborn Industrial Generation (DIG) facilities containing emission limits and associated requirements no less stringent than those set forth in EPA's FIP, codified at 40 CFR 52.1189. On February 21, 2023, Michigan submitted a clarification letter committing to submit the necessary permits by April 30, 2024. On March 23, 2023 (88 FR 17488), EPA proposed to conditionally approve Michigan's plan, conditioned upon the issuance of and submission for incorporation into the SIP the applicable permits for the U.S. Steel, EES Coke, and DIG facilities. Also, on March 23, 2023 (88 FR 17376), EPA issued an interim final determination to stay and defer sanctions in the Detroit SO<sub>2</sub> nonattainment area based on EPA's proposed conditional approval.

On December 14, 2023, Michigan submitted three applicable permits for the U.S. Steel, EES Coke, and DIG facilities. On April 2, 2024, the State submitted the final applicable permit for the DIG facility, along with a request that EPA approve its revised plan. On April 29, 2024, EPA issued a completeness letter, included in the docket for this action, determining that Michigan's submittal had satisfied the completeness criteria set forth at 40 CFR part 51, appendix V and met the requirement for a SIP submittal that provides for expeditious attainment set forth in EPA's January 28, 2022, finding of failure to attain.

On May 19, 2025 (90 FR 21228), EPA approved Michigan's revised SIP submission, which the State submitted to EPA on December 20, 2022, and supplemented on February 21, 2023, December 14, 2023, and April 2, 2024, for attaining the 2010 SO<sub>2</sub> NAAQS for the Detroit area and for meeting other nonattainment area planning requirements of CAA sections 110, 172, 179 and 192. EPA approved Michigan's demonstration that these requirements provide for attainment of the 2010 SO<sub>2</sub> NAAQS in Detroit and concluded that Michigan had satisfied the other applicable requirements for nonattainment areas. In the same action, EPA determined that the conditions articulated in 40 CFR 52.31(d) had been met, thereby terminating the sanctions clock resulting from EPA's March 19,

2021, partial disapproval of the prior SIP.

On May 5, 2025, Michigan submitted a redesignation request and maintenance plan for the Detroit nonattainment area for the 2010 SO<sub>2</sub> NAAQS. Under section 107(d)(3)(E) of the CAA, EPA may promulgate a redesignation of a nonattainment area provided that:

1. EPA has determined that the area has attained the NAAQS;
2. EPA has fully approved the applicable implementation plan for the area under section 110(k) of the CAA;
3. EPA has determined that improvement in air quality is due to permanent and enforceable reductions in emissions resulting from implementation of the applicable implementation plan and applicable Federal air pollution control regulations and other permanent and enforceable reductions;
4. EPA has fully approved a maintenance plan for the area under section 175A of the CAA; and
5. The State containing such area has met all requirements applicable to the area under section 110 of the CAA and part D.

**II. Evaluation of Michigan's Redesignation Request and Maintenance Plan**

On May 5, 2025, Michigan submitted a request that EPA redesignate the Detroit 2010 SO<sub>2</sub> nonattainment area to attainment and a SIP revision containing a maintenance plan for the area.

EPA's evaluation of Michigan's redesignation request and maintenance plan was based on consideration of the five redesignation criteria provided under CAA section 107(d)(3)(E) and is described in the remainder of this section.

*A. Criteria (1)—The Detroit SO<sub>2</sub> Nonattainment Area Has Attained the 2010 SO<sub>2</sub> NAAQS*

In accordance with CAA section 107(d)(3)(E)(i), for redesignation of a nonattainment area to attainment, the CAA requires EPA to determine that the area has attained the applicable NAAQS. As stated in EPA's April 23, 2014, "Guidance for 1-Hour SO<sub>2</sub> Nonattainment Area SIP Submissions" ("April 2014 SO<sub>2</sub> Guidance"), there are two components needed to support an attainment determination: (1) a review of representative air quality monitoring data located in the area of maximum concentration; and (2) a further analysis, using air quality dispersion modeling, which will generally be needed to estimate SO<sub>2</sub> concentrations throughout the nonattainment area to demonstrate that the entire area is attaining the applicable NAAQS, based on current actual emissions or the fully implemented control strategy. Michigan's May 5, 2025, redesignation request addresses both components, as described below.

1. Air Quality Monitoring Data

Under 40 CFR 50.17(b), the 2010 SO<sub>2</sub> NAAQS is met at an ambient air quality monitoring site when the three-year average of the annual (99th percentile)

daily maximum 1-hour average concentrations is less than or equal to 75 ppb, as determined in accordance with appendix T of 40 CFR part 50, at all relevant monitoring sites in the subject area. In a year with 365 days of valid monitoring data, the 99th percentile would be the fourth highest daily maximum 1-hour value.

Michigan operates five SO<sub>2</sub> monitors in the Detroit nonattainment area: Detroit SW (AQS ID 26–163–0015; 150 Waterman Street), NMH 48217 (AQS ID 26–163–0097; 3225 South Deacon Street), DP4th (AQS ID 26–163–0098; 4700 West Fort Street), Trinity (AQS ID 26–163–0099; 9191 West Fort Street), and Military Park (AQS ID 26–163–0100; 1238 Military Street). Tables 1 and 2 below show the 99th percentile results and three-year average design values, respectively, for the five monitors in the Detroit SO<sub>2</sub> nonattainment area for 2019–2023. The design values for 2019–2021 range from 14–37 ppb, the design values for 2020–2022 range from 16–41 ppb, and the design values for 2021–2023 range from 15–38, which are all below the SO<sub>2</sub> NAAQS. Furthermore, Michigan's redesignation request states that the originally violating monitor, Detroit SW, has shown attainment since 2014, and all other monitors in the nonattainment area have shown attainment since they began monitoring in 2016 and 2018. Documentation of the monitoring data is included as appendix A of Michigan's redesignation request. Therefore, EPA finds that Michigan has demonstrated that the SO<sub>2</sub> monitors in the Detroit area show attainment.

TABLE 1—MICHIGAN'S MONITORING DATA FOR THE DETROIT SO<sub>2</sub> NONATTAINMENT AREA FOR 2019–2023—ANNUAL 99TH PERCENTILE VALUES  
[ppb]

| Site name           | Site ID     | 2019 | 2020 | 2021 | 2022 | 2023 |
|---------------------|-------------|------|------|------|------|------|
| Detroit SW .....    | 26–163–0015 | 61   | 43   | 37   | 43   | 35   |
| NMH 48217 .....     | 26–163–0097 | 27   | 17   | 14   | 17   | 18   |
| DP4th .....         | 26–163–0098 | 19   | 17   | 16   | 16   | 14   |
| Trinity .....       | 26–163–0099 | 26   | 16   | 20   | 20   | 15   |
| Military Park ..... | 26–163–0100 | 32   | 33   | 25   | 31   | 30   |

TABLE 2—MICHIGAN'S MONITORING DATA FOR THE DETROIT SO<sub>2</sub> NONATTAINMENT AREA FOR 2019–2023—DESIGN VALUES  
[ppb]

| Site name           | Site ID     | 2019–2021 | 2020–2022 | 2021–2023 |
|---------------------|-------------|-----------|-----------|-----------|
| Detroit SW .....    | 26–163–0015 | 47        | 41        | 38        |
| NMH 48217 .....     | 26–163–0097 | 19        | 16        | 16        |
| DP4th .....         | 26–163–0098 | 17        | 16        | 15        |
| Trinity .....       | 26–163–0099 | 21        | 19        | 18        |
| Military Park ..... | 26–163–0100 | 30        | 29        | 29        |

## 2. Air Quality Dispersion Modeling

The April 2014 SO<sub>2</sub> Guidance states that EPA may make determinations of attainment based on the modeling, using allowable emissions, from the attainment demonstrations for the applicable SIP for the affected area. Attainment demonstrations for the 2010 SO<sub>2</sub> NAAQS should demonstrate future attainment and maintenance of the NAAQS in the entire area designated as nonattainment (*i.e.*, not just at the violating monitor) by using air quality dispersion modeling (*see* appendix W to 40 CFR part 51) to show that the mix of sources and enforceable control measures and emission rates in an identified area will not lead to a violation of the 2010 SO<sub>2</sub> NAAQS. For a short-term (*i.e.*, 1-hour) standard, EPA believes that dispersion modeling, using allowable emissions and addressing stationary sources in the affected area (and in some cases those sources located outside the nonattainment area which may affect attainment in the area) is technically appropriate, efficient and effective in demonstrating attainment in nonattainment areas because it takes into consideration combinations of meteorological and emission source operating conditions that may contribute to peak ground-level concentrations of SO<sub>2</sub>.

Preferred air quality models for use in regulatory applications are described in appendix A of EPA's *Guideline on Air Quality Models* (40 CFR part 51, appendix W). In 2005, EPA promulgated the AERMOD model as the Agency's preferred near-field dispersion modeling for a wide range of regulatory applications addressing stationary sources (for example in estimating SO<sub>2</sub> concentrations) in all types of terrain based on extensive developmental and performance evaluation. Supplemental guidance on modeling for purposes of demonstrating attainment of the SO<sub>2</sub> standard is provided in appendix A to the April 23, 2014, SO<sub>2</sub> nonattainment area SIP guidance document referenced above. Appendix A provides extensive guidance on the modeling domain, the source inputs, assorted types of meteorological data, and background concentrations. Consistency with the recommendations in this guidance is generally necessary for the attainment demonstration to offer adequately reliable assurance that the plan provides for attainment.

The meteorological data used in the analysis should generally be processed with the most recent version of the AERMET data preprocessor. Estimated concentrations should include ambient background concentrations, should follow the form of the standard, and should be calculated as described in

section 2.6.1.2 of the August 23, 2010, clarification memo on "Applicability of Appendix W Modeling Guidance for the 1-hr SO<sub>2</sub> National Ambient Air Quality Standard" (U.S. EPA, 2010).

Michigan's redesignation request relies upon the air dispersion modeling analysis EPA conducted while developing its FIP to demonstrate attainment of the 2010 SO<sub>2</sub> NAAQS. A more in-depth discussion of EPA's modeling requirements and analysis, including the use of longer-term average limits, may be found in EPA's proposed FIP (87 FR 33095, June 1, 2022) and the associated technical support document, which is included as appendix C of Michigan's May 5, 2025, redesignation request.

In its modeling analysis, EPA explicitly modeled maximum allowable or maximum uncontrolled emissions from the following sources: U.S. Steel, EES Coke, DTE Energy (DTE) Trenton Channel, Carmeuse Lime, DTE Monroe, Cleveland-Cliffs Steel Corporation (formerly known as AK or Severstal Steel), DIG, and Marathon Refinery. The emission limits and associated requirements, including the construction of a 170-foot stack for U.S. Steel Boilerhouse 2, that Michigan's attainment demonstration rely upon are contained in permits specified in Table 3 below.

TABLE 3—EMISSION LIMITS INCLUDED IN MICHIGAN'S DETROIT SO<sub>2</sub> NONATTAINMENT AREA PLAN

| Unit                                      | SO <sub>2</sub><br>emission<br>limit<br>(lb/hr) | Permit No. and date                                          | SIP incorporation date                                                                |
|-------------------------------------------|-------------------------------------------------|--------------------------------------------------------------|---------------------------------------------------------------------------------------|
| U.S. Steel—Zug Island                     |                                                 |                                                              |                                                                                       |
| Boilerhouse 1 (all stacks combined) ..... | 55.00                                           | Permit to Install 110–23, effective Sep-<br>tember 26, 2023. | Incorporated into Michigan’s SIP as part<br>of May 19, 2025, action (90 FR<br>21228). |
| A1 Blast Furnace .....                    | 0.00                                            |                                                              |                                                                                       |
| B2 Blast Furnace .....                    | 40.18                                           |                                                              |                                                                                       |
| D4 Blast Furnace .....                    | 40.18                                           |                                                              |                                                                                       |
| A/B Blast Furnace Flares .....            | 60.19                                           |                                                              |                                                                                       |
| D Furnace Flare .....                     | 60.19                                           | Permit to Install 108–23, effective No-<br>vember 14, 2024.  |                                                                                       |
| Boilerhouse 2 .....                       | * 750.00/81.00                                  |                                                              |                                                                                       |
| U.S. Steel—Ecorse                         |                                                 |                                                              |                                                                                       |
| Hot Strip Mill—Slab Reheat Furnace 1 ...  | 0.31                                            | Permit to Install 110–23, effective Sep-<br>tember 26, 2023. | Incorporated into Michigan’s SIP as part<br>of May 19, 2025, action (90 FR<br>21228). |
| Hot Strip Mill—Slab Reheat Furnace 2 ...  | 0.31                                            |                                                              |                                                                                       |
| Hot Strip Mill—Slab Reheat Furnace 3 ...  | 0.31                                            |                                                              |                                                                                       |
| Hot Strip Mill—Slab Reheat Furnace 4 ...  | 0.31                                            |                                                              |                                                                                       |
| Hot Strip Mill—Slab Reheat Furnace 5 ...  | 0.31                                            |                                                              |                                                                                       |
| No. 2 Baghouse .....                      | 3.30                                            |                                                              |                                                                                       |
| Main Plant Boiler No. 8 .....             | 0.07                                            |                                                              |                                                                                       |
| Main Plant Boiler No. 9 .....             | 0.07                                            |                                                              |                                                                                       |
| EES Coke                                  |                                                 |                                                              |                                                                                       |
| Combustion Stack .....                    | 544.6                                           | Permit to Install 51–08C, effective No-<br>vember 21, 2014.  | Incorporated into Michigan’s SIP as part<br>of May 19, 2025, action (90 FR<br>21228). |

TABLE 3—EMISSION LIMITS INCLUDED IN MICHIGAN'S DETROIT SO<sub>2</sub> NONATTAINMENT AREA PLAN—Continued

| Unit                                               | SO <sub>2</sub><br>emission<br>limit<br>(lb/hr) | Permit No. and date                                     | SIP incorporation date                                                                                                                                                                                                                                                                                                                  |
|----------------------------------------------------|-------------------------------------------------|---------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DTE Trenton Channel **                             |                                                 |                                                         |                                                                                                                                                                                                                                                                                                                                         |
| Trenton Channel Unit 9 .....                       | 5,907                                           | Permit to Install 125–11C, effective January 1, 2017.   | Incorporated into Michigan’s SIP as part of March 19, 2021, action (86 FR 14827). However, the source has since shut down, and any restart would require a revision to the source’s Title V permit, subject to EPA review and possible objection if a permit revision would not ensure compliance with all applicable CAA requirements. |
| Carmeuse Lime                                      |                                                 |                                                         |                                                                                                                                                                                                                                                                                                                                         |
| Carmeuse Lime Stack .....                          | 470                                             | Permit to Install 193–14A, effective October 1, 2018.   | Incorporated into Michigan’s SIP as part of March 19, 2021, action (86 FR 14827).                                                                                                                                                                                                                                                       |
| Cleveland-Cliffs Steel Corporation **              |                                                 |                                                         |                                                                                                                                                                                                                                                                                                                                         |
| Furnace B Baghouse Stack .....                     | 71.9                                            | Permit MI–ROP–A8640–2016a, modified January 19, 2017.   | Incorporated into Michigan’s SIP as part of May 19, 2025, action (90 FR 21228).                                                                                                                                                                                                                                                         |
| Furnace B Stove Stack .....                        | 38.75                                           |                                                         |                                                                                                                                                                                                                                                                                                                                         |
| Furnace B Baghouse and Stove Stacks (combined).    | 77.8                                            |                                                         |                                                                                                                                                                                                                                                                                                                                         |
| Furnace C Baghouse Stack .....                     | 179.65                                          |                                                         |                                                                                                                                                                                                                                                                                                                                         |
| Furnace C Stove Stack .....                        | 193.6                                           |                                                         |                                                                                                                                                                                                                                                                                                                                         |
| Furnace C Baghouse and Stove Stacks (combined).    | 271.4                                           |                                                         |                                                                                                                                                                                                                                                                                                                                         |
| DIG **                                             |                                                 |                                                         |                                                                                                                                                                                                                                                                                                                                         |
| Boilers 1, 2, and 3 (combined) .....               | 420                                             | Permit 253–02A, effective September 25, 2003.           | Incorporated into Michigan’s SIP as part of May 19, 2025, action (90 FR 21228).                                                                                                                                                                                                                                                         |
| Boilers 1, 2, and 3 and Flares 1 and 2 (combined). | 840                                             | Permit to Install 109–23, effective September 26, 2023. | Incorporated into Michigan’s SIP as part of May 19, 2025, action (90 FR 21228).                                                                                                                                                                                                                                                         |

\* U.S. Steel—Zug Island Boilerhouse 2 shall emit less than 750.00 lbs/hr unless Boilerhouse 1, A1 Blast Furnace, B2 Blast Furnace, D4 Blast Furnace, A/B Blast Furnace Flares, or D Furnace Flare is operating, in which case it shall emit less than 81.00 lbs/hr. In addition to the limit, this permit required a new 170-foot stack to be constructed for Boilerhouse 2 by November 14, 2024.

\*\* The limit for Trenton Channel is expressed as a 30-day average limit, and the limits for Cleveland-Cliffs Steel Corporation and DIG are expressed as daily average limits. EPA's FIP proposal addresses the use of these longer-term average limits, both with respect to the general suitability of using such limits for demonstrating attainment and with respect to whether the particular limits included in the plan have been suitably demonstrated to provide for attainment.

EPA evaluated two separate operating scenarios as part of its modeling analysis based on the separate limits for U.S. Steel Boilerhouse 2. In both scenarios, the modeling for the Detroit area showed a maximum concentration of 73.6 ppb (192.7 micrograms per cubic meter (µg/m<sup>3</sup>)), which is below the NAAQS of 75 ppb. This maximum concentration resulted from modeling all units at maximum permitted levels now incorporated into Michigan's SIP or maximum uncontrolled emissions and the background concentration determined using monitoring data from the Allen Park monitor (AQS ID 26–163–0001).

The April 2014 SO<sub>2</sub> Guidance states that a demonstration that the control strategy in the SIP has been fully

implemented would be relevant for making a determination of attainment based on modeling from the attainment demonstration of the applicable SIP. All compliance dates included in Michigan's plan have passed. The latest compliance date was for U.S. Steel Boilerhouse 2 on November 14, 2024. Michigan has confirmed that the facilities included in the modeling analysis are currently in full compliance with their emission limits and that the U.S. Steel Boilerhouse 2 stack construction was completed and commenced operation on October 25, 2024, ahead of the November 14, 2024, deadline. Compliance documentation is included as appendix D of Michigan's May 5, 2025, redesignation request.

The modeling analysis was discussed in detail in EPA's proposed FIP (87 FR 33095, June 1, 2022). In this action, EPA proposes to find that this modeling analysis and the monitored air quality data demonstrate that the Detroit area has attained the 2010 SO<sub>2</sub> NAAQS.

*B. Criteria (2) and Criteria (5)—Michigan Has Met All Applicable Requirements Under CAA Section 110 and Part D of the CAA, and EPA Has Fully Approved the Applicable Implementation Plan Under CAA Section 110(k)*

For redesignating a nonattainment area to attainment under a NAAQS, a State must have met all applicable requirements (CAA section 107(d)(3)(E)(v)), and EPA must have

fully approved the applicable implementation plan (CAA section 107(d)(3)(E)(ii)). EPA's long-standing interpretation of the CAA is that not every requirement under CAA section 110 and part D are applicable for purposes of CAA section 107(d)(3)(E)(ii) and (v). EPA's interpretation of the statute limiting evaluation of section 110 and part D requirements to only those that are applicable for purposes of redesignation was first articulated shortly after the passage of the 1990 CAA Amendments in Agency guidance documents and has been consistently applied in notice-and-comment redesignation actions over the last three decades.

Many of the section 110 elements that are unrelated to an area's SO<sub>2</sub> attainment status are not applicable requirements for purposes of redesignation. The area will still be subject to these requirements after the area is redesignated to attainment of the 2010 SO<sub>2</sub> NAAQS. For example, the CAA section 110(a)(2)(D) interstate transport requirements for a State are not linked with a nonattainment area's designation and classification in that State and continue to apply to States regardless of the designation status of areas within that State. However, even though many of the section 110 requirements are not applicable for purposes of redesignation, EPA in any case approved Michigan's section 110 infrastructure SIP on November 12, 2015 (80 FR 61311).

EPA proposes to determine that Michigan has met, and EPA has fully approved, those part D requirements that are applicable for purposes of redesignation. Part D is comprised of the general nonattainment area plan requirements in subpart 1 (section 172) as well as pollutant-specific subparts, including section 191 (or subpart 5), which applies to areas designated nonattainment for SO<sub>2</sub>, nitrogen dioxide, or lead. While some nonattainment planning requirements are not applicable for purposes of CAA section 107(d)(3)(E)(ii) and (v) for areas that are attaining the NAAQS, Michigan has in any case submitted a complete attainment plan and EPA has fully approved that plan, including emissions inventories, RACT/RACM, RFP, and contingency measures.

On May 19, 2025 (90 FR 21228), EPA fully approved Michigan's attainment SIP, mirroring EPA's FIP, for the Detroit area including the operation of a new stack at U.S. Steel Boilerhouse 2 and emission limits and associated requirements for U.S. Steel, EES Coke, Carmeuse Lime, Cleveland-Cliffs Steel Corporation, and DIG. In that action,

EPA found that Michigan had satisfied requirements for providing for attainment of the 2010 SO<sub>2</sub> NAAQS in the Detroit area. The adopted SO<sub>2</sub> SIP regulations for U.S. Steel, EES Coke, Carmeuse Lime, Cleveland-Cliffs Steel Corporation, and DIG are contained in the permits specified above in Table 3. Michigan has shown that it maintains an active enforcement program to ensure ongoing compliance with these requirements. Michigan's program for NSR, which includes provisions for the Prevention of Significant Deterioration program, will address emissions from potential new sources in the area (78 FR 76064, December 16, 2013).

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.) or the Federal Transit Act (49 U.S.C. 1601) (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 that EPA promulgated pursuant to its authority under the CAA. EPA's longstanding interpretation of the CAA is that because CAA section 176(c) conformity requirements continue to apply after areas are redesignated to attainment, meeting those requirements is not a prerequisite to redesignating an area. In addition, based on EPA's April 2014 SO<sub>2</sub> Guidance, transportation conformity only applies to SO<sub>2</sub> SIPs if transportation-related emissions of SO<sub>2</sub> as a precursor are a significant contributor to a fine particulate matter (PM<sub>2.5</sub>) nonattainment problem or if the SIP has established an approved or adequate budget for such emissions as part of the RFP, attainment, or maintenance strategy, neither of which applies to the Detroit area. EPA concluded that highway and transit vehicles are not significant sources of SO<sub>2</sub> in this area. As a result, transportation conformity determinations are not required in the Detroit SO<sub>2</sub> maintenance area. Therefore, transportation plans, improvement programs, and projects are presumed to conform to applicable implementation plans for SO<sub>2</sub>. Federal agencies are still required to address general conformity in the Detroit SO<sub>2</sub>

maintenance area. EPA approved Michigan's general conformity SIP on December 18, 1996 (61 FR 66607).

Based on the above findings, EPA is proposing to find that Michigan has met the applicable requirements of section 110 and part D of title I of the CAA for purposes of the redesignation of the Detroit nonattainment area. Furthermore, EPA has fully approved the applicable implementation plan for the Detroit area.

### *C. Criteria (3)—The Air Quality Improvement in the Detroit SO<sub>2</sub> Nonattainment Area Is Due to Permanent and Enforceable Emission Reductions*

To redesignate an area from nonattainment to attainment, section 107(d)(3)(E)(iii) of the CAA requires EPA to determine that the air quality improvement in the area is due to permanent and enforceable reductions in emissions resulting from the implementation of the SIP and applicable Federal air pollution control regulations and other permanent and enforceable emission reductions.

Michigan's attainment plan (90 FR 21228, May 19, 2025) incorporates the permits for U.S. Steel, EES Coke, DTE Trenton Channel, Carmeuse Lime, Cleveland-Cliffs Steel Corporation, and DIG specified above in Table 3, which include SO<sub>2</sub> emission limits and associated requirements, including the construction of a 170-foot stack for U.S. Steel Boilerhouse 2 by November 14, 2024. Michigan has confirmed that the facilities are currently in full compliance with their emission limits and associated requirements contained in the permits specified in Table 3 and that the U.S. Steel Boilerhouse 2 stack construction has been completed. Compliance documentation is included as appendix D of Michigan's May 5, 2025, redesignation request. EPA has included these emission limits and associated requirements in the March 19, 2021, partial approval of Michigan's SIP (86 FR 14827) and the May 19, 2025, approval of Michigan's SIP (90 FR 21228), which also renders them federally enforceable.

The EPA modeling that Michigan's attainment plan relies upon includes the emission limits for U.S. Steel, EES Coke, DTE Trenton Channel, Carmeuse Lime, Cleveland-Cliffs Steel Corporation, and DIG and shows attainment of the 2010 SO<sub>2</sub> NAAQS throughout the Detroit area. A more in-depth discussion of EPA's modeling may be found in EPA's proposed FIP (87 FR 33095, June 1, 2022) and the associated technical support document, which is included as appendix C of Michigan's May 5, 2025,

redesignation request. EPA is proposing to find, consistent with the FIP and the approval of the State's attainment plan, that the modeling results demonstrate attainment and continued maintenance of the 2010 SO<sub>2</sub> NAAQS and that the air quality improvement in the Detroit nonattainment area is due to permanent and enforceable reductions in emissions.

*D. Criteria (4)—The Detroit SO<sub>2</sub> Nonattainment Area Has a Fully Approved Maintenance Plan Pursuant to Section 175A*

To redesignate an area from nonattainment to attainment, section 107(d)(3)(E)(iv) of the CAA requires 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 section 175A, the maintenance plan must demonstrate continued attainment of the NAAQS for at least 10 years after EPA 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 EPA deems necessary, to ensure prompt correction of any future NAAQS violation.

Specifically, the maintenance plan should address five requirements: an attainment emissions inventory, a maintenance demonstration, a commitment for continued air quality monitoring, a process for verification of continued attainment, and a contingency plan. EPA is proposing to determine that Michigan's May 5, 2025, redesignation request contains its maintenance plan and all the necessary components, which Michigan has committed to review eight years after the redesignation.

As a part of a State's maintenance plan, the air agency should develop an attainment emissions inventory to identify the level of emissions in the affected area which is sufficient to attain and maintain the SO<sub>2</sub> NAAQS.<sup>1</sup> In its redesignation request, Michigan provided an emissions inventory for SO<sub>2</sub> in the nonattainment area for 2025, the first year after the latest compliance date included in Michigan's attainment plan and the U.S. Steel Boilerhouse 2

stack construction was completed. Total allowable emissions in the Detroit area for the 2025 attainment year are 11,890 tons. This level of emissions, in combination with the new stack construction at the U.S. Steel facility, is sufficient to maintain the NAAQS, and Michigan has confirmed that the facilities are in full compliance with their emission limits. Compliance documentation is included as appendix D of Michigan's May 5, 2025, redesignation request. In its attainment plan, Michigan reported that total actual SO<sub>2</sub> emissions for the nonattainment area from 2012, a year during which the area was not attaining the NAAQS, were 37,378 tons. The SO<sub>2</sub> emission limits for U.S. Steel, EES Coke, Carmeuse Lime, Cleveland-Cliffs Steel Corporation, and DIG specified in Table 3 above, as well as the shutdown of the DTE Trenton Channel and DTE River Rouge facilities, led to a more than 25,000-ton, or 68 percent, decrease between actual emissions in 2012 and maximum allowable emissions in 2025 in the Detroit area. EPA's modeling that Michigan relied upon for its redesignation request for the Detroit area, based on maximum uncontrolled emissions or SO<sub>2</sub> emission limits now incorporated into Michigan's SIP, resulted in a design value of 73.6 ppb, below the SO<sub>2</sub> NAAQS. See Detroit SO<sub>2</sub> FIP technical support document (87 FR 61514, October 12, 2022).

EPA's "Procedures for Processing Requests to Redesignate Areas to Attainment" (Calcagni Memo)<sup>2</sup> describes two ways for a State to demonstrate maintenance of the NAAQS following the redesignation of the area: (1) the State can show that future emissions of a pollutant will not exceed the level of the attainment inventory, or (2) the State can model to show that the future mix of sources and emission rates will not cause a violation of the standard. In both instances, the demonstration should be for a period of 10 years following the redesignation. Furthermore, the plan should contain a summary of air quality concentrations resulting from control measures implemented where modeling is relied upon to demonstrate maintenance. Michigan's maintenance demonstration consists of the attainment plan air quality modeling analysis showing that the emissions reductions now in effect in the Detroit area will provide for attainment of the 2010 SO<sub>2</sub> NAAQS.

<sup>2</sup> 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.

The permanent and enforceable SO<sub>2</sub> emission reductions described above ensure that the area emissions will be equal to or less than the emission levels that were evaluated in the air quality modeling analysis, and Michigan's enforceable emission requirements will ensure that the Detroit area SO<sub>2</sub> emission limits are met continuously. Michigan's redesignation request contains an emissions inventory for 2036, the maintenance year, which does not show any increases in maximum allowable emissions from the attainment year. Additionally, Michigan has a fully approved New Source Review (NSR) program (78 FR 76064, December 16, 2013), including requirements to assess the impacts of any plans to construct or resume operations of an emission unit on maintaining NAAQS attainment.

For verification of continued attainment, Michigan has committed to track the emissions and compliance status of the major facilities in the Detroit area so that future emissions will not exceed the allowable emissions-based attainment inventory. All major sources in Michigan are required to submit annual emissions data, which the State uses to update its emission inventories as required by the CAA. Michigan commits to continue monitoring SO<sub>2</sub> levels in the Detroit area and consult EPA prior to making changes to the existing monitoring network, periodically reevaluate assumptions and input data used for the attainment plan modeling analysis, and monitor contingency plan indicators as described below.

Section 175A(d) of the CAA provides that a maintenance plan must contain contingency provisions that will promptly correct any violation of the 2010 SO<sub>2</sub> NAAQS after the area is redesignated to attainment (Calcagni Memo). The maintenance plan should identify the contingency measures to be adopted, a schedule and procedure for adoption and implementation, and a time limit for action by the State. A State should also identify specific indicators to be used to determine when the contingency measures need to be implemented. The maintenance plan must also include a requirement that a State will implement all measures with respect to control of the pollutant that were contained in the SIP before redesignation of the area to attainment in accordance with section 175A(d). Unlike CAA section 172(c)(9), section 175A of the CAA does not explicitly require that contingency measures must take effect without further action by the air agency for the maintenance plan to be approved. However, if this action is finalized, the contingency plan would

<sup>1</sup> See April 2014 SO<sub>2</sub> Guidance, page 66.

become an enforceable part of the SIP and should ensure that contingency measures are adopted and implemented as expeditiously as practicable once they are triggered.<sup>3</sup>

In the “General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,” published on April 16, 1992 (57 FR 13498), EPA provides further discussion of contingency measures for SO<sub>2</sub>. This guidance states that in many cases, attainment revolves around compliance of a single source or a small set of sources with emission limits shown to provide for attainment. Although this guidance applies to contingency measures under section 172(c)(9), EPA applies a similar policy with respect to contingency measures for SO<sub>2</sub> required in maintenance plans under section 175A(d). The requirement to submit contingency measures in accordance with section 175A of the CAA can be adequately addressed for SO<sub>2</sub> by the operation of a comprehensive enforcement program,<sup>4</sup> which can quickly identify and address sources that might be causing exceedances of the NAAQS.

Michigan’s enforcement program is active and capable of prompt action to remedy compliance issues. Michigan commits to ongoing compliance and enforcement of the control measures contained in the federally enforceable permits specified above in Table 3, which have already been incorporated into Michigan’s attainment SIP approval (90 FR 21228, May 19, 2025). Michigan also has the necessary resources in the event of violations to enforce its permit provisions and rules. Michigan has the authority to expeditiously adopt, implement, and enforce any subsequent emission control measures deemed necessary to correct any future SO<sub>2</sub> violations. Michigan commits to adopting and implementing such corrective actions as necessary to address violations of the 2010 SO<sub>2</sub> NAAQS. Specifically, Michigan commits to adopt and expeditiously implement necessary corrective actions in the event of a violation of the standard or an annual 99th percentile daily maximum 1-hour SO<sub>2</sub> concentration of 79 ppb or above occurs in a single calendar year in the Detroit area. Based on the foregoing, EPA proposes to find that Michigan has addressed the contingency measure requirement.

EPA is proposing to find that Michigan’s maintenance plan adequately addresses the five basic

components of a maintenance plan necessary to maintain the SO<sub>2</sub> NAAQS in the Detroit nonattainment area. Therefore, EPA proposes to find that the redesignation and maintenance plan SIP revision submitted by Michigan for the 2010 SO<sub>2</sub> Detroit nonattainment area meets the requirements of section 175A of the CAA and proposes to approve this plan.

### III. What action is EPA taking?

EPA is proposing to redesignate the Detroit area from nonattainment to attainment for the 2010 SO<sub>2</sub> NAAQS in accordance with Michigan’s May 5, 2025, request. EPA has determined that the area is attaining the 2010 SO<sub>2</sub> NAAQS and that the improvement in air quality is due to permanent and enforceable SO<sub>2</sub> emission reductions in the area. EPA is also proposing to approve Michigan’s maintenance plan, which is designed to ensure that the area will continue to maintain attainment of the 2010 SO<sub>2</sub> NAAQS.

### 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 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, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: July 31, 2025.

Anne Vogel,

Regional Administrator, Region 5.

[FR Doc. 2025–15458 Filed 8–13–25; 8:45 am]

BILLING CODE 6560–50–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

**42 CFR Parts 405, 410, 414, 424, 425, 427, 428, 495, and 512**

[CMS–1832–CN]

RIN 0938–AV50

### Medicare and Medicaid Programs; CY 2026 Payment Policies Under the Physician Fee Schedule and Other Changes to Part B Payment and Coverage Policies; Medicare Shared Savings Program Requirements; and Medicare Prescription Drug Inflation Rebate Program; Correction

**AGENCY:** Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services (HHS).

**ACTION:** Proposed rule; correction.

**SUMMARY:** This document corrects typographical and technical errors in the proposed rule that appeared in the July 16, 2025 **Federal Register** (90 FR

<sup>3</sup> See April 2014 SO<sub>2</sub> Guidance, page 74.

<sup>4</sup> See April 2014 SO<sub>2</sub> Guidance, page 41–42.

32352) titled “Medicare and Medicaid Programs; CY 2026 Payment Policies Under the Physician Fee Schedule and Other Changes to Part B Payment and Coverage Policies; Medicare Shared Savings Program Requirements; and Medicare Prescription Drug Inflation Rebate Program” (hereinafter referred to as the CY 2026 PFS proposed rule), specifying proposed changes to the Medicare physician fee schedule (PFS) that is applicable for calendar year (CY) 2026, and other changes to Medicare Part B payment policies, as well as proposals regarding other Medicare payment policies.

**DATES:** To be assured consideration, comments must be received at one of the addresses provided below, no later than 5 p.m. on September 12, 2025.

**ADDRESSES:** In commenting, please refer to file code CMS–1832–P.

Comments, including mass comment submissions, must be submitted in one of the following three ways (please choose only one of the ways listed):

1. *Electronically.* You may submit electronic comments on this regulation to <http://www.regulations.gov>. Follow the “Submit a comment” instructions.

2. *By regular mail.* You may mail written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–1832–P, P.O. Box 8016, Baltimore, MD 21244–8016.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–1832–P, Mail Stop C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–1850.

**FOR FURTHER INFORMATION CONTACT:**

*MedicarePhysicianFeeSchedule@cms.hhs.gov*, for any issues not identified below. Please indicate the specific issue in the subject line of the email. For all questions related to reporting a service on a claim, please contact your Medicare Administrative Contractor.

Michael Soracoe, Morgan Kitzmiller, or *MedicarePhysicianFeeSchedule@cms.hhs.gov*, for issues related to practice expense, work RVUs, conversion factor, and PFS specialty-specific impacts.

Hannah Ahn, or *MedicarePhysicianFeeSchedule@cms.hhs.gov*, for issues related to potentially misvalued services under the PFS.

Pamela West, or *MedicarePhysicianFeeSchedule@cms.hhs.gov*, for issues related to outpatient therapy services and KX modifier thresholds.

Janae James, (410) 786–0801, or *SharedSavingsProgram@cms.hhs.gov*, for issues related to the Medicare Shared Savings Program.

Amy Gruber, (410) 786–1542, for issues related to Ambulance Extender provisions.

Kati Moore, (410) 786–5471, for inquiries related to the Merit-based Incentive Payment System (MIPS) track of the Quality Payment Program (QPP).

Trevey Davis, (667) 290–8527, for inquiries related to the Advanced Alternative Payment Models (APMs) track of QPP.

Laura Kennedy, (410) 786–3377, Rebecca Ray, (667) 414–0879, and Jae Ryu, (667) 414–0765 for issues related to Drugs and Biological Products Paid Under Medicare Part B.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

In FR Doc. 2025–13271 of July 16, 2025, the CY 2026 PFS proposed rule (90 FR 32352), there were typographical and technical errors that are identified and corrected in this correcting document.

**II. Summary of Errors**

*A. Summary of Errors in the Preamble*

On page 32352, we inadvertently made a typographical error.

On page 32353, we inadvertently included an incorrect Summary of the Key Provisions.

On page 32386, we inadvertently omitted a potentially misvalued code nomination.

On page 32503, we inadvertently omitted the section titled Outpatient Therapy Services and KX Modifier Thresholds from the proposed rule.

On page 32637, we inadvertently included language related to the transfer of labeler codes.

On page 32671, we inadvertently included an incorrect reference in footnote 323.

On page 32717, we inadvertently made a technical error in the number of proposed substantive changes.

On page 32770, we inadvertently included an incomplete sentence.

On page 32771, we inadvertently included a typographical error.

On page 32776, we inadvertently made a technical error in a table reference.

On page 32777, we inadvertently included language that reflected the standard non-rule PRA process.

On page 32778, we made an inadvertent typographical error in a section reference.

On page 32779, we inadvertently made a typographical error.

On page 32781, we inadvertently omitted text preceding table “Table 82: TABLE 82: Annual Responses Beginning with the CY 2027 Performance Period/2029 MIPS Payment Year Under OMB Control Number 0938–1222 (CMS–10450).”

On page 32793, we inadvertently referenced a regulatory citation and made technical errors in Table 87: Proposed Annual Requirements and Burden Estimates.

On page 32799, we inadvertently made two typographical errors.

On page 32801, in Tables 89, 90, and 91, the CY 2026 RVU Budget Neutrality Adjustment we inadvertently made typographical errors in the conversion factors.

On page 32818, we made an inadvertent typographical error in a section reference.

On page 32834, we inadvertently omitted a section heading.

*B. Summary of Errors in the Regulations Text*

On page 32850, we inadvertently omitted regulation text changes to a definition in § 414.1305 and made formatting and paragraph designation errors in § 414.1380.

On page 32851, we made technical errors in § 414.1400(d)(3)(vi)(A).

*C. Summary of Errors in Appendices*

On page 33162, under Table DD.2 Colorectal Cancer Screening, we inadvertently made a typographical error in the Substantive Change row.

On page 33183, we inadvertently made a typographical error in omitting the asterisk (\*) key after “Symbol Key:”

On page 33208 in Table B.2, we inadvertently omitted quality measure Q144: Oncology: Medical and Radiation, Plan of Care for Pain under the Advancing Cancer Care MVP, the Radiation Oncology Clinical Grouping.

On page 33219, we made inadvertent errors in the list of Improvement Activities included in the Coordinating Stroke Care to Promote Prevention and Cultivate Positive Outcomes MVP.

On page 33255, we inadvertently repeated several paragraphs.

**III. Waiver of the 60-Day Public Comment Period**

Under section 553(b) of the Administrative Procedure Act (the APA) (5 U.S.C. 553(b)), the agency is required to publish a notice of proposed rulemaking in the **Federal Register**

before the provisions of a rule take effect. Similarly, section 1871(b)(1) of the Social Security Act (the Act) requires the Secretary to provide for notice of the proposed rule in the **Federal Register** and provide a period of not less than 60 days for public comment. Section 553(b)(B) of the APA provides for exceptions from the APA notice and comment requirements; in cases in which these exceptions apply, section 1871(b)(2)(C) of the Act provides exceptions from the notice and 60-day comment period requirements of the Act as well. Section 553(b)(B) of the APA and section 1871(b)(2)(C) of the Act authorize an agency to dispense with normal notice and comment rulemaking procedures for good cause if the agency makes a finding that the notice and comment process is impracticable, unnecessary, or contrary to the public interest, and includes a statement of the finding and the reasons for it in the rule. In our view, this correcting document does not constitute a rulemaking that would be subject to these requirements. The corrections made through this correcting document are intended to resolve inadvertent errors so that the CY 2026 PFS proposed rule accurately reflects the policies proposed therein.

In addition, even if this were a rulemaking to which the notice and comment requirements applied, we find that there is good cause to waive such requirements. The 60-day comment period referenced in section 1871(b)(1) of the Act may be shortened, as provided under section 1871(b)(2)(C) of the Act, when the Secretary finds good cause that a 60-day comment period would be impracticable, unnecessary, or contrary to the public interest and incorporates a statement of the finding and its reasons in the rule issued. For this proposed rule correcting document, we are waiving the 60-day comment period for good cause and allowing a comment period that coincides with the comment period provided for the CY 2026 PFS proposed rule. Undertaking further notice and comment procedures to incorporate the corrections in this document into the CY 2026 PFS proposed rule would be contrary to the public interest because a full 60-day comment period would end on a date that would not allow the agency sufficient time to process the comments and respond to them in a meaningful manner by the November 1, 2025 date for issuing the final rule. If we allowed for a full 60-day comment period, timely filed comments would receive a shorter period of time for consideration by the agency, and the agency would be left with insufficient time to properly

respond to comments and appropriately resolve whether any of the proposed policies should be modified in light of comments received. For all of these reasons, we find good cause to waive the 60-day comment period for this proposed rule correcting document, and we are instead providing for a comment period that coincides with the comment period provided for the CY 2026 PFS proposed rule that appeared in the July 16, 2025 **Federal Register**.

#### IV. Correction of Errors

In FR Doc. 2025–13271 of July 16, 2025 (90 FR 32352), make the following corrections:

##### A. Correction of Errors in the Preamble

On page 32352, first column, first full paragraph, line 21, the phrase “Qualified Health Centers update to the” is corrected to read “Qualified Health Centers; update to the”.

2. On page 32353, third column, ninth bulleted paragraph, the phrase “Access to Behavioral Health Services (section II.I.)” is corrected to read “Policies to Improve Care for Chronic Illness and Behavioral Health Needs (section II.I.)”.

3. On page 32386, third column, following the first full paragraph, the text is corrected by adding the following:

“(12) Sleep Study (CPT code 95800)

For CY 2026, an interested party re-nominated CPT code 95800 (*Sleep study, unattended, simultaneous recording; heart rate, oxygen saturation, respiratory analysis (e.g., by airflow or peripheral arterial tone, and sleep time)*). This code was recently nominated two times as potentially misvalued in the CY 2024 PFS proposed rule (88 FR 52283 through 52284) and the CY 2025 PFS proposed rule (89 FR 61618 through 61619).

For the CY 2024 and CY 2025 PFS final rules, we stated that we were unable to properly assess whether CPT code 95800 is potentially misvalued and further stated that we could not identify whether disposable or reusable home sleep apnea testing (HSAT) devices are more commonly used based on the evidence submitted with the original nominations and subsequent comments that CMS received. To confirm whether disposable devices were more commonly used, the nominator commissioned a consulting group to conduct an independent survey of sleep medicine providers, developed with input from the American Academy of Sleep Medicine (AASM), which found that 60 percent of procedures reported with CPT code 95800 used fully

disposable HSAT equipment among respondents who reported this service in 2023.

The nominator stated that CPT code 95800 is misvalued because there has been a fundamental shift in clinical practice from reusable equipment to disposable HSAT devices, but the current direct practice expense (PE) inputs still reflect the older reusable technology assumptions. The nominator stated that CMS currently models’ payment for CPT code 95800 based on the use of a reusable sleep testing device (the WatchPAT 200) with a consumable component (WatchPAT probe), but the survey data demonstrates that the majority of procedures now use fully disposable devices like the WatchPAT ONE. According to the nominator, this misalignment between current medical practice and the direct PE inputs has resulted in inaccurate direct practice expenses for CPT code 95800 and created access challenges for Medicare beneficiaries, particularly in rural and remote areas, since the payment structure does not accurately reflect the actual costs and technologies used in contemporary sleep study practices. The nominator recommended deleting the current equipment codes for reusable devices and adding a new supply code for the disposable WatchPAT ONE device to ensure that Medicare reimbursement rates align with the “typical procedure” methodology that now involves disposable rather than reusable equipment. For more details, we refer to the CY 2025 PFS final rule (89 FR 97741 through 97743). Also, we refer readers to the submitted nomination, which is posted in the public use files for this proposed rule available on our public website under PFS Federal Regulation Notices at <https://www.cms.gov/medicare/payment/fee-schedules/physician/federal-regulation-notices>.

While we appreciate the survey, we note that there are several limitations that can influence the survey’s generalizability, validity, and reliability. Some key limitations include a small sample of 25 complete responses with a low 12 percent survey engagement rate, and methodological constraints such as the short 17-day survey period.

Given that we only have access to the nominator’s summary of their internal data and survey results with a few notable limitations, we propose to maintain the current direct PE supply and equipment inputs for CPT code 95800. We are not proposing to nominate the code as potentially misvalued. We welcome public comments, published studies, other surveys, and data on whether the typical

procedure described by CPT code 95800 now involves the use of a disposable HSAT device rather than reusable equipment.”.

4. On page 32503, first column before the first paragraph, the language is corrected by adding the following:

*“H. Outpatient Therapy Services and KX Modifier Thresholds*

1. Technical Correction (§ 410.62(a))

In the CY 2009 PFS final rule (73 FR 69874 through 69875) we finalized the addition of a new paragraph at § 410.62(c) for the services of speech-language pathologists (SLPs) in private practice (SLPPPs) allowed through the amendments in section 143 of the Medicare Improvement for Patients and Providers Act of 2008 (MIPPA); and, we also finalized a new condition of payment at § 410.62(a)(3)(ii) requiring these SLPPPs to meet the qualifications of SLPs at 42 CFR part 484 that is specified in the basic rule for outpatient speech-language pathology services at § 410.62(a).

During a recent review of our regulations at §§ 410.62, we noticed an error in § 410.62(a). That is, the basic rule at § 410.62(a) does not correctly reflect the policy that for Medicare Part B to pay for outpatient speech-language pathology services, those services are required to be delivered only by SLPs—including the SLPPPs specified at paragraph (a)(3)(ii)—meeting the requirements for an SLP at § 484.115. Instead, § 410.62(a) states that “Except as specified in paragraph (a)(3)(ii) of this section” rather than paragraph (a)(3)(iii) which was paragraph (a)(3)(ii) before being repositioned to paragraph (a)(3)(iii) when the condition of payment was added for the services of SLPPPs. We inadvertently did not update the exception paragraph during CY 2009 PFS rulemaking to reflect the correct policy under which the individual furnishing services incident to the services of physicians, physician assistants (PAs), clinical nurse specialists (CNSs), or nurse practitioner (NPs) does not have to meet the state licensure requirement at § 484.115 (although they are required to meet the other standards and conditions that apply to SLPs). Therefore, we propose to revise § 410.62(a) to reflect the policy related to qualifications for individuals furnishing services incident to the services of physicians, PAs, CNSs, and NPs by correctly referencing paragraph (a)(3)(iii) in place of paragraph (a)(3)(ii). We are also proposing to make a conforming regulatory change at § 410.26(c)(2) to refer readers to § 410.62(a)(3)(iii) instead of

§ 410.62(a)(3)(ii) for the correct policy related to the qualifications for individuals providing speech-language pathology services furnished incident to the services of physicians, PAs, CNSs, and NPs.

2. KX Modifier Thresholds

The KX modifier thresholds were established through section 50202 of the Bipartisan Budget Act of 2018 (Pub. L. 115–123, February 9, 2018) (BBA) and were formerly referred to as the therapy cap amounts. These per-beneficiary amounts under section 1833(g) of the Act (as amended by section 4541 of the Balanced Budget Act of 1997) (Pub. L. 105–33, August 5, 1997) are updated each year based on the percentage increase in the Medicare Economic Index (MEI). Specifically, these amounts are calculated by updating the previous year’s amount by the percentage increase in the MEI for the upcoming calendar year and rounding to the nearest \$10.00. Thus, for CY 2026, we propose to increase the CY 2025 KX modifier threshold amount by the most recent forecast of the 2017-based MEI. For CY 2026, the proposed MEI increase is estimated to be 2.7 percent and is based on the expected historical percentage increase of the 2017-based MEI. Multiplying the CY 2025 KX modifier threshold amount of \$2,410 by the proposed CY 2026 percentage increase in the MEI of 2.7 percent ( $\$2,410 \times 1.027$ ) and rounding to the nearest \$10.00 results in a proposed CY 2026 KX modifier threshold amount of \$2,480 for physical therapy and speech-language pathology services combined and \$2,480 for occupational therapy services. We also propose to update the MEI increase for CY 2026 based on historical data through the second quarter of 2025, and we propose to use such data, if appropriate, to determine the final MEI percentage increase and the CY 2026 KX modifier threshold amounts in the CY 2026 PFS final rule.

Section 1833(g)(7)(B) of the Act describes the targeted medical review (MR) process for services of physical therapy, speech-language pathology, and occupational therapy services. The threshold for targeted MR is \$3,000 through CY 2027. Effective beginning with CY 2028, the MR threshold levels will be annually updated by the percentage increase in the MEI, per section 1833(g)(7)(B) of the Act. Consequently, for CY 2026, the MR threshold is \$3,000 for physical therapy and speech-language pathology services combined and \$3,000 for occupational therapy services. Section 1833(g)(5)(E) of the Act states that CMS shall identify and conduct targeted medical review

using factors that may include the following:

- The therapy provider has had a high claims denial percentage for therapy services under this part or is less compliant with applicable requirements under this title.
- The therapy provider has a billing pattern for therapy services under this part that is aberrant compared to peers or otherwise has questionable billing practices for such services, such as billing medically unlikely units of services in a day.
- The therapy provider is newly enrolled under this title or has not previously furnished therapy services under this part.
- The services are furnished to treat a type of medical condition.
- The therapy provider is part of a group that includes another therapy provider identified using the factors described previously in this section.

We track each beneficiary’s incurred expenses for therapy services annually and count them towards the KX modifier and MR thresholds by applying the PFS rate for each service less any applicable multiple procedure payment reduction (MPPR) amount for services of CMS-designated “always therapy” services (see the CY 2011 PFS final rule at 75 FR 73236). We also track therapy services furnished by critical access hospitals (CAHs), applying the same PFS-rate accrual process, even though they are not paid for their therapy services under the PFS and may be paid on a cost basis (effective January 1, 2014) (see the CY 2014 PFS final rule at 78 FR 74406 through 74410).

When the beneficiary’s incurred expenses for the year for outpatient therapy services exceed one or both of the KX modifier thresholds, therapy suppliers and providers use the KX modifier on claims for subsequent medically necessary services. Using the KX modifier, the therapist and therapy provider attest that the services above the KX modifier thresholds are reasonable and necessary and that documentation of the medical necessity for the services is in the beneficiary’s medical record. Claims for outpatient therapy services exceeding the KX modifier thresholds without the KX modifier included are denied.”.

5. On page 32637, second column, first partial paragraph, lines 10 through 12, the phrase “information (see also section III.E.2.a. of this proposed rule regarding transfer of labeler codes); and” is corrected to read “information; and”.

6. On page 32671, first column, first footnote paragraph (footnote 323), line 1 through 5, the sentence “Refer to

Executive Order 14192 “Unleashing Prosperity Through Deregulation” <https://www.federalregister.gov/documents/2025/02/06/2025-02345/unleashing-prosperity-through-deregulation>” is corrected to read “See discussion on use of our authority under section 1899(i)(3) of the Act, at 87 FR 69950.”.

7. On page 32717,  
a. Second column, last paragraph, line 3, the phrase “42 MIPS quality measures.” is corrected to read “32 MIPS quality measures.”.

b. Third column, third bulleted paragraph, line 1, the phrase “42 MIPS” is corrected to read “32 MIPS”.

8. On page 32770, lower two-thirds of the page, second column, first partial paragraph, last line, the sentence “In the 414.1425(d).” is corrected by removing the sentence.

9. On page 32771, first column, last partial paragraph, lines 1 and 2, the phrase “a conforming revision at § 414.1425(c)(3)(i)” is corrected to read “conforming revisions at § 414.1425(c)(3)(i) and (4)”.

10. On page 32776, third column, third full paragraph, line 1, the

reference “Table 73” is corrected to read “Table 74”.

11. On page 32777, upper half of the page, first column, first paragraph, lines 1 through 14, the sentences “Pending our finalization of the following proposed provisions, the changes will be submitted to OMB for review and approval under control number 0938–0921 (CMS–10110) using the standard PRA process. The process includes the publication of 60- and 30-day **Federal Register** notices that will provide the public with additional opportunities to review and comment on the changes. The following proposed changes will be submitted to OMB for review under control number 0938–0921 (CMS–10110).” are corrected to read “The following proposed changes will be submitted to OMB for review under control number 0938–0921 (CMS–10110).”.

12. On page 32778, lower third of the page, first column, last paragraph, line 8, the reference “section VII.E.” is corrected to read “section VII.”.

13. On page 32779, third column, partial paragraph, line 44, the phrase

“\*COM007\* component” is corrected to read “component”.

14. On page 32781, middle of the page, after the table notes for TABLE 81 and before the table titled “TABLE 82: ANNUAL RESPONSES BEGINNING WITH THE CY 2027 PERFORMANCE PERIOD/2029 MIPS PAYMENT YEAR UNDER OMB CONTROL NUMBER 0938–1222 (CMS–10450)” the language is corrected by adding the following:

“For the Consumer Assessment of Healthcare Providers and Systems (CAHPS) for MIPS Survey ICRs under OMB control number 0938–1222 (CMS–10450) (see section V.B.5.b.(1) of this proposed rule), we estimate that the policy proposals in this proposed rule would result in an annual change of 0 responses, +10 hours, and +\$1,077 (see total of Total Change in Tables 82, 83, and 84, respectively), beginning with the CY 2027 performance period/2029 MIPS payment year.”.

15. On page 32793, lower half of the page, in the table titled “TABLE 87: PROPOSED ANNUAL REQUIREMENTS AND BURDEN ESTIMATES”, the sixth and seventh rows are corrected to read as follows:

TABLE 87—PROPOSED ANNUAL REQUIREMENTS AND BURDEN ESTIMATES

| Section(s) under title 42 of the CFR                                                                              | OMB control number (CMS ID No.) | No. respondents                | Total annual responses          | Time per response (hours)  | Total annual time (hours)        | Labor cost (\$/hr) | Total cost (\$)                     |
|-------------------------------------------------------------------------------------------------------------------|---------------------------------|--------------------------------|---------------------------------|----------------------------|----------------------------------|--------------------|-------------------------------------|
| Medicare Prescription Drug Inflation Rebate Program under Sections 11101 and 11102 of the Inflation Reduction Act | 0938–TBD (CMS–10930)            | 6,500 Covered Entities or TPAs | 26,000 Covered Entities or TPAs | 8 Covered Entities or TPAs | 208,000 Covered Entities or TPAs | Varies             | 23,195,120 Covered Entities or TPAs |
| Total                                                                                                             | n/a                             | 64,683                         | 91,667                          | varies                     | 197,909                          | varies             | 22,698,711                          |

16. On page 32799,  
a. Second column, last full paragraph, line 1, the reference “section III.H.” is corrected to read “section III.G.”.

b. Third column, third full paragraph, line 4, the phrase “ased on our” is corrected to read “Based on our”.

17. On page 32801,  
a. Top half of the page in the table titled “TABLE 89: CALCULATION OF THE CY 2026 PFS NON–QUALIFYING APM CONVERSION FACTOR, THE CY 2026 RVU BUDGET NEUTRALITY ADJUSTMENT”, third row, second column the entry “0.55 percent (1.0045)” is corrected to read “0.55 percent (1.0055)”.

b. Middle of the page, in the table titled “TABLE 90: CALCULATION OF THE CY 2026 ANESTHESIA QUALIFYING APM CONVERSION FACTOR, THE CY 2026 RVU BUDGET NEUTRALITY ADJUSTMENT” third row,

second column the entry “0.55 percent (1.0045)” is corrected to read “0.55 percent (1.0055)”.

c. Lower one-half of the page, in the table titled “TABLE 91: CALCULATION OF THE CY 2026 ANESTHESIA NON–QUALIFYING APM CONVERSION FACTOR, THE CY 2026 RVU BUDGET NEUTRALITY ADJUSTMENT” third row, second column the entry “0.55 percent (1.0045)” is corrected to read “0.55 percent (1.0055)”.

18. On page 32818, first column, last partial paragraph, line 1, the reference “section III.H.” is corrected to read “section III.G.”.

19. On page 32834, second column, first full paragraph, line 1, the phrase “In our MIPS eligible clinician” is corrected to read as follows:

“f. Assumptions & Limitations  
In our MIPS eligible clinician”.

#### B. Correction of Errors in the Regulations Text

■ 20. On page 32850,  
■ a. First column,  
■ (1) Fifth full paragraph (amendatory instruction 19(a)), last line the “beneficiary; and” is corrected to read “beneficiary;”

■ (2) After the fifth full paragraph and before the sixth full paragraph, the amendatory instructions are corrected by adding the following:

“b. In the definition of ‘high priority measure’, the phrase ‘care coordination, opioid, or health equity-related quality measure.’ is removed and added in its place the phrase ‘care coordination or opioid-related quality measure.’”

■ (3) Sixth full paragraph (amendatory instruction 19(b)), line 1, the phrase “b. Revising the definitions of” is corrected to read “c. Revising the definitions of”.

■ c. Second column, 15th full paragraph (§ 414.1380(b)(1)(i)) through the third column first full paragraph (§ 414.1380(b)(1)(i)(C)), beginning with the phrase “(i) *Measure achievement points*. For” and ending with the phrase “achievement points.” is corrected to read as follows:

“(i) *Measure achievement points*. For the CY 2017 through 2022 performance periods/2019 through 2024 MIPS payment years, MIPS eligible clinicians receive between 3 and 10 measure achievement points (including partial points) for each measure required under § 414.1335 on which data is submitted in accordance with § 414.1325 that has a benchmark at paragraph (b)(1)(ii) of this section, meets the case minimum requirement at paragraph (b)(1)(iii) of this section, and meets the data completeness requirement at § 414.1340 and for each administrative claims-based measure that has a benchmark at paragraph (b)(1)(ii) of this section and meets the case minimum requirement at paragraph (b)(1)(iii) of this section. Except as provided under paragraph (b)(1)(i)(C) of this section, beginning with the CY 2023 performance period/2025 MIPS payment year, MIPS eligible clinicians receive between 1 and 10 measure achievement points (including partial points) for each such measure. Except as specified otherwise under paragraph (b)(1)(ii) of this section, the number of measure achievement points received for each such measure is determined based on the applicable benchmark decile category and the percentile distribution. MIPS eligible

clinicians receive zero measure achievement points for each measure required under § 414.1335 on which no data is submitted in accordance with § 414.1325. MIPS eligible clinicians that submit data in accordance with § 414.1325 on a greater number of measures than required under § 414.1335 are scored only on the required measures with the greatest number of measure achievement points. Beginning with the CY 2019 performance period/2021 MIPS payment year, MIPS eligible clinicians that submit data in accordance with § 414.1325 on a single measure via multiple collection types are scored only on the data submission with the greatest number of measure achievement points.”

■ d. Third column (§ 414.1380(b)(1), (1) Third full paragraph (§ 414.1380(b)(1)(ii)(D))), line 1, the phrase “(D) Beginning with the CY 2023” is corrected to read “(D)(1) Beginning with the CY 2023”.

■ (2) Fourth full paragraph (§ 414.1380(b)(1)(ii)(E)), line 1, the phrase “(E) Beginning with the CY 2025” is corrected to read “(2) Beginning with the CY 2025”.

■ (3) Fifth full paragraph, (§ 414.1380(b)(1)(ii)(E)(1)), line 1, the phrase “(1) CMS awards achievement points “is corrected to read “(i) CMS awards achievement points”.

■ (4) Sixth full paragraph, (§ 414.1380(b)(1)(ii)(E)(2)), line 1, the phrase “(2) CMS awards achievement points “is corrected to read “(ii) CMS awards achievement points”.

■ 21. On page 32851, third column, 17th full paragraph (§ 414.1400(d)(3)(vi)(A)), the phrase “employment of a” is corrected to read “employ a”.

C. *Correction of Errors in the Appendices*

22. On page 33162, Table DD.2 Colorectal Cancer Screening, the Substantive Change row is corrected to read: “Reviewed—to meet the quality action, there must be documentation in the medical record that the clinician reviewed the colonoscopy report and discussed the findings with the patient. The colonoscopy report may also be provided by the patient for the clinician’s review/discussion during the visit and should be documented in the medical record.”.

23. On page 33183, third column, last paragraph, the phrase “Symbol Key:” is corrected to read as follows:

- “Symbol Key:
- Single asterisk (\*): existing measures and improvement activities with proposed revisions.
  - Double asterisk (\*\*): measures and improvement activities only available when included in an MVP.

Single exclamation point (!): improvement activities with an advancing health and wellness component.” .

24. On page 33208, in table B.2 titled “Advancing Cancer Care MVP, Radiation Oncology Clinical Groupings”, last row (Radiation Oncology), the entry is corrected to read as follows:

TABLE B.2—ADVANCING CANCER CARE MVP CLINICAL GROUPINGS

| Advancing Cancer Care MVP |                                                                                                                                            |          |               |                                   |
|---------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|----------|---------------|-----------------------------------|
| Clinical grouping         | Quality                                                                                                                                    |          |               | Cost                              |
|                           | Measure                                                                                                                                    | Outcome  | High priority |                                   |
| Radiation Oncology ...    | Q102: Prostate Cancer: Avoidance of Over-use of Bone Scan for Staging Low Risk Prostate Cancer Patients (Collection Type: eCQM, MIPS CQM). | No ..... | Yes .....     | COST_PC_1: Prostate Cancer        |
|                           | (*) Q143: Oncology: Medical and Radiation—Pain Intensity Quantified (Collection Type: eCQM, MIPS CQM).                                     | No ..... | Yes .....     |                                   |
|                           | Q144: Oncology: Medical and Radiation—Plan of Care for Pain (Collection Type: MIPS CQM).                                                   | No ..... | Yes .....     | (*) TPCC_1: Total Per Capita Cost |

25. On page 33219, bottom of page, the Coordinating Stroke Care to Promote Prevention and Cultivate Positive Outcomes Improvement Activities is corrected to read as follows:

- (\*)(!)IA\_AHW\_X: Chronic Care Preventive Care Management for Empaneled Patients

- IA\_BE\_1: Use of certified EHR to capture patient reported outcomes
- IA\_BE\_4: Engagement of Patients through Implementation of New Patient Portal
- IA\_BE\_6: Regularly Assess Patient Experience of Care and Follow Up on Findings

- IA\_BE\_24: Financial Navigation Program
- IA\_BMH\_15: Behavioral/Mental Health and Substance Use Screening and Referral for Older Adults
- IA\_CC\_13: Practice improvements to align with OpenNotes principles

- *IA\_CC\_17*: Patient Navigator Program
- *IA\_MVP*: Practice-Wide Quality Improvement in MIPS Value Pathways
- *IA\_PM\_15*: Implementation of episodic care management practice improvements

26. On page 33255, first through third columns, beginning with the phrase “Quality Measures” and ending with the phrase “component.” is corrected by removing the language.

**Cortney L. McCormick,**

*Executive Secretary to the Department,  
Department of Health and Human Services.*

[FR Doc. 2025–15492 Filed 8–13–25; 8:45 am]

**BILLING CODE 4120–01–P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

[Docket No. FWS–HQ–ES–2025–0110;  
FXES1111090FEDR–256–FF09E21000]

**RIN 1018–BH99**

#### Endangered and Threatened Wildlife and Plants; Threatened Species Status With Section 4(d) Rule for the Borneo Earless Monitor

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), propose to list the Borneo earless monitor (*Lanthanotus borneensis*), a lizard species from Borneo, as a threatened species under the Endangered Species Act of 1973, as amended (Act). This determination also serves as our 12-month finding on a petition to list the Borneo earless monitor. After a review of the best scientific and commercial data available, we find that listing the species is warranted. Accordingly, we propose to list the Borneo earless monitor as a threatened species with protective regulations under section 4(d) of the Act (“4(d) rule”). If we finalize this rule as proposed, it would add this species to the List of Endangered and Threatened Wildlife and extend the Act’s protections to the species.

**DATES:** Comments must be received by October 14, 2025. Comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES**, below) must be received by 11:59 p.m. eastern time on the closing date. We must receive requests for a public hearing, in writing, at the address shown in **FOR FURTHER INFORMATION CONTACT** by September 29, 2025.

#### ADDRESSES:

*Comment submission:* You may submit comments by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal: <https://www.regulations.gov>. In the Search box, enter FWS–HQ–ES–2025–0110, which is the docket number for this rulemaking. Then, click on the Search button. On the resulting page, in the panel on the left side of the screen, under the Document Type heading, check the Proposed Rule box to locate this document. You may submit a comment by clicking on “Comment.”

(2) *By hard copy:* Submit by U.S. mail to: Public Comments Processing, Attn: FWS–HQ–ES–2025–0110, U.S. Fish and Wildlife Service, MS: PRB/3W, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

We request that you send comments only by the methods described above. We will post all comments on <https://www.regulations.gov>. This generally means that we will post any personal information you provide us (see Information Requested, below, for more information).

*Availability of supporting materials:* Supporting materials, such as the species status assessment report, are available at <https://www.regulations.gov> at Docket No. FWS–HQ–ES–2025–0110.

#### FOR FURTHER INFORMATION CONTACT:

Rachel London, Manager, Branch of Delisting and Foreign Species, Ecological Services Program, U.S. Fish and Wildlife Service; [rachel\\_london@fws.gov](mailto:rachel_london@fws.gov); telephone 703–358–2171. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States. Please see Docket No. FWS–HQ–ES–2025–0110 on <https://www.regulations.gov> for a document that summarizes this proposed rule.

#### SUPPLEMENTARY INFORMATION:

##### Executive Summary

*Why we need to publish a rule.* Under the Act, a species warrants listing if it meets the definition of an endangered species (in danger of extinction throughout all or a significant portion of its range) or a threatened species (likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range). If we determine that a species warrants

listing, we must list the species promptly and designate the species’ critical habitat to the maximum extent prudent and determinable. We have determined that the Borneo earless monitor meets the Act’s definition of a threatened species; therefore, we are proposing to list it as such. Listing a species as an endangered or threatened species can be completed only by issuing a rule through the Administrative Procedure Act rulemaking process (5 U.S.C. 551 *et seq.*).

*What this document does.* We propose to list the Borneo earless monitor as a threatened species with a species-specific protective regulation under section 4(d) of the Act.

*The basis for our action.* Under the Act, we may determine that a species is an endangered or threatened species because of any of five factors: (A) the present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued existence. We have determined that the Borneo earless monitor meets the Act’s definition of a threatened species due primarily to the threats of overcollection and illegal trade for the pet trade, deforestation, and the inadequacy of existing regulatory mechanisms.

#### Information Requested

We intend that any final action resulting from this proposed rule will be based on the best scientific and commercial data available and be as accurate and as effective as possible. Therefore, we request comments or information from other governmental agencies, Native American Tribes, the scientific community, industry, or any other interested parties concerning this proposed rule. We particularly seek comments concerning:

(1) The species’ biology, range, and population trends, including:

(a) Biological or ecological requirements of the species, including habitat requirements for feeding, breeding, and sheltering;

(b) Genetics and taxonomy;

(c) Historical and current range, including distribution patterns and the locations of any additional populations of this species;

(d) Historical and current population levels, and current and projected trends; and

(e) Past and ongoing conservation measures for the species, its habitat, or both.

(2) Threats and conservation actions affecting the species, including:

(a) Factors that may be affecting the continued existence of the species, which may include habitat destruction, modification, or curtailment; overutilization; disease; predation; the inadequacy of existing regulatory mechanisms; or other natural or manmade factors;

(b) Biological, commercial trade, or other relevant data concerning any threats (or lack thereof) to this species; and

(c) Existing regulations or conservation actions that may be addressing threats to this species.

(3) Additional information concerning the historical and current status of this species.

(4) Information to assist us with applying or issuing protective regulations under section 4(d) of the Act that may be necessary and advisable to provide for the conservation of the Borneo earless monitor. In particular, we seek information concerning:

(a) The extent to which we should include any of the Act's section 9 prohibitions in the 4(d) rule;

(b) Whether we should consider any additional or different exceptions from the prohibitions in the 4(d) rule; and

(c) Information on impacts (conservation and economic) associated with implementing the 4(d) rule.

Please include any supplemental information with your submission (such as scientific journal articles or other publications) to allow us to verify any scientific or commercial information you include.

Please note that submissions merely stating support for, or opposition to, the action under consideration without providing supporting information, although noted, do not provide substantial information necessary to support a determination, as section 4(b)(1)(A) of the Act directs that determinations as to whether any species is an endangered or a threatened species must be made solely on the basis of the best scientific and commercial data available.

You may submit your comments and materials concerning this proposed rule by one of the methods listed in **ADDRESSES**. We request that you send comments only by the methods described in **ADDRESSES**.

If you submit information via <https://www.regulations.gov>, your entire submission—including any personal identifying information—will be posted on the website. If your submission is

made via a hardcopy that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy submissions on <https://www.regulations.gov>.

Comments and materials we receive, as well as supporting documentation we used in preparing this proposed rule, will be available for public inspection on <https://www.regulations.gov>.

Our final determination may differ from this proposal because we will consider all comments we receive during the comment period as well as any information that may become available after this proposal. Based on the new information we receive (and, if relevant, any comments on that new information), we may conclude that the species is endangered instead of threatened, or we may conclude that the species does not warrant listing as either an endangered species or a threatened species. In addition, we may change the parameters of the prohibitions or the exceptions to those prohibitions in the protective regulations issued under section 4(d) of the Act if we conclude it is appropriate in light of comments and new information received. For example, we may expand the prohibitions if we conclude that the protective regulation as a whole, including those additional prohibitions, is necessary and advisable to provide for the conservation of the species. Conversely, we may establish additional or different exceptions to the prohibitions in the final rule if we conclude that the activities would facilitate or are compatible with the conservation and recovery of the species. In our final rule, we will clearly explain our rationale and the basis for our final decision, including why we made changes, if any, that differ from this proposal.

#### Public Hearing

Section 4(b)(5) of the Act provides for a public hearing on this proposal, if requested. Requests must be received by the date specified in **DATES**. Such requests must be sent to the address shown in **FOR FURTHER INFORMATION CONTACT**. We will schedule a public hearing on this proposal, if requested, and announce the date, time, and place of the hearing, as well as how to obtain reasonable accommodations, in the **Federal Register** at least 15 days before the hearing. We may hold the public hearing in person or virtually via webinar. We will announce any public hearing on our website, in addition to the **Federal Register**. The use of virtual

public hearings is consistent with our regulations at 50 CFR 424.16(c)(3).

#### Previous Federal Actions

On November 2, 2022, we received a petition from the Center for Biological Diversity to list the Borneo earless monitor as an endangered species under the Act (16 U.S.C. 1531 *et seq.*). On August 17, 2023, we published in the **Federal Register** (88 FR 55991) a 90-day finding that the petition presented substantial scientific and commercial information indicating that the petitioned action may be warranted. This 90-day finding notice initiated a status review for the Borneo earless monitor.

#### Peer Review

A species status assessment (SSA) team prepared an SSA report for the Borneo earless monitor. The SSA team was composed of Service biologists, in consultation with other species experts. The SSA report represents a compilation of the best scientific and commercial data available concerning the status of the species, including the impacts of past, present, and future factors (both negative and beneficial) affecting the species.

In accordance with our joint policy on peer review published in the **Federal Register** on July 1, 1994 (59 FR 34270), and our August 22, 2016, memorandum updating and clarifying the role of peer review in listing and recovery actions under the Act (<https://www.fws.gov/sites/default/files/documents/peer-review-policy-directors-memo-2016-08-22.pdf>), we solicited independent scientific review of the information contained in the Borneo earless monitor SSA report. We sent the SSA report to three independent peer reviewers and received two responses. The peer reviews can be found at <https://www.regulations.gov> at Docket No. FWS-HQ-ES-2025-0110. In preparing this proposed rule, we incorporated the results of these reviews, as appropriate, into the SSA report, which is the foundation for this proposed rule.

#### Summary of Peer Reviewer Comments

As discussed in Peer Review above, we received comments from two peer reviewers on the draft SSA report. We reviewed all comments we received from the peer reviewers for substantive issues and new information regarding the contents of the SSA report. The peer reviewers generally concurred with our methods and conclusions, and provided additional references, clarifications, suggestions, and information on the species' reproductive biology, occurrence records, and presence in

both international and domestic wildlife trade. No substantive changes to our analysis and conclusions within the SSA report were deemed necessary, and peer reviewer comments are addressed in version 1.0 of the SSA report (Service 2025, entire).

## I. Proposed Listing Determination

### Background

The Borneo earless monitor (*Lanthanotus borneensis*; hereafter “earless monitor”) is a lizard species that is endemic to the island of Borneo in Southeast Asia (Das and Auliya 2021, p. 2) and occurs in all three of Borneo’s range states: Malaysia, Indonesia, and Brunei Darussalam (Service 2025, p. 3). The species is the only extant member of the monotypic family, Lanthanotidae (Steindachner 1877, p. 160). It is distinguished by a long, brown body covered in six longitudinal rows of keeled scales and several morphological features that make it well adapted for subterranean and semi-aquatic lifestyles, including short limbs, sharp claws, a prehensile tail, small eyes with a translucent lower eyelid, small dorsal nostrils, and no external ear opening (Steindachner 1877, p. 160; McDowell and Bogert 1954, pp. 9–10; Nijman and Stoner 2014, p. 6).

There is limited information available that describes the species’ life-history and habitat requirements. Earless monitors are rarely encountered in the wild because they are nocturnal, fossorial (*i.e.*, adapted to digging and lives primarily underground), semi-aquatic, and capable of entering a semi-torporid state where they may remain hidden for up to 8 days (Das and Auliya 2021, p. 4; Leah et al. 2023, pp. 510–512). Earless monitors are carnivorous (Rehak et al. 2019, p. 32), and their natural diet is known to include earthworms, shrimp, and fish (Shirawa and Bacchini 2015, p. 15; Langner 2017, p. 7), and may also include tadpoles, small frogs, and insects (Arida et al. 2018, p. 88). The species occupies flat, low-lying tropical forests below 300 meters (m) (984 feet (ft)) in elevation (Stoner and Nijman 2015, p. 55). It is known to occur in areas with shallow freshwater streams that are either rocky or sandy and in areas with a closed canopy (Yaap et al. 2012, p. 3069; Langner 2017, pp. 3–4; Das and Auliya 2021, p. 4; Leah et al. 2023, pp. 510–511).

We are not aware of any published studies that describe the reproductive biology of the earless monitor in the wild; however, the species has successfully reproduced in captivity (Shirawa and Bacchini 2015, pp. 15–18).

The species can survive in captivity for up to 7.5 years (Mendyk et al. 2015, p. 46) and reaches sexual maturity at approximately 2 to 3 years of age (Sprackland pers. comm. 2025). Earless monitors are oviparous, meaning they reproduce by laying eggs outside of their body, and produce between 2 and 8 oval, leathery-shelled eggs that measure approximately 30 millimeters in length (Das 2013, p. 533; Voronin and Kudryavtsev 2019, p. 61). Eggs take approximately 62 to 90 days to hatch when incubated at 27 to 31 degrees Celsius (°C) (80.6 to 87.8 degrees Fahrenheit (°F)) (Shirawa and Bacchini 2015, p. 18; Voronin and Kudryavtsev 2019, p. 61; Das and Auliya 2021, p. 4; Sprackland pers. comm. 2025). The total time from fertilization to hatching can exceed six months (Das and Auliya 2021, p. 5).

A thorough review of the taxonomy, life history, and ecology of the earless monitor is presented in the SSA report (version 1.0; Service 2025, pp. 2–8).

## Regulatory and Analytical Framework

### Regulatory Framework

Section 4 of the Act (16 U.S.C. 1533) and the implementing regulations in title 50 of the Code of Federal Regulations set forth the procedures for determining whether a species is an endangered species or a threatened species, issuing protective regulations for threatened species, and designating critical habitat for endangered and threatened species.

The Act defines an “endangered species” as a species that is in danger of extinction throughout all or a significant portion of its range and a “threatened species” as a species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. The Act requires that we determine whether any species is an endangered species or a threatened species because of any of the following five factors:

- (A) The present or threatened destruction, modification, or curtailment of its habitat or range;
- (B) Overutilization for commercial, recreational, scientific, or educational purposes;
- (C) Disease or predation;
- (D) The inadequacy of existing regulatory mechanisms; or
- (E) Other natural or manmade factors affecting its continued existence.

These factors represent broad categories of natural or human-caused actions or conditions that could have an effect on a species’ continued existence. In evaluating these actions and conditions, we look for those that may

have a negative effect on individuals of the species, as well as other actions or conditions that may ameliorate any negative effects or may have positive effects.

We use the term “threat” to refer in general to actions or conditions that are known to or are reasonably likely to negatively affect individuals of a species. The term “threat” includes actions or conditions that have a direct impact on individuals (direct impacts), as well as those that affect individuals through alteration of their habitat or required resources (stressors). The term “threat” may encompass—either together or separately—the source of the action or condition or the action or condition itself.

However, the mere identification of any threat(s) does not necessarily mean that the species meets the statutory definition of an “endangered species” or a “threatened species.” In determining whether a species meets either definition, we must evaluate all identified threats by considering the species’ expected response and the effects of the threats—in light of those actions and conditions that will ameliorate the threats—on an individual, population, and species level. We evaluate each threat and its expected effects on the species, then analyze the cumulative effect of all of the threats on the species as a whole. We also consider the cumulative effect of the threats in light of those actions and conditions that will have positive effects on the species, such as any existing regulatory mechanisms or conservation efforts. The Secretary determines whether the species meets the definition of an “endangered species” or a “threatened species” only after conducting this cumulative analysis and describing the expected effect on the species.

The Act does not define the term “foreseeable future,” which appears in the statutory definition of “threatened species.” Our implementing regulations at 50 CFR 424.11(d) set forth a framework for evaluating the foreseeable future on a case-by-case basis, which is further described in the 2009 Memorandum Opinion on the foreseeable future from the Department of the Interior, Office of the Solicitor (M–37021, January 16, 2009; “M–Opinion,” available online at <https://www.doi.gov/sites/doi.opengov.ibmcloud.com/files/uploads/M-37021.pdf>). The foreseeable future extends as far into the future as the Service can make reasonably reliable predictions about the threats to the species and the species’ responses to those threats. We need not identify the

foreseeable future in terms of a specific period of time. We will describe the foreseeable future on a case-by-case basis, using the best scientific and commercial data available and taking into account considerations such as the species' life-history characteristics, threat projection timeframes, and environmental variability. In other words, the foreseeable future is the period of time over which we can make reasonably reliable predictions. "Reliable" does not mean "certain"; it means sufficient to provide a reasonable degree of confidence in the prediction, in light of the conservation purposes of the Act.

#### *Analytical Framework*

The SSA report documents the results of our comprehensive biological review of the best scientific and commercial data available regarding the status of the species, including an assessment of the potential threats to the species. The SSA report does not represent our decision on whether the species should be proposed for listing as an endangered or threatened species under the Act. However, it does provide the scientific basis that informs our regulatory decisions, which involve the further application of standards within the Act and its implementing regulations and policies.

To assess the earless monitor's viability, we used the three conservation biology principles of resiliency, redundancy, and representation (Shaffer and Stein 2000, pp. 306–310). Briefly, resiliency is the ability of the species to withstand environmental and demographic stochasticity (e.g., wet or dry, warm or cold years); redundancy is the ability of the species to withstand catastrophic events (e.g., droughts, large pollution events); and representation is the ability of the species to adapt to both near-term and long-term changes in its physical and biological environment (e.g., climate conditions, pathogens). In general, species viability will increase with increases in (and decrease with decreases in) resiliency, redundancy, and representation (Smith et al. 2018, p. 306). Using these principles, we identified the species' ecological requirements for survival and reproduction at the individual, population, and species levels, and described the beneficial and risk factors influencing the species' viability.

The SSA process can be categorized into three sequential stages. During the first stage, we evaluated the individual species' life-history needs. The next stage involved an assessment of the historical and current condition of the species' demographics and habitat

characteristics, including an explanation of how the species arrived at its current condition. The final stage of the SSA involved making predictions about the species' future condition, including responses to positive and negative environmental and anthropogenic influences. Throughout each of these stages, we used the best scientific and commercial data available to characterize viability as the ability of a species to sustain populations in the wild over time, which we then used to inform our regulatory decision.

The following is a summary of the key results and conclusions from the SSA report; the full SSA report can be found at Docket No. FWS-HQ-ES-2025-0110 on <https://www.regulations.gov>.

#### **Summary of Biological Status and Threats**

In this discussion, we review the biological condition of the species and its resources, and the threats that influence the species' current and future condition, in order to assess the species' overall viability and the risks to that viability.

#### *Species Needs*

Based on the species' biology described above and in the SSA report (version 1.0; Service 2025, pp. 2–8), the earless monitor requires clear flowing freshwater streams with adequate invertebrate food resources; intact, connected lowland forest habitats with a closed canopy; and sufficient conspecific individuals to reproduce with and sustain a population. Due to the limited data available, our assessment of species-level needs is developed further based on general principles as they apply to lizard biology.

#### *Conservation Efforts and Regulatory Mechanisms*

Earless monitors are protected in all three of their range states (Malaysia, Indonesia, and Brunei Darussalam). It is illegal to remove the species from the wild without a permit. "Wild" includes specimens taken from the wild and held in captivity, specimens born in captivity where the parents mated in the wild (such as from fertilized eggs or gravid females collected from the wild), and any specimens for which there is insufficient evidence that the specimen meets the requirements for bred in captivity under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) Resolution 10.16 (Rev. CoP19). However, with a permit, it is legal to export individuals bred in captivity, identified using CITES source code C

(50 CFR part 23; Service 2025, pp. 9–10). Only one registered captive-breeding facility in Indonesia is permitted to legally harvest earless monitors from the wild to be used as breeding stock. These wild-caught individuals cannot be offered for sale, and only individuals sourced from an F2 generation (i.e., the second generation of offspring resulting from breeding of wild-caught individuals) or subsequent generation may be legally exported (Service 2025, p. 9). The Indonesian government regulates captive breeding of their native reptiles through a captive-breeding production plan, which calculates a quota of animals allowed to be produced by registered captive-breeding facilities and exported with a permit (Janssen and Chng 2018, p. 19). The captive-breeding quota for earless monitors allows for the legal exportation of 20 individuals from Indonesia on an annual basis (Janssen and Chng 2018, p. 22).

Malaysia, Indonesia, and Brunei Darussalam are all parties to CITES, and the trade of CITES-listed wildlife from all three range states is internationally monitored and regulated (Nijman and Stoner 2014, p. 8). Earless monitors were included in Appendix II of CITES in 2016—a measure that regulates, but does not ban, international trade (Nijman 2021, p. 71). International trade to, from, or through the U.S. in Appendix-II specimens must meet all applicable requirements under U.S. CITES implementing regulations (50 CFR part 23), wildlife import/export requirements (50 CFR part 14), and general permitting requirements (50 CFR part 13).

While there are several protected areas within northwestern Borneo, the majority protect high-elevation areas (above 300 m (984 ft)) where earless monitors have not been observed (Service 2025, pp. 10–11). Illegal logging also occurs within many of the protected areas that overlap the earless monitor's known range (Service 2025, p. 12), so it is unlikely that these areas offer the species reliable protection.

#### *Threats*

##### *Collection for International Pet Trade*

Rare species with unique taxonomic status are more valuable on the international pet market (Altherr and Lameter 2020, p. 6), and consequently, there is a significant demand for earless monitors in international trade (Arida et al. 2018, p. 83). Shortly after earless monitors were first discovered in Indonesia, individuals were offered for sale online for as much as \$20,000 (Sprackland pers. comm. 2025).

However, current prices have dropped to approximately \$2,500 (*coldbloodedshop.com*, accessed March 12, 2025). The financial reward of successfully smuggling earless monitors out of Borneo likely outweighs the risk of getting caught (Nijman and Stoner 2014, p. 12), incentivizing the illegal smuggling of wild-caught earless monitors into the international market.

While earless monitors have legal protection in all three of their range states (see *Conservation Efforts and Regulatory Mechanisms*, above), wildlife conservation laws in Indonesia are rarely enforced (Shepherd et al. 2004, as cited in Eaton et al. 2015, p. 8), and illegal trade of protected species often goes unpunished (Natusch and Lyons 2012, p. 2902). Wildlife traffickers use a variety of methods to illegally smuggle earless monitors out of Borneo, such as deliberately concealing them on their bodies, or falsifying the contents of luggage or international shipments (Baderan et al. 2023, p. 156). At least 12 thwarted smuggling attempts between October 2015 and March 2024 resulted in the seizure of 101 earless monitors (Baderan et al. 2023, p. 156; Shepherd 2023, p. 1; Shepherd and Shepherd 2024, p. 1). Smuggling earless monitors out of Borneo carries considerable risk because there is more direct culpability when caught, and earless monitors may die along the way due to the stressful and inhumane conditions they experience (Shepherd 2023, p. 1).

At least 695 earless monitors have been taken from the wild in Indonesia since the species was first discovered there in 2008 (Yaap et al. 2012, p. 3069). This estimate includes earless monitors seized from smugglers (Baderan et al. 2023, p. 156; Shepherd 2023, p. 1; Shepherd and Shepherd 2024, p. 1), offered for sale online (Stoner and Nijman 2015, pp. 55–56; Janssen and Krishnasamy 2018, pp. 3–4), offered for sale in pet shops (Janssen 2018, p. 86), reported in trade databases (Service 2025, pp. 34–35), circulated within Indonesia's domestic wildlife trade (Nijman pers. comm. 2024), or on exhibit at zoos (Rehak et al. 2019, pp. 30–40; Nijman 2021, pp. 73–74). This number is likely a low estimate because it does not account for individuals that were involved in private transactions or that died along the trade route.

#### Deforestation

Primary forests in Borneo are quickly declining due to intensive logging, fire, and conversion to agricultural plantations (Gaveau et al. 2014, p. 1). Between 1973 and 2015, approximately 50 percent of the forests in Borneo were

cut down and converted to oil palm and other industries (Gaveau et al. 2016, pp. 3–4). All three of the earless monitor's range states experienced major deforestation during this 42-year period: Kalimantan, Indonesia; Sarawak, Malaysia; and Brunei Darussalam lost 35, 26, and 10 percent of their forest area, respectively (Gaveau et al. 2016, pp. 3–4). While rates of forest loss have slowed in the past decade, Borneo has continued to lose an annual average of 248,000 hectares of primary forest since 2015 (Service 2025, p. 16). If similar historical deforestation trends continue, only approximately 33 percent of Borneo's tropical forests are projected to remain by 2050 (Trancoso et al. 2022, pp. 6–7), the majority of which will occur in high-elevation areas (above 300 m (984 ft)) that the earless monitor likely does not occupy (Trancoso et al. 2022, p. 7). While the earless monitor's range may be wider than what is currently known (Das pers. comm. 2019, as cited in Das and Auliya 2021, p. 2; Sprackland pers. comm. 2025), any potentially undiscovered subpopulations are likely vulnerable to deforestation because it is a pervasive threat throughout Borneo's low-elevation areas (below 300 m (984 ft)) (Gaveau et al. 2014, p. 5; Service 2025, pp. 16–19), and it directly diminishes many specific habitat features upon which earless monitors are dependent.

Earless monitors rely on low-elevation tropical rainforests with a closed canopy and access to freshwater streams (see Background, above). Extensive canopy cover contributes to high rates of evapotranspiration that help maintain a lower air temperature (Bonan 2008, pp. 1444–1445). Deforestation reduces canopy cover (Gorte and Sheikh 2010, p. 3), which results in an average temperature increase of 1.7 degrees Celsius (°C) (3.1 degrees Fahrenheit (°F)), and an increased frequency of extreme temperatures (>31 °C (87.8 °F)) in deforested areas (McAlpine et al. 2018, p. 7). Many reptile species likely cannot withstand an average temperature increase of 2 °C (3.6 °F) (Johnson 2012, p. 71), and because fossorial lizards are especially vulnerable to deforestation (Theisinger and Ratinarivo 2015, p. 278), temperature increases alone may render deforested areas unsuitable for earless monitors. Deforestation also reduces daily precipitation (McAlpine et al. 2018, pp. 5–7) and contributes to stream channel narrowing, which diminishes the pollution processing capabilities of stream habitats (Sweeney et al. 2004, p. 14134). In addition, forests that are converted to oil palm plantations are

often cleared with slash-and-burn agriculture (Dhandapani and Evers 2020, p. 4), a method that causes riparian areas to quickly lose tree root systems that stabilize stream banks and prevent erosion (Iwata et al. 2003, pp. 468–471). Erosion directly increases the amount of fine substrate in the stream bed, which diminishes abundance and biodiversity of their benthic assemblages (*i.e.*, groups of organisms that live on the bottom sediments of a water body; Iwata et al. 2003, pp. 468–470). These conditions likely reduce food availability for earless monitors because they feed on invertebrates that are present in benthic assemblages, such as worms and crustaceans (see Background, above). These invertebrates are likely further diminished by the use of insecticides on oil palm plantations, which are commonly applied to crops (Dearlove et al. 2024, p. 2). Insecticide use in Indonesia increased by approximately 700 percent from 1990 to 2021 (Ritchie et al. 2022, unpaginated), a rise that is likely correlated with the expansion of oil palm plantations in the country. Insecticides are most commonly detected in soil and water (Dearlove et al. 2024, p. 9) and therefore likely cause the mortality of many invertebrates that earless monitors eat.

Nevertheless, the earless monitor may tolerate some limited anthropogenic disturbance. In the 1960s, several specimens were collected from flat coastal areas, some of which were long-cultivated and included rice farms (Harrisson 1963, p. 407). The majority of published 21st century encounters with the species occurred in forests adjacent to human-modified areas, such as oil palm plantations, agricultural fields, and logging camps (Yaap et al. 2012, pp. 3069–3070; Langner 2017, pp. 3–4; Leah et al. 2023, p. 510). Collectively, these published encounters provide evidence that earless monitors are capable of persisting both within and adjacent to human-modified habitats. However, the edge effects (*e.g.*, increased temperature, increased wind exposure, reduced moisture, etc.) resulting from oil palm establishment extend over 300 m (984 ft) into adjacent forests (Nunes et al. 2021, pp. 5–6), and because over 60 percent of the known earless monitor subpopulations that were historically found near agricultural areas within coastal Sarawak are now considered extirpated (Das and Auliya 2021, pp. 2–4), it is probable that earless monitors were simply persisting near these human-modified areas, and the species is not capable of sustaining populations adjacent to these areas over the long-term.

Earless monitors persisting in diminished habitats adjacent to anthropogenic disturbance are vulnerable to the increased risk of fire associated with these habitats. Deforestation and the subsequent conversion of cleared forest to oil palm plantations increase fire risk (Trancoso et al. 2022, p. 13; Dhandapani and Evers 2020, pp. 3–4), and Borneo has recently experienced an increase in forest fires as a consequence of deforestation (Gaveau et al. 2018, p. 3). Deforestation increases temperature extremes (Trancoso et al. 2022, p. 2; McAlpine et al. 2018, p. 7), and the subsequent conversion of deforested areas to oil palm plantations exacerbates local fire risk because oil palms use more water, lowering the water table and leaving behind highly flammable fuel (Dhandapani and Evers 2020, pp. 3–4). Even selective logging—a practice that is pervasive throughout much of the earless monitor's known range (Service 2025, p. 19)—increases fire risk (Langner et al. 2007, p. 2338).

#### Climate Change

The Intergovernmental Panel on Climate Change predicts that continued greenhouse gas emissions will likely increase global temperatures to 1.5 °C (2.7 °F) above pre-industrial levels by 2040, even under low-emissions scenarios (Lee et al. 2023, p. 12). In addition, the cumulative effects of deforestation and climate change are projected to increase the average temperature of low-elevation (below 500 m (1640 ft)) areas in Borneo by 3.5 °C (6.3 °F) by the end of the 21st century (Davies-Barnard et al. 2023, p. 4). Reptiles are more susceptible to temperature increases than other taxa due to their limited dispersal ability and reliance on ambient temperature to regulate their body temperature (Root and Schneider 2002, pp. 20–21). Consequently, many species of reptiles may not be able to withstand temperature increases of 2 °C (3.6 °F) (Johnson 2012, p. 73). Fossorial lizards are particularly sensitive to thermoregulatory constraints caused by temperature increases (Theisinger and Ratinarivo 2015, p. 278), so the earless monitor is likely more susceptible to temperature increases than other reptile species, to the extent that increased ambient temperature increases soil temperatures.

Higher temperatures caused by both climate change and deforestation are also expected to exacerbate fire risk in Borneo (Davies-Barnard et al. 2023, p. 8), further contributing to the loss of earless monitor habitat. Climate change is also expected to increase the frequency of extreme rainfall and winds

from tropical cyclones in Southeast Asia (Christensen et al. 2007, pp. 885–887). Extreme rainfall has previously caused mass mortality events in earless monitors (Harrisson 1963, pp. 408), so an increase in frequency of extreme weather events is likely to increase the risk of extirpation of earless monitor subpopulations.

#### Cumulative Effects

We note that by using the SSA framework to guide our analysis of the scientific information documented in the SSA report, we have analyzed the cumulative effects of identified threats and conservation actions on the species. To assess the current and future condition of the species, we evaluate the effects of all the relevant factors that may be influencing the species, including threats and conservation efforts. Because the SSA framework considers not just the presence of the factors but to what degree they collectively influence risk to the entire species, our assessment integrates the cumulative effects of the factors and replaces a standalone cumulative-effects analysis.

#### Current Condition

We describe the current condition of the earless monitor based on the needs of the species and their relation to resiliency, redundancy, and representation. Species with high resiliency are able to withstand environmental, demographic, and genetic stochasticity by having self-sustaining (*i.e.*, large, high fecundity), connected populations occupying suitable habitat across spatial heterogeneous conditions. Resiliency of the earless monitor is primarily influenced by the health of the subpopulations and the extent and connectivity of suitable habitat. While no numerical population data is available to quantitatively assess the status and trends of earless monitors (Das and Auliya 2021, p. 4), we are able to assess the resiliency of the species based on a multitude of factors.

Earless monitors are known from approximately 15 confirmed historical localities, only 5 of which are considered extant (Das and Auliya 2021, pp. 1–2). Unconfirmed reports suggest additional extralimital subpopulations may exist (Das pers. comm. 2019, as cited in Das and Auliya 2021, p. 2; Sprackland pers. comm. 2025). Extant earless monitor subpopulations are likely vulnerable to habitat loss resulting from deforestation, overcollection and illegal trade, and climate change.

Over the past 50 years, the majority of forests in coastal Sarawak have been cleared and subsequently converted to oil palm plantations (Service 2025, p. 17), resulting in the extirpation of earless monitors from these areas (Das and Auliya 2021, p. 2). The cumulative effects of deforestation (*e.g.*, loss of canopy cover, temperature increases, stream narrowing, sediment alterations, increase in fire risk; see *Threats*, above) render the remaining habitat largely unsuitable for earless monitors, and deforestation is likely to blame for the extirpation of the species from coastal Sarawak. It is unknown the specific degree of human disturbance earless monitors are capable of tolerating, and it is probable that subpopulations are simply persisting within and adjacent to agricultural areas, rather than successfully thriving there. At a minimum, stream habitats adjacent to deforested areas are hotter, contaminated by insecticides, have diminished pollution processing capabilities, and contain fewer potential food resources (see *Threats*, above). Yet, some earless monitor encounters in the 21st century have occurred in forests adjacent to agricultural areas (*e.g.*, Yaap et al. 2012, pp. 3069–3070; Langner 2017, p. 3), and more research is needed to determine if these individuals are successfully reproducing or are simply persisting as a sink population. Earless monitors are also threatened by overcollection and illegal trade for the pet trade, and subpopulations that are targeted by wildlife traffickers cannot adequately replace themselves. Disproportionate exploitation is probable to lead to earless monitors becoming a rarer and more appealing target for wildlife traffickers and may ultimately lead to the extirpation of targeted subpopulations (Janssen and Krishnasamy 2018, p. 2). Overharvesting for the pet trade has caused the extirpation of other reptile subpopulations in the past (Stuart et al. 2006, p. 1137), and earless monitor subpopulations that are targeted by wildlife traffickers are similarly vulnerable. Considering these factors, the earless monitor has low resiliency to adapt to and withstand environmental and demographic stochasticity.

Species with high redundancy are less prone to the negative effects of random, catastrophic, local events because they have many populations that are geographically dispersed over a wide area. The complete range of earless monitors is not known, yet the remaining known extant subpopulations occupy a narrow range (52 square kilometers (20.1 square miles); Das and

Auliya 2021, p. 1). Deforestation is removing viable forest habitat throughout the earless monitor's known range, degrading the quality of the remaining habitat and likely isolating remaining earless monitor subpopulations from each other (see *Threats*, above). In addition, climate change is predicted to increase the frequency of extreme fire and flooding events (Davies-Barnard et al. 2023, p. 8; Christensen et al. 2007, pp. 885–887), which will consequently increase the vulnerability of all earless monitor subpopulations to these threats. We have no information on the size or health of the remaining earless monitor subpopulations; however, we consider them to be vulnerable to deforestation, extreme weather events, and overcollection and illegal trade for the pet trade (see *Threats*, above). While unconfirmed reports of extralimital encounters with earless monitors suggest the potential existence of additional subpopulations (Das pers. comm. 2019, as cited in Das and Auliya 2021, p. 2; Sprackland pers. comm. 2025), we lack information detailed enough to assess the extent to which these subpopulations support redundancy. Considering the five known subpopulations that occupy a limited range, earless monitors likely have limited redundancy; however, we acknowledge that other subpopulations may exist that would contribute to redundancy to some degree.

Representation is improved in species with high genetic variability, or which inhabit a wide range of ecological settings. Both of these characteristics facilitate adaptation to future environmental changes, whether natural or anthropogenic. On the other hand, representation is reduced in the absence of these characteristics. Earless monitors do not occupy a wide range of ecological settings and are restricted to flat tropical forests at low elevations with access to freshwater streams (see Background, above). There is no available information about the genetic diversity within or between any earless monitor subpopulations, and there is no information on the degree to which the species exhibits behavioral plasticity. Reptiles tend to have a low dispersal ability (Root and Schneider 2002, pp. 20–21), and if the earless monitor's dispersal ability is also low, then there is likely limited gene flow between the remaining extant earless monitor subpopulations. Earless monitors likely have low representation because they are dependent on a specific habitat type, have a limited dispersal ability, and have a small number of known

subpopulations that are not dispersed over a wide area (Das and Auliya 2021, p. 1).

#### *Future Condition*

Based on our assessment, we concluded that the primary potential threats to the earless monitor are (1) overcollection and illegal trade for the pet trade and (2) habitat loss resulting from deforestation and increasing temperatures, both of which are exacerbated by the inadequacy of existing regulatory mechanisms. Because of the high uncertainty associated with the earless monitor's abundance, geographic range, adaptive capacity, and ability to tolerate anthropogenic disturbance, the foreseeable future by which we can assess the threats to this species—and its response to those threats—is relatively short (10 to 20 years).

We expect the collection and illegal trade of earless monitors for the pet trade to continue into the future. As long as earless monitors retain a high market value in the pet trade, they will continue to be targeted by wildlife traffickers. A species' value in the pet trade is often driven by many traits earless monitors possess, such as unique taxonomic status and rarity in the market (Altherr and Lameter 2020, p. 6). These traits increase the potential for overcollection and illegal trade of wild earless monitors from wild populations, making the species even more rare and more valuable in the pet trade. While legitimate captive-breeding efforts may open another avenue for earless monitors to enter the pet trade without harming wild populations, there is limited evidence for these efforts in range states. Therefore, it is reasonable to assume that future harvesting pressure on earless monitors will, at a minimum, continue at the same level as the current condition, and may increase until legitimately bred in captivity earless monitors help alleviate the demand for wild-caught individuals.

The best available scientific and commercial data suggests that if the current rates of deforestation continue, the majority of Borneo's low-elevation areas will be deforested by 2050 (Trancoso et al. 2022, pp. 6–7), and most of the remaining forests will occur in high-elevation areas that earless monitors do not occupy. Because the remaining known extant earless monitor subpopulations occupy a narrow range, this amount of forest loss would equate to a significant loss of habitat for the species. Furthermore, climate change is projected to increase global temperatures by at least 1.5 °C (2.7 °F) above pre-industrial levels by 2040 (Lee

et al. 2023, p. 12), and on Borneo, by 3.5 °C (6.3 °F) in elevations below 500 m by the end of this century (Davies-Barnard et al. 2023, p. 4). Among reptiles, fossorial lizards such as the earless monitor are particularly susceptible to temperature increases (Theisinger and Ratinarivo 2015, p. 278). Given that an increase of 2 °C (3.6 °F) will render much of Borneo's lowlands climatically unsuitable for many native reptile species (Johnson 2012, p. 71), it is likely that earless monitors will be unable to withstand the temperature increases projected within the foreseeable future.

In summary, earless monitors, will continue to face the threats of habitat loss and overcollection and illegal trade for the pet trade, and these threats may increase in the future. Deforestation was a contributing factor in the extirpation of over 60 percent of the historical earless monitor subpopulations (Das and Auliya 2021, p. 1), and it is expected to continue to remove suitable forest habitat, diminish the quality of the remaining forest habitat, increase fire risk, and reduce the connectivity between the remaining known extant earless monitor subpopulations and other unconfirmed subpopulations, affecting viability within the foreseeable future (see *Threats*, above). In addition, should collection pressure from wildlife traffickers continue or potentially increase as anticipated in the future, overexploitation may lead to the extirpation of targeted subpopulations (Janssen and Krishnasamy 2018, p. 2). Although the earless monitor currently maintains subpopulations, including in disturbed areas, and reportedly occupies additional areas within Borneo, the species' resiliency, redundancy, and representation are likely to decrease within the foreseeable future as they continue to be affected by threats of deforestation and overcollection and illegal trade.

#### **Determination of Borneo Earless Monitor's Status**

Section 4 of the Act (16 U.S.C. 1533) and its implementing regulations (50 CFR part 424) set forth the procedures for determining whether a species meets the definition of an endangered species or a threatened species. The Act defines an "endangered species" as a species in danger of extinction throughout all or a significant portion of its range and a "threatened species" as a species likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. The Act requires that we determine whether a species meets the definition of an endangered species or a threatened species because of any of the following

five factors: (A) the present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued existence.

#### *Status Throughout All of Its Range*

After evaluating threats to the species and assessing the cumulative effect of the threats under the factors in section 4(a)(1) of the Act, we determined that ongoing deforestation and overcollection and illegal trade for the international pet trade will likely reduce the viability of the earless monitor within the foreseeable future.

The complete range of the earless monitor is unknown, due in part to the species' cryptic nature and limited number of occurrence records (see Background, above). In the past decade, demand from the international pet trade has driven a renewed effort to locate the species, and because at least 695 individuals have entered the pet trade since 2012 (see Threats, above), the existence of additional subpopulations beyond those that are known is plausible. However, the threat of habitat loss from deforestation and land use change is so pervasive throughout the lowlands of Borneo that any potentially undiscovered subpopulations are likely vulnerable to these threats. The earless monitor's ability to sustain populations long-term in forested habitats adjacent to anthropogenically disturbed areas is likely limited because the majority of historical subpopulations that have occupied similar areas are presumed to be extirpated. Furthermore, we expect many of the negative impacts associated with deforestation (e.g., increased temperature, increased fire risk, reduced precipitation, etc.) to be exacerbated by climate change (see Threats, above). The projected increase of these threats in the foreseeable future is likely to reduce the species' viability to a point that it lacks sufficient resiliency, representation, and redundancy for its continued existence to be secure.

The threats of ongoing deforestation and overcollection and illegal trade for the international pet trade are further exacerbated by the inadequacy of existing regulatory mechanisms (see Threats, above). Wildlife traffickers are known to illegally smuggle earless monitors out of the wild for international trade (Baderan et al. 2023, p. 156; Baderan et al. 2023, p. 156; Shepherd 2023, p. 1; Shepherd and Shepherd 2024, p. 1).

Thus, after assessing the best scientific and commercial data available, we conclude that the earless monitor is not currently in danger of extinction but is likely to become in danger of extinction within the foreseeable future throughout all of its range due to habitat loss and degradation (Factor A), overcollection and illegal trade for the pet trade (Factor B), and the inadequacy of existing regulatory mechanisms (Factor D).

#### *Status Throughout a Significant Portion of Its Range*

Under the Act and our implementing regulations, a species may warrant listing if it is in danger of extinction or likely to become so within the foreseeable future throughout all or a significant portion of its range. The court in *Center for Biological Diversity v. Everson*, 435 F. Supp. 3d 69 (D.D.C. 2020) (*Everson*), vacated the provision of the Final Policy on Interpretation of the Phrase "Significant Portion of Its Range" in the Endangered Species Act's Definitions of "Endangered Species" and "Threatened Species" (hereafter "Final Policy"; 79 FR 37578, July 1, 2014) that provided if the Service and the National Marine Fisheries Service (NMFS) (collectively, "the Services") determine that a species is threatened throughout all of its range, the Services will not analyze whether the species is endangered in a significant portion of its range.

Therefore, we proceed to evaluating whether the species is endangered in a significant portion of its range—that is, whether there is any portion of the species' range for which both (1) the portion is "significant" and (2) the species is in danger of extinction in that portion. We can choose to address either question first. Regardless of which question we address first, if we reach a negative answer with respect to the first question that we address, we do not need to evaluate the other question for that portion of the species' range.

Following the court's holding in *Everson*, we now consider whether the species is in danger of extinction throughout a significant portion of its range. In undertaking this analysis for the earless monitor, we choose to address the status question first.

We evaluated the range of the earless monitor to determine if the species is in danger of extinction throughout any portion of its range. The range of a species can theoretically be divided in an infinite number of ways. We focused our analysis on portions of the species' range that may meet the Act's definition of an endangered species. For the earless monitor, we considered whether

the threats or their effects on the species are greater in any biologically meaningful portion of the species' range than in other portions such that the species is in danger of extinction in that portion.

We examined the following threats: habitat loss from deforestation and overcollection and illegal trade for the pet trade, including cumulative effects.

Because habitat loss from deforestation and land use change is such a pervasive threat throughout the lowlands of Borneo, its impact is ubiquitous across all portions of the earless monitor's range. Overcollection and illegal trade for the pet trade can occur wherever earless monitor subpopulations are found. Thus, we found no biologically meaningful portion of the earless monitor's range where threats are impacting individuals differently from how they are affecting the species elsewhere in its range such that the status of the species in that portion differs from any other portion of the species' range.

Therefore, no portion of the species' range provides a basis for determining that the species is in danger of extinction in a significant portion of its range, and we determine that the species is likely to become in danger of extinction within the foreseeable future throughout all of its range. This finding does not conflict with the courts' holdings in *Desert Survivors v. U.S. Department of the Interior*, 321 F. Supp. 3d 1011, 1070–74 (N.D. Cal. 2018) and *Center for Biological Diversity v. Jewell*, 248 F. Supp. 3d 946, 959 (D. Ariz. 2017) because, in reaching this conclusion, we did not apply the aspects of the Final Policy, including the definition of "significant" that those court decisions held to be invalid.

#### *Determination of Status*

Based on the best scientific and commercial data available, we determine that the earless monitor meets the Act's definition of a threatened species. Therefore, we propose to list the earless monitor as a threatened species in accordance with sections 3(20) and 4(a)(1) of the Act.

#### *Available Conservation Measures*

The primary purpose of the Act is the conservation of endangered and threatened species and the ecosystems upon which they depend. The ultimate goal of such conservation efforts is the recovery of these listed species so that they no longer need the protective measures of the Act.

Conservation measures provided to species listed as endangered or threatened species under the Act

include recognition as a listed species, planning and implementation of recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing results in public awareness, and conservation by Federal, State, Tribal, and local agencies, foreign governments, private organizations, and individuals. The Act encourages cooperation with the States and other countries and calls for recovery actions to be carried out for listed species. The protection required by Federal agencies, including the Service, and the prohibitions against certain activities are discussed, in part, below.

Section 7 of the Act, titled “Interagency Cooperation,” mandates all Federal action agencies to use their existing authorities to further the conservation purposes of the Act and to ensure that their actions are not likely to jeopardize the continued existence of listed species or adversely modify critical habitat. Regulations implementing section 7 are codified at 50 CFR part 402.

Section 7(a)(2) states that each Federal action agency shall, in consultation with the Secretary, ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of designated critical habitat. Each Federal agency shall review its action at the earliest possible time to determine whether it may affect listed species or critical habitat. If a determination is made that the action may affect listed species or critical habitat, formal consultation is required (50 CFR 402.14(a)), unless the Service concurs in writing that the action is not likely to adversely affect listed species or critical habitat. At the end of a formal consultation, the Service issues a biological opinion, containing its determination of whether the Federal action is likely to result in jeopardy or adverse modification.

With respect to the earless monitor, no known actions require consultation under section 7(a)(2) of the Act. Given the regulatory definition of “action” at 50 CFR 402.02, which clarifies that it applies to activities or programs carried out “in the United States or upon the high seas,” the earless monitor is unlikely to be the subject of section 7 consultations because the entire life cycle of the species occurs in terrestrial areas outside of the United States and the species is unlikely to be affected by Federal actions. Additionally, no critical habitat will be designated for the earless monitor because, under 50 CFR 424.12(g), we will not designate critical

habitat within foreign countries or in other areas outside of the jurisdiction of the United States.

Section 8(a) of the Act (16 U.S.C. 1537(a)) authorizes the provision of limited financial assistance for the development and management of programs that the Secretary determines to be necessary or useful for the conservation of endangered or threatened species in foreign countries. Sections 8(b) and 8(c) of the Act (16 U.S.C. 1537(b) and (c)) authorize the Secretary to encourage conservation programs for foreign listed species, and to provide assistance for such programs, in the form of personnel and the training of personnel.

Additional requirements apply to activities with the earless monitor, separate from their proposed listing as a threatened species. As a CITES-listed species, all international trade of earless monitors by persons subject to the jurisdiction of the United States must also comply with CITES requirements pursuant to section 9, paragraphs (c) and (g), of the Act (16 U.S.C. 1538(c) and (g)) and to 50 CFR part 23. As “fish or wildlife” (16 U.S.C. 1532(8)), earless monitor imports and exports must also meet applicable wildlife import/export requirements established under section 9, paragraphs (d), (e), and (f), of the Act (16 U.S.C. 1538(d), (e), and (f)); the Lacey Act Amendments of 1981 (16 U.S.C. 3371 *et seq.*); and 50 CFR part 14. Questions regarding whether specific activities with the earless monitor would constitute a violation of section 9 of the Act should be directed to the Service’s Division of Management Authority ([managementauthority@fws.gov](mailto:managementauthority@fws.gov); 703–358–2104). Section 9(a) of the Act provides a specific list of prohibitions for endangered species but does not provide these same prohibitions for threatened species. Instead, pursuant to section 4(d) of the Act, for any species listed as a threatened species, the Secretary must issue protective regulations that are “necessary and advisable to provide for the conservation of such species” (these are referred to as “4(d) rules”). Additional measures for the earless monitor are described below (see Protective Regulations Under Section 4(d) of the Act, below).

We may issue permits to carry out otherwise prohibited activities involving threatened wildlife under certain circumstances. Regulations governing permits for threatened wildlife are codified at 50 CFR 17.32, and general Service permitting regulations are codified at 50 CFR part 13. With regard to threatened wildlife, a permit may be issued for scientific

purposes, to enhance propagation or survival, for economic hardship, for zoological exhibition, for educational purposes, for incidental taking, or for special purposes consistent with the purposes of the Act. The statute also contains certain exemptions from the prohibitions, which are found in sections 9 and 10 of the Act.

The Service may also register persons subject to the jurisdiction of the United States through its captive-bred wildlife (CBW) program if certain established requirements are met under the CBW regulations (see 50 CFR 17.21(g)). Through a CBW registration, the Service may allow a registrant to conduct certain otherwise prohibited activities under certain circumstances to enhance the propagation or survival of the affected species, including take; export or re-import; delivery, receipt, carriage, transport, or shipment in interstate or foreign commerce in the course of a commercial activity; or sale or offer for sale in interstate or foreign commerce. A CBW registration may authorize interstate purchase and sale only between entities that both hold a registration for the taxon concerned. The CBW program is available for species having a natural geographic distribution not including any part of the United States and other species that the Service Director has determined to be eligible by regulation. The individual specimens must have been born in captivity in the United States.

The provisions in section 9(b)(1) of the Act (16 U.S.C. 1538(b)(1)) provide a limited exemption from certain otherwise prohibited activities regarding wildlife specimens held in captivity or in a controlled environment on the pre-Act date (for species first listed after the enactment of the Endangered Species Act, the pre-Act date is the date of publication in the **Federal Register** of the final regulation adding such species to the List of Endangered and Threatened Wildlife for the first time), provided that such holding and any subsequent holding or use of the wildlife was not in the course of a commercial activity (commonly referred to as “pre-Act” specimens) (96 Stat. 1426–27 (1982); H.R. Rep. No. 97–835, 97th Cong., 2nd Sess., at 35 (1982) (Conf. Rep.); S. Rep. No. 97–418, 97th Cong., 2nd Sess., at 24–25 (1982)). Specifically, section 9(b)(1) of the Act states that the prohibitions of sections 9(a)(1)(A) and 9(a)(1)(G) shall not apply to any fish or wildlife which was held in captivity or in a controlled environment on (A) December 28, 1973, or (B) the date of the publication in the **Federal Register** of a final regulation adding such fish or wildlife to any list

of species published pursuant to section 4(c) of the Act (as relevant to listed wildlife, the List of Endangered and Threatened Wildlife at 50 CFR 17.11(h)) that such holding and any subsequent holding or use of the fish or wildlife was not in the course of a commercial activity.

Therefore, for pre-Act wildlife, there is a limited exemption from the prohibitions associated with: (1) import into, or export from, the United States of any endangered wildlife, or (2) violation of regulations pertaining to endangered or threatened wildlife. Other prohibitions of section 9—including those at section 9(a)(1)(B)–(F) regarding take of endangered wildlife, possession and other acts with unlawfully taken wildlife, interstate or foreign commerce in endangered wildlife, and sale or offer for sale of endangered wildlife—continue to apply to activities with qualifying endangered pre-Act wildlife specimens. Specimens born after the pre-Act date and specimens taken from the wild after the pre-Act date do not qualify as “pre-Act” wildlife under the text of section 9(b)(1) of the Act. If a person engages in any commercial activity with a pre-Act specimen on or after the pre-Act date, the wildlife would immediately cease to qualify as pre-Act wildlife and become subject to the relevant prohibitions because it has been held or used in the course of a commercial activity.

## II. Protective Regulations Under Section 4(d) of the Act

### Background

As discussed above under Available Conservation Measures, section 9(a) of the Act provides a specific list of prohibitions for endangered species but does not provide these same prohibitions for threatened species. Instead, pursuant to section 4(d) of the Act, for any species listed as a threatened species, the Secretary must issue protective regulations that are “necessary and advisable to provide for the conservation of such species” (referred to as “4(d) rules”). Section 4(d) of the Act contains two sentences. The first sentence states that the Secretary shall issue such regulations as they deem necessary and advisable to provide for the conservation of species listed as threatened species. “Conservation” is defined in the Act to mean the use of all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to the Act are no longer necessary. Additionally, the second sentence of section 4(d) of

the Act states that the Secretary may prohibit by regulation, with respect to any threatened species, any act prohibited under section 9(a)(1), in the case of fish or wildlife, or section 9(a)(2), in the case of plants. With these two sentences in section 4(d), Congress delegated broad authority to the Secretary to determine what protections would be necessary and advisable to provide for the conservation of threatened species, and even broader authority to put in place any of the section 9 prohibitions, for a given species.

Courts have recognized the extent of the Secretary’s discretion under section 4(d) to develop regulations that are appropriate for the conservation of threatened species. For example, courts have upheld, as a valid exercise of agency authority, rules developed under section 4(d) that included limited prohibitions against takings (see *Alsea Valley Alliance v. Lautenbacher*, 2007 WL 2344927 (D. Or. 2007); *Washington Environmental Council v. National Marine Fisheries Service*, 2002 WL 511479 (W.D. Wash. 2002)). Courts have also upheld 4(d) rules that do not address all of the threats a species faces (see *State of Louisiana v. Verity*, 853 F.2d 322 (5th Cir. 1988)). As noted in the legislative history when the Act was initially enacted, “once an animal is on the threatened list, the Secretary has an almost infinite number of options available to him [or her] with regard to the permitted activities for those species. He [or she] may, for example, permit taking, but not importation of such species, or he [or she] may choose to forbid both taking and importation but allow the transportation of such species” (H.R. Rep. No. 412, 93rd Cong., 1st Sess. 1973).

Under our 4(d) authorities, we put in place protections intended to both prevent a threatened species from becoming an endangered species and to promote its recovery. 4(d) rules explain what is prohibited for a threatened species, thus making the activity unlawful without a permit or authorization under the Act unless otherwise excepted in the 4(d) rule and may also include affirmative requirements. Section 4(d) rules are therefore directly related to what actions may require permits in the future. As discussed in Available Conservation Measures, permits may be issued for purposes described in our threatened species permitting regulations at 50 CFR 17.32 and 17.72, including for recovery actions. We may also except otherwise prohibited activities through a 4(d) rule itself, in which case threatened species

permits would not be required for those activities.

The provisions of this species’ proposed protective regulations under section 4(d) of the Act are one of many tools that we would use to promote the conservation of the earless monitor. The proposed protective regulations would apply only if and when we make final the listing of the earless monitor as a threatened species. The proposed protective regulations would promote conservation of the earless monitor by ensuring that activities undertaken with this species by any person under the jurisdiction of the United States are also supportive of the conservation efforts undertaken for the species in Indonesia, Malaysia, and Brunei Darussalam, as well as under the CITES Appendix-II listing.

### Provisions of the Proposed 4(d) Rule

Exercising the Secretary’s authority under section 4(d) of the Act, we have developed a proposed rule that is designed to address the earless monitor’s conservation needs. As discussed above under Summary of Biological Status and Threats, we have concluded that the earless monitor is likely to become in danger of extinction within the foreseeable future primarily due to habitat loss and overcollection and illegal trade for the pet trade. Section 4(d) requires the Secretary to issue such regulations as he deems necessary and advisable to provide for the conservation of each threatened species and authorizes the Secretary to include among those protective regulations any of the prohibitions that section 9(a)(1) of the Act prescribes for endangered species (*In re: Polar Bear Endangered Species Act Listing and 4(d) Rule Litigation*, 818 F. Supp. 2d 214, 228 (D.D.C. 2011) (citing *Sweet Home Chapter of Cmty. for a Great Or. v. Babbitt*, 1 F.3d 1, 8 (D.C. Cir. 1993), *rev’d on other grounds*, 515 U.S. 687 (1995))). Our necessary and advisable determination includes consideration of conservation and economic impacts (*Kansas Natural Resources Coalition, et al. v. USFWS, et al.* No. 23CV-00159–DC–RCG (W.D. Tex. 2025)). We explain below why we find that, if finalized, the prohibitions and exceptions in this proposed rule as a whole satisfy the requirement in section 4(d) of the Act to issue regulations deemed necessary and advisable to provide for the conservation of the earless monitor.

The protective regulations we are proposing for the earless monitor incorporate prohibitions from section 9(a)(1) to address the threats to the species. The prohibitions of section 9(a)(1) of the Act, and implementing

regulations codified at 50 CFR 17.21, make it illegal for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or to cause to be committed any of the following acts with regard to any endangered wildlife: (1) import into, or export from, the United States; (2) take (which includes harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct) within the United States, within the territorial sea of the United States, or on the high seas; (3) possess, sell, deliver, carry, transport, or ship, by any means whatsoever, any such wildlife that has been taken illegally; (4) deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever and in the course of commercial activity; or (5) sell or offer for sale in interstate or foreign commerce. This protective regulation includes all of these prohibitions because the earless monitor is at risk of extinction within the foreseeable future and putting these prohibitions in place will help to preserve the species' remaining populations.

As discussed above under Summary of Biological Status and Threats, overcollection and illegal trade for pet trade is affecting the status of the earless monitor; therefore, regulating activities associated with potential removal of earless monitors from the wild and preventing illegal trade is essential for their conservation. The section 9(a)(1) prohibitions related to trade and commerce through our application of 50 CFR 17.21(b), (e), and (f) will help regulate these activities. As discussed in Background, it is illegal to remove the species from the wild without a permit; however, it is legal to export individuals bred in captivity. We are aware of one company that imports earless monitors into the United States and at least two companies with earless monitors in captivity in the United States that engage in interstate commerce with the species. Therefore, we propose to regulate take of individuals within the United States, territorial seas, and high seas (50 CFR 17.21(c)(1)), as well as possession and other acts with unlawfully taken specimens (50 CFR 17.21(d)).

Regulating import and export into, from, and through the United States, take, and interstate and foreign commerce by persons subject to the jurisdiction of the United States would contribute to conservation of the species in its range states and help conserve the species by eliminating the United States as a potential market for illegally taken and traded earless monitors. It would

ensure any legal activities with earless monitors under jurisdiction of the United States contribute to enhancing the conservation of the species, and that any domestic demand for earless monitors does not contribute to the decline of earless monitors in the wild.

The proposed 4(d) rule would also provide for the conservation of the species by allowing exceptions that are intended to incentivize conservation actions or that are not expected to rise to the level that would have a negative impact (*i.e.*, would have only de minimis impacts) on the species' conservation. Exceptions to the prohibitions include those set forth in 50 CFR 17.21(c)(2)–(c)(4), (d)(2), and 50 CFR 17.31(c). These exceptions include allowing any person to take earless monitors in defense of their own life or the lives of others and for law enforcement to possess and conduct other acts with illegally taken earless monitors.

We also propose certain exceptions related to import, export, trade, and commerce of earless monitors. While we have determined overcollection and illegal trade are threats to the species, we propose that legal trade and commerce of bred in captivity specimens that meet the requirements of CITES (source code C, 50 CFR part 23), including those that are legally bred in captivity in the United States, can provide a sustainable use alternative to unsustainable or illegal sourcing of wild specimens and breeding stock. We have no information that suggests current legal interstate commerce activities with legally sourced earless monitors are associated with threats to the species or would negatively affect any efforts aimed at the recovery of wild populations of the species. Furthermore, allowing interstate commerce with legally sourced earless monitors is expected to provide a conservation benefit to the species because the demands of the pet trade can be supplied with bred in captivity specimens sourced from within the United States, which will reduce collection pressure on wild populations in its range states. Therefore, we are proposing exceptions to prohibitions and threatened species permitting requirements for import, export, and interstate and foreign commerce to facilitate legal trade in bred in captivity specimens (source code C) that are in accordance with other applicable regulations, including 50 CFR part 23 regulations implementing CITES. Additionally, under 50 CFR 17.8, import permits are exempted for threatened wildlife species included in Appendix II of CITES so long as certain requirements

are met. The requirements at 50 CFR 17.8 for exemption from a threatened species import permit include that the specimen was not acquired in foreign commerce or imported in the course of a commercial activity; the species is included in Appendix II of CITES; the specimen is imported under a valid CITES document and subsequently used in accordance with CITES regulations (50 CFR part 23); at the time of import, the importer must provide to the Service documentation that shows the specimen was not acquired in foreign commerce in the course of commercial activity; and that all applicable requirements of 50 CFR part 14 have been satisfied.

In addition, to further the conservation of the species, any employee or agent of the Service, any other Federal land management agency, the NFMS, a State conservation agency, or a federally recognized Tribe, who is designated by their agency or Tribe for such purposes, may, when acting in the course of their official duties, take threatened wildlife without a permit if such action is necessary to: (i) aid a sick, injured, or orphaned specimen; (ii) dispose of a dead specimen; (iii) salvage a dead specimen that may be useful for scientific study; or (iv) remove specimens that constitute a demonstrable but nonimmediate threat to human safety, provided that the taking is done in a humane manner. Such taking may involve killing or injuring only if it has not been reasonably possible to eliminate such threat by live capturing and releasing the specimen unharmed, in an appropriate area.

We recognize the special and unique relationship that we have with our State natural resource agency partners in contributing to conservation of listed species. State agencies often possess scientific data and valuable expertise on the status and distribution of endangered, threatened, and candidate species of wildlife and plants. State agencies, because of their authorities and their close working relationships with local governments and landowners, are in a unique position to assist us in implementing all aspects of the Act. In this regard, section 6 of the Act provides that we must cooperate to the maximum extent practicable with the States in carrying out programs authorized by the Act. Therefore, any qualified employee or agent of a State conservation agency that is a party to a cooperative agreement with us in accordance with section 6(c) of the Act, who is designated by their agency for such purposes, would be able to conduct activities designed to conserve the earless monitor that may result in

otherwise prohibited take without additional authorization.

In addition, any employee or agent of the Service or of the NMFS, who is designated by their agency for such purposes, may, when acting in the course of their official duties, take those species.

Furthermore, we may under certain circumstances issue permits to carry out one or more otherwise-prohibited activities, including those described above. The regulations that govern permits for threatened wildlife state that the Director may issue a permit authorizing any activity otherwise prohibited with regard to threatened species. These permits may be issued for the following purposes: scientific purposes, to enhance propagation or survival, economic hardship, zoological exhibition, educational purposes, incidental taking, or special purposes consistent with the purposes of the Act (50 CFR 17.32). The criteria for issuance of threatened species permits to authorize otherwise-prohibited activities other than incidental taking are found in 50 CFR 17.32(a)(2). The import exemption for threatened wildlife included in Appendix II of CITES (50 CFR 17.8; section 9(c)(2) of the Act) would apply to this species for qualifying specimens and activities. Further, as noted above, we may also authorize certain activities associated with conservation breeding under CBW registrations. We recognize that captive breeding of wildlife can support conservation, for example, by producing animals that could be used for reintroductions. We are not aware of any captive-breeding programs of earless monitors for this purpose. The proposed 4(d) rule would apply to all live earless monitors and dead parts and products of the species and supports conservation management efforts for earless monitors in the wild in their native range.

The statute also contains certain exemptions from the prohibitions, which are found in sections 9 and 10 of the Act.

In summary, we find this proposed 4(d) rule contains all the prohibitions and exceptions necessary and advisable for the conservation of the earless monitor. The 4(d) rule is necessary and advisable to provide for the conservation of the earless monitor because it will regulate activities that pose a threat to the species and provide certain exceptions for activities with legally sourced and traded bred in captivity specimens (source code C) that are otherwise in accordance with relevant regulations, including CITES. In terms of potential economic impacts,

there is minimal current legal import, export, trade, or commerce of the earless monitor that would be affected by the 4(d) rule.

### Required Determinations

#### *Clarity of the Proposed Rule*

We are required by Executive Orders 12866 and 12988 and by the Presidential memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

- (1) Be logically organized;
- (2) Use the active voice to address readers directly;
- (3) Use clear language rather than jargon;
- (4) Be divided into short sections and sentences; and
- (5) Use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in **ADDRESSES**. To better help us revise the rule, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that are unclearly written, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

#### *Regulatory Flexibility Act (5 U.S.C. 601 et seq.)*

Under the Regulatory Flexibility Act (RFA; 5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA; title II of Pub. L. 104-121, March 29, 1996), whenever a Federal agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effects of the rule on small entities (*i.e.*, small businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of the agency certifies the rule will not have a significant economic impact on a substantial number of small entities. The SBREFA amended the RFA to require Federal agencies to provide a certification statement of the factual basis for certifying that the rule will not have a significant economic impact on a substantial number of small entities.

While we do not conduct RFA analyses on our classification determinations under the Act, in accordance with recent caselaw (*Kansas Natural Resources Coalition, et al. v. USFWS, et al.* No. 23-CV-00159-DC-RCG (W.D. Tex. 2025)), we comply with

RFA through consideration of conservation and economic impacts when promulgating 4(d) rules.

According to the Small Business Administration, small entities include small organizations such as independent nonprofit organizations; small governmental jurisdictions, including school boards and city and town governments that serve fewer than 50,000 residents; and small businesses (13 CFR 121.201). Small businesses include manufacturing and mining concerns with fewer than 500 employees, wholesale trade entities with fewer than 100 employees, retail and service businesses with less than \$5 million in annual sales, general and heavy construction businesses with less than \$27.5 million in annual business, special trade contractors doing less than \$11.5 million in annual business, and agricultural businesses with annual sales less than \$750,000. To determine if potential economic impacts to these small entities are significant, we considered the types of activities that might trigger regulatory impacts under this designation as well as types of project modifications that may result. In general, the term “significant economic impact” is meant to apply to a typical small business firm’s business operations.

Under the RFA, as amended, and as understood in light of recent court decisions, Federal agencies are required to evaluate the potential incremental impacts of rulemaking on those entities directly regulated by the rulemaking itself; in other words, the RFA does not require agencies to evaluate the potential impacts to indirectly regulated entities.

As discussed above, in terms of potential economic impacts, there is minimal current legal import, export, trade, or commerce of earless monitor that would be affected by the 4(d) rule. We propose exceptions that would continue to allow import, export, trade, or commerce with legally obtained earless monitors without additional threatened species permits, as described above. Possession of a specimen is not itself a violation and does not require a permit as long as there is not an unauthorized otherwise-prohibited activity, such as take. Additionally, the definition of “harass” in 50 CFR 17.3, when applied to captive wildlife, does not include the following practices, procedures, and provisions if they are “generally accepted” and “not likely to result in injury to the wildlife” at issue: animal husbandry practices that meet or exceed the minimum standards for facilities and care under the Animal Welfare Act; breeding procedures; or

provisions of veterinary care for confining, tranquilizing, or anesthetizing. The take prohibition against harm and kill would apply to earless monitors in the United States, requiring a permit for any such activity, except for qualifying non-commercial acts with pre-ESA wildlife. For the above reasons and based on currently available information, we certify that, if made final, the proposed 4(d) rule would not have a significant economic impact on a substantial number of small business entities. Therefore, an initial regulatory flexibility analysis is not required.

*National Environmental Policy Act (42 U.S.C. 4321 et seq.)*

Regulations adopted pursuant to section 4(a) of the Act are exempt from the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 et seq.) and do not require an environmental analysis under NEPA. We published a notice outlining our reasons for this determination in the **Federal Register**

on October 25, 1983 (48 FR 49244). This includes listing, delisting, and reclassification rules, as well as critical habitat designations and species-specific protective regulations promulgated concurrently with a decision to list or reclassify a species as threatened. The courts have upheld this position (e.g., *Douglas County v. Babbitt*, 48 F.3d 1495 (9th Cir. 1995) (critical habitat); *Center for Biological Diversity v. U.S. Fish and Wildlife Service*, 2005 WL 2000928 (N.D. Cal. Aug. 19, 2005) (concurrent 4(d) rule)).

#### References Cited

A complete list of references cited in this rulemaking is available on the internet at <https://www.regulations.gov> and upon request from the Branch of Delisting and Foreign Species (see **FOR FURTHER INFORMATION CONTACT**).

#### List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Plants, Reporting and recordkeeping requirements, Transportation, Wildlife.

#### Proposed Regulation Promulgation

Accordingly, we propose to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

#### PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

■ 1. The authority citation for part 17 continues to read as follows:

**Authority:** 16 U.S.C. 1361–1407; 1531–1544; and 4201–4245, unless otherwise noted.

■ 2. In § 17.11, in paragraph (h), amend the List of Endangered and Threatened Wildlife by adding an entry for “Monitor, Borneo earless” in alphabetical order under REPTILES to read as follows:

#### § 17.11 Endangered and threatened wildlife.

\* \* \* \* \*

(h) \* \* \*

| Common name                   | Scientific name                     | Where listed         | Status | Listing citations and applicable rules                                                             |
|-------------------------------|-------------------------------------|----------------------|--------|----------------------------------------------------------------------------------------------------|
| * * *                         | * * *                               | * * *                | *      | * * *                                                                                              |
| REPTILES                      |                                     |                      |        |                                                                                                    |
| * * *                         | * * *                               | * * *                | *      | * * *                                                                                              |
| Monitor, Borneo earless ..... | <i>Lanthanotus borneensis</i> ..... | Wherever found ..... | T      | [ <b>Federal Register</b> citation when published as a final rule]; 50 CFR 17.42(u); <sup>4d</sup> |
| * * *                         | * * *                               | * * *                | *      | * * *                                                                                              |

■ 3. As proposed to be amended at, 86 FR 62434 (November 9, 2021), 87 FR 58648 (September 27, 2022), 88 FR 68070 (October 3, 2023), 88 FR 68370 (October 3, 2023), and 89 FR 103938 (December 19, 2024), further amend § 17.42 by adding paragraph (u) to read as follows:

#### § 17.42 Species-specific rules—reptiles.

\* \* \* \* \*

(u) Borneo earless monitor (*Lanthanotus borneensis*).

(1) *Prohibitions.* The following prohibitions that apply to endangered wildlife also apply to the Borneo earless monitor. Except as provided under paragraph (u)(2) of this section and §§ 17.4–17.8, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or cause to be committed, any of the following acts in regard to this species:

(i) Import or export, as set forth at § 17.21(b) for endangered wildlife.

(ii) Take, as set forth at § 17.21(c)(1) for endangered wildlife.

(iii) Possession and other acts with unlawfully taken specimens, as set forth at § 17.21(d)(1) for endangered wildlife.

(iv) Interstate or foreign commerce in the course of a commercial activity, as set forth at § 17.21(e) for endangered wildlife.

(v) Sale or offer for sale, as set forth at § 17.21(f) for endangered wildlife.

(2) *Exceptions from prohibitions.* In regard to this species, you may:

(i) Conduct activities as authorized by a permit under § 17.32.

(ii) Import, export, sell or offer for sale in foreign commerce, or deliver, receive, carry, transport, or ship in foreign commerce in the course of a commercial activity a live Borneo earless monitor, provided the specimen is bred in captivity (see 50 CFR 23.24, source code “C”) and the requirements in 50 CFR parts 13, 14, and 23 have been met.

(iii) Sell or offer for sale in interstate commerce, or deliver, receive, carry,

transport, or ship in interstate commerce in the course of a commercial activity a live Borneo earless monitor, provided the specimen was legally imported or bred in captivity in the United States (see 50 CFR 23.24, source code “C”) and the requirements in 50 CFR parts 13, 14, and 23 have been met.

(iv) Take, as set forth at § 17.31(b).

(v) Take, as set forth at § 17.21(c)(2) through (c)(4) for endangered wildlife.

(vi) Possess and engage in other acts with unlawfully taken wildlife, as set forth at § 17.21(d)(2) for endangered wildlife.

(vii) Conduct activities as authorized by a captive-bred wildlife registration under § 17.21(g) for endangered wildlife.

**Justin Shirley,**

*Principal Deputy Director, U.S. Fish and Wildlife Service.*

[FR Doc. 2025–15491 Filed 8–13–25; 8:45 am]

**BILLING CODE 4333–15–P**

# Notices

Federal Register

Vol. 90, No. 155

Thursday, August 14, 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

### Tribal Advisory Committee; Notice of Solicitation for Nominations; Correction

**AGENCY:** United States Department of Agriculture (USDA).

**ACTION:** Notice of Amendment to Solicit Nominations for Memberships; Correction.

**SUMMARY:** The U.S. Department of Agriculture (USDA) published a note of solicitation of nominations for four (4) vacancies on the USDA Tribal Advisory Committee (“the Committee”) on August 8, 2025. The Summary in that notice mentioned an incorrect end date for a vacancy term. This notice makes a correction to the previous Summary regarding the Committee’s vacancy to be appointed by the Ranking Member of the House Committee on Agriculture. The appointed member would serve the remainder of this vacancy term ending December 19, 2026.

**DATES:** Nominations must be submitted via email September 22, 2025.

**ADDRESSES:** Please submit nominations and resumes for recognition and appointment by the Secretary of Agriculture and the Ranking members of the House Committee on Agriculture through Josiah Griffin, Designated Federal Officer, at [Tribal.Relations@usda.gov](mailto:Tribal.Relations@usda.gov).

**FOR FURTHER INFORMATION CONTACT:** Inquiries may be sent to, Josiah Griffin, Designated Federal Officer, USDA, Office of Tribal Relations, at [Tribal.Relations@usda.gov](mailto:Tribal.Relations@usda.gov).

#### SUPPLEMENTARY INFORMATION:

#### Correction

On August 8, 2025, (90 FR 38431), USDA provided the wrong calendar year in the Summary for the end of term vacancy appointed by the Ranking Member of the House Committee on Agriculture to serve the remainder of

the vacancy term. The December 19, 2025, end date is being removed and corrected to December 19, 2026.

Dated: August 12, 2025.

**Cikena Reid,**

*USDA Committee Management Officer.*

[FR Doc. 2025–15447 Filed 8–13–25; 8:45 am]

**BILLING CODE 3420-AG-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 September 15, 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](http://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.

### Foreign Agricultural Service

*Title:* Regional Agricultural Promotion Program.

*OMB Control Number:* 0551–0049.

*Summary of Collection:* The authority for the Agricultural Trade Promotion Program (ATP) is contained in the authority derived from the Commodity Credit Corporation (CCC) Charter Act, 15 U.S.C. 714c(f)—Specific Powers of Corporation. Program regulations were necessary to establish this new CCC program. The ATP reimburses trade mitigation activities undertaken by nonprofit U.S. agricultural trade organizations, nonprofit state regional trade groups (SRTGs), U.S. agricultural cooperatives, and state agencies that conduct approved foreign market development activities and suffered damages as a result of tariffs imposed on U.S. agricultural products in 2018/2019.

The program is administered by personnel of the Foreign Agricultural Service (FAS) and is republishing the 30dayFRN to account the name change for this program from Agricultural Trade Promotion Program to Regional Agricultural Promotion Program. Lastly, for this reason, the prior published 30day FRN unknowingly overlapped with the published 60dayFRN.

*Need and Use of the Information:* The information collected is used by FAS marketing specialists and program managers for the allocation of funds, program management, planning, and evaluation. The integrity of the program hinges on information received from or maintained by the industry.

*Description of Respondents:* Not-for-profit institutions; State, Local or Tribal Government.

*Number of Respondents:* 67.

*Frequency of Responses:* Recordkeeping; Reporting: On occasion; Annually.

*Total Burden Hours:* 38,684.

**Rachelle Ragland-Greene,**

*Departmental Information Collection Clearance Officer.*

[FR Doc. 2025–15464 Filed 8–13–25; 8:45 am]

**BILLING CODE 3410-10-P**

**DEPARTMENT OF AGRICULTURE****Natural Resources Conservation Service****[Docket No. NRCS–2024–0020]****Notice of Intent To Prepare a Programmatic Environmental Impact Statement for the Hermit's Peak and Calf Canyon (HPCC) Burn Scar Project Watershed Plan, in Mora, Colfax, Taos, Rio Arriba, Santa Fe, Guadalupe, and San Miguel Counties, New Mexico****AGENCY:** Natural Resources Conservation Service, U.S. Department of Agriculture (USDA).**ACTION:** Notice of Intent (NOI) to Prepare a Programmatic Environmental Impact Statement (PEIS).

**SUMMARY:** The Natural Resources Conservation Service (NRCS) New Mexico State Office announces its intent to prepare a PEIS for the HPCC Burn Scar Project, in Mora, Colfax, Taos, Rio Arriba, Santa Fe, Guadalupe, and San Miguel Counties, New Mexico. The PEIS will examine alternative solutions to address flooding, sedimentation, erosion, water quality impairments, and agricultural water management on private lands due to loss of land cover and the overall burn severity of the HPCC fire. The project area is approximately 500 square miles and includes 33 Hydrologic Unit Code-12 watersheds within nine Hydrologic Unit Code-10 watersheds (nine watersheds). The primary purpose for the PEIS is to provide improvement to increase the flood resilience to protect the communities that have been affected by the HPCC fire and restore the project areas' function that is essential to healthy streams and clean water; healthy forest, soil, and ecosystem; and healthy flora and fauna on private lands and in conjunction with other restoration efforts on National Forest System (NFS) lands. NRCS is requesting comments to identify significant issues, potential alternatives, information, and analyses relevant to the Proposed Action from all interested individuals, Federal and State agencies, and Tribes and Pueblos.

**DATES:** The 45-day public scoping period begins on August 14, 2025, and extends to September 29, 2025. Comments must be postmarked or submitted electronically at the addresses listed below no later than September 29, 2025.

**ADDRESSES:** We invite you to submit comments in response to this notice. You may submit your comments through one of the methods below:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and search for docket ID NRCS–2024–0020. Follow the online instructions for submitting comments; or

- *Mail or Hand Delivery:* Merceidez Fabok, Watershed Program Manager, 100 Sun Ave. NE, Suite 602, Albuquerque, NM 87109. In your comments, specify the docket ID NRCS–2024–0020.

All comments received will be posted without change and made publicly available on [www.regulations.gov](http://www.regulations.gov).

**FOR FURTHER INFORMATION CONTACT:** Merceidez Fabok, telephone: (505) 761–4421; email: [Merceidez.Fabok@usda.gov](mailto:Merceidez.Fabok@usda.gov).

Individuals who require alternative means for communication should contact the U.S. Department of Agriculture (USDA) Target Center at (202) 720–2600 (voice and text telephone (TTY)) or dial 711 for Telecommunications Relay service (both voice and text telephone users can initiate this call from any telephone).

**SUPPLEMENTARY INFORMATION:****Purpose and Need**

The primary purpose for the PEIS is to independently analyze the nine watersheds to identify resource concerns and propose alternative solutions on private lands. The HPCC fire resulted in severe impairment across the nine watersheds, posing a threat to life and property. The HPCC wildfire burned over 341,735 acres across northern New Mexico in 2022 with two-thirds of the burned area on private property.

There are multiple authorized purposes that will be evaluated, both independently and combined, for the nine watersheds encompassing the burn scar on private lands, including: flood prevention (flood damage reduction), watershed protection, agricultural water management, municipal or industrial water supply, and water quality management. The higher elevations of the nine watersheds consist primarily of public land managed by the Forest Service used for multiple use. The Forest Service has implemented some restoration activities and is planning for more under its authorization. The lower elevations of the nine watersheds consist of private land and rural communities. In this PEIS, NRCS is focusing proposed actions on these private lands which are under its authorization, not on National Forest System lands. Watershed planning is authorized under the Watershed Protection and Flood Prevention Act of 1954 (Pub. L. 83–566), as amended, and

the Flood Control Act of 1944 (Pub. L. 78–534). The Forest Service is expected to participate as a cooperating agency in the development of this PEIS to coordinate efforts between the two agencies toward restoration and mitigations on the effected lands.

**Preliminary Proposed Action Alternative Types, Including No Action**

The PEIS objective is to formulate and evaluate alternatives for the purposes of agricultural water management in the HPCC Mora, Colfax, Taos, Rio Arriba, Santa Fe, Guadalupe, and San Miguel Counties, New Mexico on the private lands. As a cooperating agency the Forest Service will provide what activities are being proposed and conducted on NFS lands. The two agencies will work together to ensure the activities proposed on public and private lands meet the overall objectives toward recovery of the watersheds. The PEIS is expected to evaluate four alternatives: three action alternatives and one no action alternative.

The NRCS would provide technical and financial assistance for the proposed project through the NRCS Watershed Protection and Flood Prevention Program, and NRCS would also design and implement the selected alternative(s).

The alternatives that may be considered for detailed analysis include:

- *Alternative 1—No Action Alternative:* Taking no action would consist of activities conducted if no Federal action on private lands or funding for those activities were provided. If the No Action Alternative is selected, there would be no implementation of any measures, and the risks of flooding, sedimentation, erosion, water quality impairments, and lack of fauna diversity would continue. The conditions of this alternative were used as the baseline to evaluate the effectiveness of the other alternatives in addressing the selected purpose and need. No action or funding would be associated with the No Action Alternative.

- *Alternative 2—Proposed Action—Reasonable Structural Alternative.* This alternative would address the purpose and need for action within the program authorities of NRCS.

- *Alternative 3—Non-structural Alternative.* This alternative would address the purpose and need for action, including, but not limited to, the following: flood-proofing of structures, floodplain regulation, acquisition of floodplain lands, moving buildings and facilities, and conversions of land use to forest on private lands.

- *Alternative 4—Project Land Treatment.* The Proposed Action would be formulated solely to enhance onsite economic benefits on private lands, for example, reducing production costs or increasing yields. Onsite benefits will be included in the documentation and evaluation of the alternative plans. Costs, including operation, maintenance, and replacement costs, expected to be incurred over the period of analysis will be included.

### Summary of Expected Impacts

The PEIS will rely on a phased approach for the development and validation of the overall project, so there is no indication of what action alternative described above is likely to be selected as the preferred. The PEIS will consist of a 4-phased approach in order to develop, analyze, and implement the alternatives selected as the preferred in each of the 9 watersheds encompassing the burn scar.

The resource concerns identified during the preliminary planning process that will be analyzed for potential impacts include, but are not limited to, erosion, sedimentation, organic matter depletions in soils, water quality, floodplain connectivity, loss of animal and plant species' diversity and habitat, degradation of acequias, and public health and safety due to post-wildfire flooding. The full list of concerns to be addressed for impacts will be developed through public scoping, agency consultations, and other components of the NEPA process.

The PEIS will be prepared as required by section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA) and USDA regulations in 7 CFR Subtitle A Part 1b (7 CFR 1b).

### Anticipated Permits and Authorizations

The following permits and authorizations are anticipated to be required:

- *Federal Emergency Management Agency, Floodplain Development permit.* Implementation of the Proposed Action would require coordination with the local floodplain administrator and may require a Floodplain Development Permit to ensure all development and engineering requirements for construction within the Special Flood Hazard Areas are implemented.

- *Clean Water Act (CWA) and National Pollutant Discharge Elimination System (NPDES).* The project would require water quality certification under Section 401 of the CWA, permitting under Section 402 of the NPDES, and Section 404 of the CWA for potential wetland impacts.

- *National Historic Preservation Act (NHPA) Section 106.* Consultation with Tribal Nations and interested parties would be conducted as required by NHPA.

- *New Mexico Office of the State Engineer Dam Safety Permit.* The project would require review and approval applicable to the final engineering plans and to provide a permit prior to construction, if necessary.

### Schedule of Decision-Making Process

A Draft PEIS (DPEIS) will be prepared and circulated for review and comment by agencies, Tribes and Pueblos, consulting parties, and the public for 45 days. The DPEIS is anticipated to be published approximately 18 months after publication of this NOI. A Final PEIS is anticipated to be published within 3 months of completion of the public comment period for the DPEIS.

NRCS will decide whether to implement any of the action alternatives as evaluated in the PEIS. A Record of Decision will be completed and made publicly available. The responsible Federal official and decision maker for NRCS is the New Mexico NRCS State Conservationist.

*NRCS Decision:* NRCS will decide whether to implement any one of the Action Alternatives or the No Action Alternative identified in the PEIS in the Record of Decision.

### Public Scoping Process

An Agency Engagement Meeting presenting the project and developing the scope of the PEIS was held on Tuesday, March 4th, 2025. A Public Engagement Meeting presenting the project and developing the scope of the PEIS was held on Tuesday, March 11th, 2025. The presentation materials are available on the project website, along with project background information and status updates: <https://www.nrcs.usda.gov/programs-initiatives/watershed-protection-and-flood-prevention-operations-wfpo-program/new-mexico>. The 45-day public scoping period begins on August 14, 2025, and extends to September 29, 2025.

NRCS coordinated the scoping process to correspond with Section 106 of the National Historic Preservation Act (NHPA) (54 U.S.C. 306108) as allowed in 36 CFR 800.2(d)(3) and 800.8.

### Identification of Potential Alternatives, Information, and Analyses

NRCS invites agencies, Tribes and Pueblos, consulting parties, and individuals that have special expertise, legal jurisdiction, or interest in the EIS

project area to provide written comments concerning the scope of the analysis and identification of potential alternatives, information, and analyses relevant to the Proposed Action.

The information about historic and cultural resources within the area potentially affected by the proposed project will assist NRCS in identifying and evaluating impacts to such resources in the context of both NEPA and NHPA.

NRCS will consult with Native American Tribes and Pueblos on a government-to-government basis in accordance with the regulations in 36 CFR 800.2 and 800.3, Executive Order 13175, and other policies. Tribal concerns, including impacts on Indian trust assets and potential impacts to cultural resources and historic properties, will be given due consideration.

### Authorities

This document is published as specified by the NEPA regulations regarding publication of an NOI to issue a PEIS. Watershed planning is authorized under the Watershed Protection and Flood Prevention Act of 1954, as amended and the Flood Control Act of 1944.

### Federal Assistance Programs

The title and number of the Federal Assistance Program as found in the Assistance Listing<sup>1</sup> to which this document applies is 10.904, Watershed Protection and Flood Prevention.

### Executive Order 12372

Executive Order 12372, "Intergovernmental Review of Federal Programs," requires consultation with State and local officials that would be directly affected by proposed Federal financial assistance. The objectives of the Executive order are to foster an intergovernmental partnership and a strengthened federalism, by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance and direct Federal development. This project is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials.

### USDA Non-Discrimination Policy

In accordance with Federal civil rights law and USDA civil rights regulations and policies, USDA, its agencies, offices, and employees, and institutions participating in or

<sup>1</sup> See <https://sam.gov/content/assistance-listings>.

administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, disability, age, marital status, family or parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (for example, braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA TARGET Center at (202) 720-2600 (voice and telephone) or dial 711 for Telecommunications Relay Service (both voice and text telephone users can initiate this call from any phone). Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at: <https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint> and at any USDA office or write a letter addressed to USDA and provide in the letter all the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail to: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250-9410; (2) Fax: (202) 690-7442; or (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

USDA is an equal opportunity provider, employer, and lender.

**Juan Montoya,**

*New Mexico State Conservationist, Natural Resources Conservation Service.*

[FR Doc. 2025-15421 Filed 8-13-25; 8:45 am]

**BILLING CODE 3410-16-P**

## DEPARTMENT OF AGRICULTURE

### Rural Business-Cooperative Service

#### Rural Housing Service

#### Rural Utilities Service

[Docket No. RBS-25-BUSINESS-0103]

### Notice of Request for Extension of a Currently Approved Information Collection

**AGENCY:** Rural Business-Cooperative Service (RBCS), Rural Housing Service (RHS), Rural Utilities Service (RUS), USDA.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this notice announces RBCS, RHS, and RUS', agencies of the USDA Rural Development (RD) mission area, intention to request an extension to a currently approved information collection for the Strategic Economic and Community Development Program.

**DATES:** Comments on this notice must be received by October 14, 2025 to be assured of consideration.

**FOR FURTHER INFORMATION CONTACT:** Lisa Day, Regulations Management Division, Innovation Center, U.S. Department of Agriculture; [lisa.day@usda.gov](mailto:lisa.day@usda.gov), (917) 313-4750.

#### SUPPLEMENTARY INFORMATION:

*Title:* Strategic Economic and Community Development.

*OMB Number:* 0570-0068.

*Expiration Date of Approval:* 1/31/26.

*Type of Request:* Extension and revision of a currently approved information collection.

*Abstract:* As authorized under the Agricultural Act of 2018 (2018 Farm Bill), the Strategic Economic and Community Development program will make awards using reserved funding through RD's programs to fund projects that support the implementation of multijurisdictional and multisectoral strategic community investment plans. The programs for which reserved funds may be established and priority points awarded (which are referred to as the covered programs) are:

- Agriculture Innovation Center Program
- Business and Industry CARES Act Program
- Business and Industry Guaranteed Loans
- Community Connect Grant
- Community Facility Grants
- Community Facility Guaranteed Loans

- Community Facility Direct Loans
- Delta Health Care Service Grant
- Water and Waste Disposal Loans and Grants
- Water and Waste Disposal Guaranteed Loans
- Business and Industry Guaranteed Loans
- Rural Business Development Grants
- Community Connect Grant
- Tribal College Initiative Grants
- Intermediary Relending Program
- Rural Housing Site Loans
- Distance Learning and Telemedicine Loans and Grants
- Rural Energy for America Program
- Rural Economic Development Loans and Grants
- Rural Energy Savings Program
- Value-Added Producer Grants
- Household Water Well System Grant Program
- Solid Waste Management Grant
- Electric Infrastructure Loan and Loan Guarantee Program
- Emergency Community Water Assistance Grants
- Energy Efficiency and Conservation Loan Program
- Grants for Rural and Native Alaskan Villages
- High Energy Cost Grants
- Housing Preservation Grants
- Individual Water and Wastewater Grants
- Intermediary Relending Program
- Multi-Family Housing Loan Guarantees
- Multi-Family Housing Direct Loans
- Mutual Self-Help Housing Technical Assistance Grants
- Off-Farm Labor Housing Direct Loans and Grants
- One Percent Loan Program For Distressed Communities
- On-Farm Labor Housing Loans
- Rural Broadband Loans, Loan/Grant Combinations and Loan Guarantees
- Rural Community Development Initiative Grant
- Rural Cooperative Development Grant
- Rural Decentralized Water Systems Grant Program

To be eligible, projects must first be eligible for funding under the covered programs. In addition, projects must be carried out in rural areas and support partial or full implementation of a multi-jurisdictional and multi-sectoral strategic community investment plan.

*Estimate of Burden:* Public reporting burden for this collection of information is estimated to average 4 hours per response. [NOTE: To arrive at this estimate = number of burden hours divided by number of responses.]

*Respondents:* Rural businesses; units of State, Local and Tribal government;

instrumentalities of a Local, State or Tribal government; special districts; councils of government; non-profit organizations; associations; academic institutions; public bodies and commercial lenders.

*Estimated Number of Respondents:* 100.

*Estimated Number of Responses per Respondent:* 1.

*Estimated Total Annual Burden on Respondents:* 580.

Comments are invited on: (1) whether the proposed collection of information is necessary for the proper performance of the functions of RD, including whether the information will have practical utility; (2) the accuracy of the RD's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways 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. Comments may be sent by the Federal eRulemaking Portal: Go to <https://www.regulations.gov> and, in the "Search" box, type in the Docket No. RUS-25-BUSINESS-0103. A link to the Notice will appear. You may submit a comment here by selecting the "Comment" button or you can access the "Docket" tab, select the "Notice," and go to the "Browse & Comment on Documents" Tab. Here you may view comments that have been submitted as well as submit a comment. To submit a comment, select the "comment" button, complete the required information, and select the "Submit Comment" button at the bottom. Information on using *Regulations.gov*, including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site's "FAQ" link at the bottom. Comments on this information collection must be received by October 14, 2025.

All comments received will be available for public inspection during regular business hours at the same address. All responses to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record.

**Todd Lindsey,**

*Deputy Under Secretary, Rural Development.*

[FR Doc. 2025-15485 Filed 8-13-25; 8:45 am]

**BILLING CODE 3410-XY-P**

## DEPARTMENT OF AGRICULTURE

### Rural Utilities Service

**[Docket No. RUS-25-ELECTRIC-0101]**

#### Notice of Request for Extension of a Currently Approved Information Collection; Comments Requested

**AGENCY:** Rural Utilities Service, USDA.

**ACTION:** Proposed collection; request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, the United States Department of Agriculture's (USDA) Rural Utilities Service (RUS) invites comments on this information collection for which the Agency intends to request approval from the Office of Management and Budget (OMB).

**DATES:** Comments on this notice must be received by October 14, 2025.

**FOR FURTHER INFORMATION CONTACT:** Lisa Day, Regulations Management Division, Innovation Center, U.S. Department of Agriculture; [lisa.day@usda.gov](mailto:lisa.day@usda.gov), (971) 313-4750.

**SUPPLEMENTARY INFORMATION:** The Office of Management and Budget's (OMB) regulation (5 CFR part 1320) implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104-13) requires that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). This notice identifies an information collection that RUS is submitting to OMB as an extension to an existing collection. Comments are invited on: (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 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 may be sent by the Federal eRulemaking Portal: Go to <https://www.regulations.gov> and, in the "Search" box, type in the Docket No. RUS-25-ELECTRIC-0101. A link to the

Notice will appear. You may submit a comment here by selecting the "Comment" button or you can access the "Docket" tab, select the "Notice," and go to the "Browse & Comment on Documents" Tab. Here you may view comments that have been submitted as well as submit a comment. Information on using *Regulations.gov*, including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site's "FAQ" link at the bottom. Comments on this information collection must be received by October 14, 2025.

**Title:** 7 CFR part 1786, Prepayment of Rural Utilities Service Guaranteed and Insured Loans to Electric and Telephone Borrowers.

**OMB Control Number:** 0572-0088.

**Type of Request:** Extension of a currently approved collection.

**Abstract:** The Rural Utilities Service relies on the information provided by the borrowers in their financial statements to make lending decisions as to borrowers' credit worthiness and to assure that loan funds are approved, advanced and disbursed for proper RE Act purposes. These financial statements are audited by a certified public accountant to provide independent assurance that the data being reported is properly measured and fairly presented.

**Estimate of Burden:** Public reporting burden for this collection of information is estimated to average 2.00 hours per response.

**Respondents:** Business or other for-profit, Not-for-profit institutions.

**Estimated Number of Respondents:** 38.

**Estimated Number of Responses per Respondent:** 1.00.

**Estimated Total Annual Burden on Respondents:** 76 hours.

All comments received will be available for public inspection during regular business hours at the same address. All responses to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record.

**Karl Elmshaeuser,**

*Administrator, Rural Utilities Service.*

[FR Doc. 2025-15439 Filed 8-13-25; 8:45 am]

**BILLING CODE 3410-15-P**

**DEPARTMENT OF AGRICULTURE****Rural Utilities Service****[Docket No. RUS-25-ELECTRIC-0134]****Notice of Extension of a Currently Approved Information Collection****AGENCY:** Rural Utilities Service, Department of Agriculture (USDA).**ACTION:** Notice and request for comment.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended), the Rural Utilities Service (RUS), an agency of the U.S. Department of Agriculture (USDA) Rural Development mission area, invites comments on this information collection for which approval from the Office of Management and Budget (OMB) will be requested.

**DATES:** Comments on this notice must be received by October 14, 2025.

**FOR FURTHER INFORMATION CONTACT:**

Kimble Brown, Regulations Management Division, Innovation Center, U.S. Department of Agriculture. Email: [Kimble.Brown@usda.gov](mailto:Kimble.Brown@usda.gov).

**SUPPLEMENTARY INFORMATION:** The Office of Management and Budget's regulation (5 CFR 1320) implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104-13) requires that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). This notice identifies an information collection that RUS is submitting to OMB for approval. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the RUS, including whether the information will have practical utility; (b) the accuracy of the RUS's estimate of the burden of the proposed collection of information including 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 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 may be sent by the Federal eRulemaking Portal: Go to <https://www.regulations.gov> and, in the "Search" box, type in the Docket No. RUS-25-ELECTRIC-0134. A link to the Notice will appear. You may submit a comment here by selecting the "Comment" button or you can access

the "Docket" tab, select the "Notice," and go to the "Browse & Comment on Documents" Tab. Here you may view comments that have been submitted as well as submit a comment. To submit a comment, select the "Comment" button, complete the required information, and select the "Submit Comment" button at the bottom. Information on using [Regulations.gov](https://www.regulations.gov), including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site's "FAQ" link at the bottom.

**Title:** Mergers and Consolidations of Electric Borrowers, 7 CFR 1717, subpart D.

**OMB Control Number:** 0572-0114.

**Expiration Date of Approval:** January 31, 2026.

**Type of Request:** Extension of a currently approved collection.

**Abstract:** The Rural Electrification Act of 1936 (7 U.S.C. 901 *et seq.*), as amended (RE Act), authorizes and empowers the administrator of RUS to make and guarantee loans to furnish and improve electric service in rural areas. Due to deregulation and restructuring activities in the electric industry, RUS borrowers may find it advantageous to merge or consolidate to meet the challenges of industry change. This information collection addresses the requirements of RUS policies and procedures for mergers and consolidations of electric program borrowers.

**Estimate of Burden:** Public reporting burden for this collection of information is estimated to average 1.29 hours per response.

**Respondents:** Not for profit institutions; business or other for-profit entities.

**Estimated Number of Respondents:** 2.

**Estimated Number of Responses:** 24.

**Estimated Number of Responses per Respondent:** 12.

**Estimated Total Annual Burden on Respondents:** 31 hours.

Copies of this information collection can be obtained from Kimble Brown, Rural Development Innovation Center, Regulations Management Division. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

**Karl Elmshaeuser,**

*Administrator, Rural Utilities Service.*

[FR Doc. 2025-15428 Filed 8-13-25; 8:45 am]

**BILLING CODE 3410-15-P**

**COMMISSION ON CIVIL RIGHTS****Notice of Public Meeting of the Louisiana Advisory Committee to the U.S. Commission on Civil Rights**

**AGENCY:** U.S. Commission on Civil Rights.

**ACTION:** Announcement of virtual meeting.

**SUMMARY:** Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act, that the Louisiana Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a series of public meetings via Zoom on Monday, September 22, 2025 from 12:00 p.m.–1:00 p.m. and Monday, September 29, 2025 from 12:00 p.m.–2:00 p.m., Central Time. The purpose of the meeting on September 22, 2025 is for Committee members to plan for hearing testimony on September 29, 2025 regarding their topic on involuntary mental health commitments in Louisiana.

**DATES:**

- Monday, September 22, 2025, from 12:00 p.m.–1:00 p.m. Central Time.
- Monday, September 29, 2025, from 12:00 p.m.–2:00 p.m. Central Time.

**ADDRESSES:** The meeting will be held via Zoom.

**September 22nd Business Meeting**

---Registration Link: [https://www.zoomgov.com/webinar/register/WN\\_xyMrLjGHSXCmkORg\\_mXhjQ](https://www.zoomgov.com/webinar/register/WN_xyMrLjGHSXCmkORg_mXhjQ)

---Join by Phone (Audio Only) 1-833-435-1820 USA Toll Free: Meeting ID: 160 163 5767 September 29th Briefing

---Registration Link: [https://www.zoomgov.com/webinar/register/WN\\_xrUQV2BrRLudpogUchG7yw](https://www.zoomgov.com/webinar/register/WN_xrUQV2BrRLudpogUchG7yw)

---Join by Phone (Audio Only) 1-833-435-1820 USA Toll Free: Meeting ID: 160 488 9280

**FOR FURTHER INFORMATION CONTACT:**

Mallory Trachtenberg, Designated Federal Officer, at [mtrachtenberg@usccr.gov](mailto:mtrachtenberg@usccr.gov) or 1-202-809-9618.

**SUPPLEMENTARY INFORMATION:** This committee meeting is available to the public through the registration link above. Any interested member of the public may listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. Per the Federal Advisory Committee Act, public minutes of the meeting will include a list of persons who are present at the meeting. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The

Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Closed captioning will be available. To request accommodations, please email Corrine Sanders, Support Specialist, at [csanders@usccr.gov](mailto:csanders@usccr.gov) at least 10 business days prior to the meeting.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be emailed to Mallory Trachtenberg, [mtrachtenberg@usccr.gov](mailto:mtrachtenberg@usccr.gov). Persons who desire additional information may contact the Regional Programs Coordination Unit at (202) 809-9618.

Records of the meetings will be available via [www.facadatabase.gov](http://www.facadatabase.gov) under the Commission on Civil Rights, Louisiana Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, <http://www.usccr.gov>, or may contact the Regional Programs Coordination Unit at [mtrachtenberg@usccr.gov](mailto:mtrachtenberg@usccr.gov).

#### Agenda

- I. Welcome
- II. Committee Business
- III. Public Comment
- IV. Next Steps
- V. Adjournment

Dated: August 12, 2025.

David Mussatt,

*Supervisory Chief, Regional Programs Unit.*

[FR Doc. 2025-15466 Filed 8-13-25; 8:45 am]

BILLING CODE P

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## DEPARTMENT OF COMMERCE

### Census Bureau

#### Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Monthly Wholesale Trade Survey

**AGENCY:** Census Bureau, Department of Commerce.

**ACTION:** Notice of information collection, request for comment.

**SUMMARY:** The Department of Commerce, in accordance with the Paperwork Reduction Act (PRA) of 1995, invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's

reporting burden. The purpose of this notice is to allow for 60 days of public comment on the proposed extension of the Monthly Wholesale Trade Survey, prior to the submission of the information collection request (ICR) to OMB for approval.

**DATES:** To ensure consideration, comments regarding this proposed information collection must be received on or before October 14, 2025.

**ADDRESSES:** Interested persons are invited to submit written comments by email to [Thomas.J.Smith@census.gov](mailto:Thomas.J.Smith@census.gov) or [PRAComments@doc.gov](mailto:PRAComments@doc.gov). Please reference Monthly Wholesale Trade Survey in the subject line of your comments. You may also submit comments, identified by Docket Number USBC-2025-0073, to the Federal e-Rulemaking Portal: <http://www.regulations.gov>. All comments received are part of the public record. No comments will be posted to <http://www.regulations.gov> for public viewing until after the comment period has closed. Comments will generally be posted without change. All Personally Identifiable Information (for example, name and address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. You may submit attachments to electronic comments in Microsoft Word, Excel, or Adobe PDF file formats.

#### FOR FURTHER INFORMATION CONTACT:

Requests for additional information or specific questions related to collection activities should be directed to Emma Reburn, Chief, Wholesale Indicator Branch, Economic Indicators Division, by phone at 301-763-0259, or by email at [emma.p.reburn@census.gov](mailto:emma.p.reburn@census.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

The Monthly Wholesale Trade Survey (MWTS) provides measures of monthly sales, end-of-month inventories, and inventories/sales ratios in the United States by selected kinds of business for merchant wholesalers, excluding manufacturers' sales branches and offices. Estimates from the MWTS are released in three different reports each month. High level aggregate estimates for end-of-month inventories are first released as part of the Advance Economic Indicators Report approximately 27 days after the close of the reference month. The full Monthly Wholesale Trade Report containing both sales and inventories estimates is released approximately 39 days after the close of the reference month. Sales and

inventories estimates from the MWTS are also released as part of the Manufacturing and Trade Inventories and Sales (MTIS) report issued approximately 45 days after the close of the reference month. The Bureau of Economic Analysis uses this information to improve the inventory valuation adjustments applied to estimates of the Gross Domestic Product. The Bureau of Labor Statistics (BLS) uses the data as input to develop Producer Price Indexes and productivity measurements.

The MWTS estimates are also used as an input in the Monthly Wholesale Real Dollar Estimates experimental product, first published on September 19, 2022 and then revised and appended on September 09, 2024. This is a supplement to the MWTS report. The estimates were created from the nominal MWTS sales and inventory series using product weights developed from existing Census Bureau data releases and price indexes from the BLS. Within the report, real dollar sales, inventories, and inventories-to-sales ratio estimates and corresponding residuals are available for Total Merchant Wholesalers, except Manufacturers' Sales Branches and Offices, as well as the two 3-digit and eighteen 4-digit North American Industry Classification System (NAICS) wholesale subsectors. Monthly estimates are available from January 2012 forward and can be found at [www.census.gov/wholesale/real.html](http://www.census.gov/wholesale/real.html).

Estimates produced from the MWTS are based on a probability sample and are published on the NAICS basis. The sample design consists of small, medium, and large cases requested to report sales and inventories each month. The sample, consisting of about 4,200 wholesale businesses, is drawn from the Business Register, which contains all Employer Identification Numbers (EINs) and listed establishment locations. The sample is updated quarterly to reflect employer business "births" and "deaths". New employer businesses identified in the Business and Professional Classification Survey are added and employer businesses determined to be no longer active are removed.

##### II. Method of Collection

Respondents are initially contacted primarily by email, with a small subset receiving a letter by mail. After initial contact, non-respondents are contacted by email and/or telephone follow-up. We collect the data primarily by internet. We collect a small portion of the data by mail, telephone follow-up, and fax. Paper collection will be phased out beginning in late 2025.

**III. Data**

*OMB Control Number:* 0607–0190.

*Form Number(s):* SM4217–A and SM4217–E.

*Type of Review:* Regular submission. Request for an Extension without change of a currently approved collection.

*Affected Public:* U.S. merchant wholesale firms, excluding manufacturers' sales branches and office.

*Estimated Number of Respondents:* 4,200.

*Estimated Time per Response:* 7 minutes.

*Estimated Total Annual Burden Hours:* 5,880 hours.

*Estimated Total Annual Cost to Public:* \$0. (This is not the cost of respondents' time, but the indirect costs respondents may incur for such things as purchases of specialized software or hardware needed to report, or expenditures for accounting or records maintenance services required specifically by the collection.)

*Respondent's Obligation:* Voluntary.

*Legal Authority:* Title 13 U.S.C. 131 and 182.

**IV. Request for Comments**

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include, or summarize, each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we

cannot guarantee that we will be able to do so.

**Sheleen Dumas,**

*Departmental PRA Compliance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.*

[FR Doc. 2025–15462 Filed 8–13–25; 8:45 am]

**BILLING CODE 3510–07–P**

**DEPARTMENT OF COMMERCE****International Trade Administration****South Dakota School of Mines and Technology et al., Notice of Decision on Application for Duty-Free Entry of Scientific Instruments**

This is a decision pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, as amended by Pub. L. 106–36; 80 Stat. 897; 15 CFR part 301). On June 16, 2025, and on July 1, 2025, the Department of Commerce published a notice in the **Federal Register** requesting public comment on whether instruments of equivalent scientific value, for the purposes for which the instruments identified in the docket(s) below are intended to be used, are being manufactured in the United States. See *Application(s) for Duty-Free Entry of Scientific Instruments*, 90 FR 25222, June 16, 2025 and *Application(s) for Duty-Free Entry of Scientific Instruments*, 90 FR 28724, July 1, 2025. We received no public comments.

*Comments:* None received. Decision: Approved. We know of no instrument of equivalent scientific value to the foreign instrument described below, for such purposes as this is intended to be used, that was being manufactured in the United States at the time of order.

*Docket Number:* 25–013. Applicant: South Dakota School of Mines and Technology, 501 E Saint Joseph St., Rapid City, SD 57701. Instrument: 2D material transfer stage with an optical microscope. Manufacturer: High Hope Zhongding Corporation, China. Intended Use: The instrument will be used to control exciton-polariton interactions in 2D material heterostructures for applications in optoelectronic, electronic devices such as photodetectors, light-emitting devices.

*Docket Number:* 25–014. Applicant: William Marsh Rice University, P.O. Box 1892, MS094, Houston, TX 77251–1892. Instrument: Erbium Vacuum System. Manufacturer: Limit Vacuum Technology (Beijing) Co., Ltd., China. Intended Use: The instrument will be used to develop quantum simulation technologies to investigate fundamental

quantum mechanical properties of quantum matter and potentially develop new novel quantum materials.

*Docket Number:* 25–016. Applicant: University of Minnesota, 115 Union St. SE, PAN 241, Minneapolis, MN 55455. Instrument: High Temperature Laser Crystal Growth Furnace. Manufacturer: Scientific Instruments GmbH, Germany. Intended Use: The instrument is intended to synthesize single crystals of transition-metal-based oxide to discover new high high-temperature superconducting materials.

*Docket Number:* 25–017. Applicant: California Institute of Technology, 1200 E California Blvd., M/C 18–34, Pasadena, CA 91125. Instrument: Nd: Yag Laser System. Manufacturer: Laser Zentrum Hannover, Germany. Intended Use: The instrument is intended to detect gravitational waves.

*Docket Number:* 25–018. Applicant: Utah State University, 4415 Old Main Hill, Logan, UT 84322. Instrument: SLM–200 Spatial Light Modulator. Manufacturer: Santec USA Corporation, Japan. Intended Use: The instrument is intended to generate holography and vortex optical beams to provide hands-on training on holographic optics, diffraction options, and Fourier optics.

Dated: August 11, 2025.

**Tyler O'Daniel,**

*Acting Director, Subsidies and Economic Analysts, Enforcement and Compliance.*

[FR Doc. 2025–15477 Filed 8–13–25; 8:45 am]

**BILLING CODE 3510–DS–P**

**DEPARTMENT OF COMMERCE****International Trade Administration**

**[C–580–884]**

**Certain Hot-Rolled Steel Flat Products From the Republic of Korea: Final Results of Countervailing Duty Administrative Review; 2022**

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The U.S. Department of Commerce (Commerce) determines that Hyundai Steel Company (Hyundai Steel) and POSCO, producers/exporters of certain hot-rolled steel flat products (hot-rolled steel) from the Republic of Korea (Korea), received countervailable subsidies during the period of review January 1, 2022, through December 31, 2022.

**DATES:** Applicable August 14, 2025.

**FOR FURTHER INFORMATION CONTACT:** Nathan James or Kelsie Hohenberger, AD/CVD Operations, Office V, Enforcement and Compliance,

International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–5305 or (202) 482–2517, respectively.

SUPPLEMENTARY INFORMATION:

Background

On November 13, 2024, Commerce published the *Preliminary Results* of this administrative review in the **Federal Register** and invited interested parties to comment.<sup>1</sup> On December 9, 2024, Commerce tolled certain deadlines in this administrative review by 90 days.<sup>2</sup> On May 30, 2025, Commerce extended the deadline for issuing the final results until August 8, 2025.<sup>3</sup> For a complete description of the events that occurred since the *Preliminary Results*, see the Issues and Decision Memorandum.<sup>4</sup>

Scope of the Order<sup>5</sup>

The merchandise covered by this Order is hot-rolled steel from Korea. For a complete description of the scope of the Order, see the Issues and Decision Memorandum.

Analysis of Comments Received

We addressed all issues raised in interested parties’ case briefs in the Issues and Decision Memorandum. A list of the issues raised by parties, to which Commerce responded in the Issues and Decision Memorandum, is provided as an appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance’s Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and

Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Changes Since the Preliminary Results

Based on comments received from interested parties, we made certain changes to POSCO’s countervailable subsidy rate calculations from the *Preliminary Results*.<sup>6</sup>

Methodology

Commerce conducted this review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, we find that there is a subsidy, *i.e.*, a government-provided financial contribution that gives rise to a benefit to the recipient, and that the subsidy is specific.<sup>7</sup> For a full description of the methodologies underlying all of Commerce’s conclusions, see the Issues and Decision Memorandum.

Final Results of Administrative Review

We determine that, for the period January 1, 2022, through December 31, 2022, the following total net countervailable subsidy rates exist:

| Producer/exporter                       | Subsidy rate (percent <i>ad valorem</i> ) |
|-----------------------------------------|-------------------------------------------|
| Hyundai Steel Company <sup>8</sup> .... | 2.21                                      |
| POSCO <sup>9</sup> .....                | 1.47                                      |

Disclosure

Commerce intends to disclose the calculations performed for these final results of review within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(2), Commerce has determined, and U.S. Customs and Border Protection (CBP)

shall assess, countervailing duties on all appropriate entries of subject merchandise in accordance with the final results of this review, for the above-listed companies at the applicable *ad valorem* assessment rates listed. Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

Cash Deposit Rates

In accordance with section 751(a)(1) of the Act, Commerce intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts shown for the companies listed above on shipments of the subject merchandise entered, or withdrawn from warehouse for consumption, on or after the date of publication of the final results of this administrative review. For all non-reviewed firms, we will instruct CBP to continue to collect cash deposits of estimated countervailing duties at the all-others rate or most recent company-specific rate applicable to the company, as appropriate. These cash deposits, when imposed, shall remain in effect until further notice.

Administrative Protective Order

This notice also serves as a final reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

Notification to Interested Parties

These final results are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(5).

<sup>1</sup> See *Certain Hot-Rolled Steel Flat Products from the Republic of Korea: Preliminary Results and Partial Rescission of Countervailing Duty Administrative Review*, 2022, 89 FR 89610 (November 13, 2024) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

<sup>2</sup> See Memorandum, “Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings,” dated December 9, 2024.

<sup>3</sup> See Memorandum, “Extension of Deadline for Final Results of Countervailing Duty Administrative Review,” dated May 30, 2025.

<sup>4</sup> See Memorandum, “Issues and Decision Memorandum for the Final Results of the Countervailing Duty Administrative Review of Certain Hot-Rolled Steel Flat Products from the Republic of Korea; 2022,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

<sup>5</sup> See *Certain Hot-Rolled Steel Flat Products from Brazil and the Republic of Korea: Amended Final Affirmative Countervailing Duty Determinations and Countervailing Duty Orders*, 81 FR 67960 (October 3, 2016) (*Order*).

<sup>6</sup> For a discussion of these comments, see the Issues and Decision Memorandum.

<sup>7</sup> See sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

<sup>8</sup> As discussed in the *Preliminary Results* PDM, Commerce has found Hyundai Green Power Co., Ltd. to be cross-owned with Hyundai Steel Company.

<sup>9</sup> As discussed in the *Preliminary Results* PDM, Commerce has found the following companies to be cross-owned with POSCO: POSCO Holdings, POSCO International Corporation, POSCO Chemical, POSCO M-Tech, Pohang Scrap Recycling Distribution Center Co. Ltd., POSCO Nippon Steel RHF Joint Venture Co., Ltd., and POSCO Mobility Solutions.

Dated: August 8, 2025.

**Christopher Abbott,**

*Acting Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.*

## Appendix

### List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the *Order*
- IV. Subsidies Valuation
- V. Analysis of Programs
- VI. Discussion of the Issues
  - Comment 1a: Whether Electricity Is Subsidized by the Government of Korea (GOK)
  - Comment 1b: Whether the Provision of Electricity for Less-Than-Adequate-Remuneration (LTAR) Program is *De Facto* Specific
  - Comment 2: Whether the Provision of Korea Emissions Trading System (K-ETS) Permits is Countervailable
  - Comment 3: Whether the Benchmark Calculation for Electricity for More than Adequate Remuneration (MTAR) Program Correctly Reflects the Volume of Electricity Purchased
  - Comment 4: Whether Certain Tax Exemptions, Import Duty Exemptions, and Loans are Tied to the Production of Non-Subject Merchandise
- VII. Recommendation

[FR Doc. 2025–15472 Filed 8–13–25; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648–XF102]

#### Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Southwest Fisheries Science Center Fisheries Research

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

**ACTION:** Notice; receipt of application for Letter of Authorization; request for comments and information.

**SUMMARY:** NMFS has received a request from the Southwest Fisheries Science Center (SWFSC) for authorization to take small numbers of marine mammals incidental to conducting fisheries research over the course of 5 years from the date of issuance. Pursuant to regulations implementing the Marine Mammal Protection Act (MMPA), NMFS is announcing receipt of the SWFSC's request for the development and implementation of regulations

governing the incidental taking of marine mammals. NMFS invites the public to provide information, suggestions, and comments on the SWFSC's application and request.

**DATES:** Comments and information must be received no later than September 15, 2025.

**ADDRESSES:** Comments on the applications should be addressed to the Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service. Physical comments should be sent to 1315 East-West Highway, Silver Spring, MD 20910 and electronic comments should be sent to [ITP.jacobus@noaa.gov](mailto:ITP.jacobus@noaa.gov).

**Instructions:** NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period. Comments received electronically, including all attachments, must not exceed a 25-megabyte file size. Attachments to electronic comments will be accepted in Microsoft Word or Excel or Adobe PDF file formats only. All comments received are a part of the public record and will generally be posted online at <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-research-and-other-activities> without change. All personal identifying information (e.g., name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

**FOR FURTHER INFORMATION CONTACT:** Kristy Jacobus, Office of Protected Resources, NMFS, (301) 427–8401. An electronic copy of the SWFSC's application may be obtained online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-research-and-other-activities>. In case of problems accessing these documents, please call the contact listed above.

#### SUPPLEMENTARY INFORMATION:

##### Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An incidental take authorization shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth.

NMFS has defined “negligible impact” in 50 CFR 216.103 as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

The MMPA states that the term “take” means to harass, hunt, capture, kill or attempt to harass, hunt, capture, or kill any marine mammal.

Except with respect to certain activities not pertinent here, the MMPA defines “harassment” as: any act of pursuit, torment, or annoyance, which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

#### Summary of Request

On June 12, 2025, NMFS received an application from the SWFSC requesting authorization for take of marine mammals incidental to fisheries research conducted by SWFSC. After the SWFSC responded to our questions and submitted a revised application, we determined the application was adequate and complete on July 29, 2025. The requested regulations would be valid for 5 years, from January 15, 2026 through January 15, 2031. The SWFSC plans to conduct fisheries research surveys in the California Current Research Area (off of the U.S. west coast) and the Antarctic Research Area (in the Antarctic Scotia Sea). It is possible that marine mammals may interact with fishing gear (e.g., trawl nets, purse seines, longlines) used in the SWFSC's research, resulting in injury, serious injury, or mortality. In addition, Level B harassment due to physical disturbance of pinnipeds is possible due to the presence of research vessels in the Antarctic research area. Because the specified activities have the potential to take marine mammals present within these action areas, SWFSC requests authorization to take multiple species of

marine mammals that may occur in these areas.

The requested regulations would be the third incidental take regulations issued to the SWFSC, following regulations in place from 2021 to 2026. SWFSC has complied with all requirements of the previously issued Letters of Authorization and has not exceeded the authorized take numbers. Monitoring reports submitted by SWFSC are available online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-research-and-other-activities>.

### Specified Activities

The Federal Government has a responsibility to conserve and protect living marine resources in U.S. Federal waters and has also entered into a number of international agreements and treaties related to the management of living marine resources in international waters outside of the United States. NOAA has the primary responsibility for managing marine fin and shellfish species and their habitats, with that responsibility delegated within NOAA to NMFS.

In order to direct and coordinate the collection of scientific information needed to make informed management decisions, Congress created six Regional Fisheries Science Centers, each a distinct organizational entity and the scientific focal point within NMFS for region-based Federal fisheries-related research. This research is aimed at monitoring fish stock recruitment, abundance, survival and biological rates, geographic distribution of species and stocks, ecosystem process changes, and marine ecological research. The SWFSC is the research arm of NMFS in the Southwest Region. The SWFSC conducts research and provides scientific advice to manage fisheries and conserve protected species in three geographic research areas: The California Current Research Area (along the U.S. West Coast), the Eastern Tropical Pacific Research Area (ETPRA) (throughout the Eastern Tropical Pacific Ocean), and the Antarctic Research Area (in the Scotia Sea area off Antarctica). However, no research activity is planned for the ETPRA during the next five years, and this research area is not included in the scope of the SWFSC's current request. The SWFSC provides scientific information to support the Pacific Fishery Management Council and numerous other domestic and international fisheries management organizations.

The SWFSC collects a wide array of information necessary to evaluate the

status of exploited fishery resources and the marine environment. SWFSC scientists conduct fishery-independent research onboard NOAA-owned and operated vessels or on chartered vessels. A few surveys are conducted onboard commercial fishing vessels, but the SWFSC designs and executes the studies and funds vessel time. The gear types used fall into several categories: trawl gear used at various levels in the water column, hook and line gear, seine nets, and other gear. Of research gear used by SWFSC, only trawl, hook and line gear, and seine nets are likely to interact with marine mammals.

### Information Solicited

Interested persons may submit information, suggestions, and comments concerning the SWFSC's request (see **ADDRESSES**). NMFS will consider all information, suggestions, and comments related to the request during the development of proposed regulations governing the incidental taking of marine mammals by the SWFSC, if appropriate.

Dated: August 12, 2025.

**Tanya Dobrzynski,**

*Acting Director, Office of Protected Resources,  
National Marine Fisheries Service.*

[FR Doc. 2025-15483 Filed 8-13-25; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### **Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Using Quick Response Surveys To Build a Public Perception and Response Database**

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 March 31, 2025, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

*Agency:* National Oceanic and Atmospheric Administration, Commerce.

*Title:* Using Quick Response Surveys to Build a Public Perception and Response Database.

*OMB Control Number:* 0648-0805.

*Form Number(s):* None.

*Type of Request:* Regular (Extension and revision of a current information collection).

*Number of Respondents:* 33,675.

*Average Hours per Response:* 10 minutes.

*Total Annual Burden Hours:* 5,613.

*Needs and Uses:* This is a request for revision and extension of an approved information collection. The previously approved collection is called Phase I and the revision and extension are called Phase II.

The Phase II collection is also sponsored by the NOAA National Weather Service (NWS) Office of Science and Technology Integration (OSTI). The collection is permitted under 15 U.S.C. Ch. 111, Weather Research and Forecasting Innovation, that directs NOAA to focus on improving its understanding of how the public receives, interprets, and responds to warnings and forecasts of high impact weather events that endanger life and property. The purpose of the collection is to improve how the NWS communicates risks posed by hazardous weather or water events to the public that are most likely to result in action to mitigate the risk. Information from this collection will help the agency meet its mission to "provide weather, water and climate data, forecasts, warnings, and impact-based decision support services for the protection of life and property and enhancement of the national economy."

Phase II will continue the work using an online survey system for collecting data on the public's perception and response to four different hazards: tornados, thunderstorm winds over 70 miles per hour (mph), flash floods, and winter weather. The online surveys provide event-based reports on hazardous weather events for National Weather Service Forecast Offices, and are building blocks for a multi-year, cross-sectional organized collection of human perception and response data. The survey system enables individual National Weather Service Weather Forecast Offices (WFOs) to disseminate Quick Response Surveys (QRS) soon after a hazardous event occurs to collect perishable data on the public's perceptions and response to the event. WFOs distribute the QRS using web links on NWS social media and core partners' social media or email lists.

Surveys ask the public questions on timing, location, weather information sources, motivations and influences for taking protective action to gain insights into how NWS warning communications interact with these factors to result in protective action behaviors.

The collection is being revised to remove the longitudinal Weather and Society Survey. The agency no longer collects information using the longitudinal surveys.

**Affected Public:** Individuals or households.

**Frequency:** On occasion.

**Respondent's Obligation:** Voluntary.

**Legal Authority:** 15 U.S.C. Ch. 111, Weather Research and Forecasting Information.

This information collection request may be viewed at [www.reginfo.gov](http://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](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function and entering either the title of the collection or the OMB Control Number 0648–0805.

**Sheleen Dumas,**

*Departmental PRA Compliance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.*

[FR Doc. 2025–15489 Filed 8–13–25; 8:45 am]

**BILLING CODE 3510-KE-P**

## COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

### Procurement List; Additions

**AGENCY:** Committee for Purchase From People Who Are Blind or Severely Disabled.

**ACTION:** Additions to the Procurement List.

**SUMMARY:** This action adds product(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: September 14, 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](mailto:CMTEFedReg@AbilityOne.gov).

### SUPPLEMENTARY INFORMATION:

#### Additions

On April 10, 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 30634). This final notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51–2.3. The Committee has determined that the products listed below are suitable for procurement by the Federal Government and has added these products to the Procurement List. In accordance with 41 CFR 51–5.2, the Committee has authorized the qualified nonprofit agencies described with the products as the mandatory source of supply. Additionally, in accordance with 41 CFR 51–2.4, the Committee considered relevant information from the contracting activity that this product requirement is not applicable to other Federal entities and has granted the activity's requested preference for purchase or distribution. These products are not available through the Commission's Commercial Distribution Program, and other Federal entities wishing to purchase this product must contact the contracting activity listed directly for information on purchase availability.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the product(s) and impact of the additions on the current or most recent contractors, the Committee has determined that the product(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

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the product(s) to the Government.
2. The action will result in authorizing small entities to furnish the product(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) proposed for addition to the Procurement List.

### End of Certification

Accordingly, the following product(s) are added to the Procurement List:

#### Product(s)

**NSN(s)—Product Name(s):**

750061601N—Copy Paper, Premium Multi-Purpose, 8.5" x 11", 2500 Sheet Convenience Pack, 30% Recycled

750061602N—Copy Paper, Premium Multi-Purpose, Bulk, 8.5" x 11", 30% Recycled

**Authorized Source of Supply:** Association for Vision Rehabilitation and

Employment, Inc., Binghamton, NY

**Mandatory For:** Bureau of the Census

**Contracting Activity:** BUREAU OF THE CENSUS, DEPT OF COMM/BUREAU OF THE CENSUS

**Distribution:** C-List

**Michael R. Jurkowski,**

*Director, Business Operations.*

[FR Doc. 2025–15436 Filed 8–13–25; 8:45 am]

**BILLING CODE 6353-01-P**

## CONSUMER FINANCIAL PROTECTION BUREAU

[Docket No: CFPB–2025–0035]

### Privacy Act of 1974; System of Records

**AGENCY:** Consumer Financial Protection Bureau.

**ACTION:** Rescindment of a system of records notice.

**SUMMARY:** Pursuant to the Privacy Act of 1974, U.S.C. 552a, and Office of Management and Budget (OMB) Circular No. A–108, the Consumer Financial Protection Bureau (CFPB) proposes to rescind existing system of record "CFPB.023 Prize Competitions Program Records." This system of record was intended to enable the CFPB to manage its prize competition program authorized by the America COMPETES Reauthorization Act of 2010, select judges for CFPB sponsored prize competitions, maintain accounting and financial information associated with making authorized payments to companies or individuals who are CFPB sponsored prize competition awardees, develop reports to applicable Federal, state, and local taxing officials of taxable income, and to meet other reporting requirements. The CFPB is rescinding this System of Records Notice (SORN) because this system is not currently

maintained by CFPB, thereby making the SORN unnecessary.

**DATES:** Comments must be received no later than September 15, 2025. The rescindment of the system of records notice will be effective September 23, 2025 unless the comments received result in a contrary determination.

**ADDRESSES:** You may submit comments, identified by the title and docket number (see above Docket No. CFPB–2025–0035), by any of the following methods:

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments.

- *Email:* [privacy@cfpb.gov](mailto:privacy@cfpb.gov). Include Docket No. CFPB–2025–0035 in the subject line of the email.

- *Mail/Hand Delivery/Courier:* Kathryn Fong, Chief Privacy Officer, Consumer Financial Protection Bureau, 1700 G Street NW, Washington, DC 20552. Because paper mail in the Washington, DC area and at CFPB is subject to delay, commenters are encouraged to submit comments electronically.

All submissions must include the agency name and docket number for this notice. In general, all comments received will be posted without change to <https://www.regulations.gov>. All comments, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. You should submit only information that you wish to make available publicly. Sensitive personal information, such as account numbers or Social Security numbers, should not be included.

**FOR FURTHER INFORMATION CONTACT:** Kathryn Fong, Chief Privacy Officer, (202) 435–7058. If you require this document in an alternative electronic format, please contact [CFPB\\_Accessibility@cfpb.gov](mailto:CFPB_Accessibility@cfpb.gov).

**SUPPLEMENTARY INFORMATION:** The CFPB rescinds its Privacy Act SORN “CFPB.023 Prize Competitions Program Records” as the prize competition program was never implemented; therefore CFPB has not collected, used, or maintained any information within this system of record. Rescindment of this SORN will promote the overall streamlining and management of Privacy Act record systems for the CFPB.

**SYSTEM NAME AND NUMBER:**

CFPB.023—Prize Competitions Program Records.

**HISTORY:**

77 FR 64962 (Oct. 24, 2012); 83 FR 23435 (May 21, 2018).

**Kathryn Fong,**

*Chief Privacy Officer, Consumer Financial Protection Bureau.*

[FR Doc. 2025–15452 Filed 8–13–25; 8:45 am]

**BILLING CODE 4810–AM–P**

**DEPARTMENT OF DEFENSE**

**Office of the Secretary**

**[Docket ID: DoD–2025–OS–0002]**

**Submission for OMB Review; Comment Request**

**AGENCY:** Office of the Under Secretary of Defense for Research and Engineering (OUSD(R&E)), Department of Defense (DoD).

**ACTION:** 30-Day information collection notice.

**SUMMARY:** The DoD has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

**DATES:** Consideration will be given to all comments received by September 15, 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](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

**FOR FURTHER INFORMATION CONTACT:**

Reginald Lucas, (571) 372–7574, [whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil](mailto:whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil).

**SUPPLEMENTARY INFORMATION:**

*Title; Associated Form; and OMB Number:* Research Performance Progress Report (RPPR); OMB Control Number 0704–0527.

*Type of Request:* Revision.  
*Number of Respondents:* 2,000.  
*Responses per Respondent:* 2.  
*Annual Responses:* 4,000.  
*Average Burden per Response:* 6 hours.

*Annual Burden Hours:* 24,000.  
*Needs and Uses:* The information collection requirement is necessary to: (a) Monitor Federal awards and ensure compliance with applicable terms and conditions of award regulations, policies, and procedures; (b) evaluate progress/completion in accordance with

goals, aims, and objectives set forth in competing applications and to determine if the grantee satisfactorily met the objectives of the program; (c) evaluate grantee plans for the next budget period and any significant changes; (d) manage scientific programs; (e) plan future scientific initiatives; (f) determine funding for the next budget segment; (g) identify any publications, inventions, property disposition, and other required elements to close out the grant in a timely manner; and (f) complete reports to Congress, the public, and other Federal agencies.

*Affected Public:* Business or other for-profit; not-for-profit institutions; and state, local, or tribal government.

*Frequency:* Semi-annually.

*Respondent's Obligation:* Voluntary.

*DOD Clearance Officer:* Mr. Reginald Lucas.

Dated: August 11, 2025.

**Stephanie J. Bost,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2025–15416 Filed 8–13–25; 8:45 am]

**BILLING CODE 6001–FR–P**

**DEPARTMENT OF ENERGY**

**Agency Information Collection Extension**

**AGENCY:** U.S. Department of Energy.

**ACTION:** Notice of request for comments.

**SUMMARY:** The Department of Energy (DOE) 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 October 14, 2025. If you anticipate any difficulty in submitting comments within that period, contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section as soon as possible.

**ADDRESSES:** Written comments may be sent to Bonneville Power Administration, Attn: Stephanie Noell, Privacy Program, CGI–7, PO Box 3621, Portland, OR 97208–3621, or by email at [privacy@bpa.gov](mailto:privacy@bpa.gov).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Attn: Stephanie Noell, Privacy Program, by email at [privacy@bpa.gov](mailto:privacy@bpa.gov), or by phone at (503) 230–3881.

**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.*: 1910–5196;
  - (2) *Information Collection Request Title*: Aircraft Services;
  - (3) *Type of Request*: Extension;
  - (4) *Purpose*: This information collection is associated with BPA's management and oversight of personnel flying on BPA planes and helicopter. Employees, non-employees, contractors, and the general public complete the following form: BPA F 4450.01e Flight Request and contractors complete the following form: BPA F 4450.04e Contract Worker—Authorization for Travel on BPA Aircraft;
  - (5) *Annual Estimated Number of Respondents*: 1,000;
  - (6) *Annual Estimated Number of Total Responses*: 1,000;
  - (7) *Annual Estimated Number of Burden Hours*: 100;
  - (8) *Annual Estimated Reporting and Recordkeeping Cost Burden*: \$0.
- Statutory Authority: FAA—H–80831A—Aircraft Weight & Balance Regulation, 16 U.S.C. 832 *et seq.*, 16 U.S.C. 838 *et seq.*, 16 U.S.C. 839 *et seq.*, and 41 CFR 300–304.

#### Signing Authority

This document of the Department of Energy was signed on August 12, 2025, by Candice Palen, Information Collection Clearance Manager, Bonneville Power Administration, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on August 12, 2025.

**Treena V. Garrett,**

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

[FR Doc. 2025–15496 Filed 8–13–25; 8:45 am]

**BILLING CODE 6450–01–P**

#### DEPARTMENT OF ENERGY

##### Notice of the Department of Energy Freedom of Information Act (FOIA) “Still Interested” Inquiry

**AGENCY:** Office of the General Counsel, Department of Energy.

**ACTION:** Notice.

**SUMMARY:** The Department of Energy Headquarters (DOE HQ) is providing this notice regarding its efforts to increase efficiency, reduce the backlog of Freedom of Information Act (FOIA) requests, and assist those requesters still interested in with processing FOIA requests. This notice applies to requesters that are still interested in having DOE HQ process FOIA request(s) filed prior to Fiscal Year (FY) 2025 (*i.e.*, any FOIA request submitted to DOE HQ prior to October 1, 2024). This notice does not apply to FOIA requests made to the National Nuclear Security Administration (NNSA), the Federal Energy Regulatory Commission (FERC), or any DOE field site. This notice does not alter any of DOE's existing FOIA regulations.

**DATES:** All responses to this notice will be accepted on or before September 15, 2025.

**ADDRESSES:** All responses to this notice must be submitted by email at [StillInterestedFOIA@hq.doe.gov](mailto:StillInterestedFOIA@hq.doe.gov).

**FOR FURTHER INFORMATION CONTACT:** Todd Burns, FOIA Officer, 202–586–2918; [StillInterestedFOIA@hq.doe.gov](mailto:StillInterestedFOIA@hq.doe.gov).

**SUPPLEMENTARY INFORMATION:** Pursuant to 5 U.S.C. 552, and in alignment with the Department of Justice's guidance on the use of “Still Interested” letters, DOE HQ is attempting to reach a large number of requesters to determine whether to continue processing DOE HQ FOIA request(s), or administratively close DOE HQ FOIA requests to maximize government resources.

DOE's incoming FOIA requests have more than tripled in the past four years, with over 4,000 requests received in FY24, and an expected 5,000 or more requests in FY25. DOE has limited resources to process the burgeoning number of FOIA requests. Additionally, due to the advancements in technology, DOE is being inundated with requests from vexatious requesters and

automated bots. These requesters rarely respond to DOE inquiries to reformulate non-confirming requests, and contribute to processing bottlenecks. Therefore, DOE is undertaking this endeavor as an attempt to free up government resources to better serve the American people and focus its efforts on more efficiently connecting the citizenry with the work of its government.

Requesters who submitted a FOIA request to DOE HQ at any time prior to October 1, 2024 (FY25), that is still open and is not under active litigation with DOE (or another Federal agency) shall email [StillInterestedFOIA@hq.doe.gov](mailto:StillInterestedFOIA@hq.doe.gov) to continue processing of the FOIA request. Please note that the foregoing applies to FOIA requests submitted to another agency, which were transferred to DOE and provided with a DOE control number.

The email correspondence must include the specific DOE HQ FOIA control number(s) (*e.g.*, HQ–2024–xxxxx–F) and a request that DOE HQ continue processing the request(s). All responses should be received *no later than 30 days* from the date of this notice.

DOE is also issuing emails to those addresses on file, referring requesters to this notice. Please note however that DOE will only be accepting responses to this notice at the email address provided above. Responses sent to any other email address or via any other means may result in an inadvertent closure of the FOIA request(s).

Due to the voluminous number of FOIA requests that DOE manages, please note that a response with the DOE HQ FOIA control number(s) is required to keep the request open. If DOE HQ does not receive a response from requesters within the 30-day time-period with a DOE control number, no further action will be taken on the open FOIA request(s), and the file may be administratively closed.

This notice only applies to DOE HQ FOIA requests and does not include requests made to the National Nuclear Security Administration (NNSA), or the Federal Energy Regulatory Commission (FERC), or any DOE field site. It also does not apply to any FOIA requests under active litigation with DOE. Finally, this notice does not alter any of DOE's existing FOIA regulations.

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

#### Signing Authority

This document of the Department of Energy was signed on August 12, 2025, by Jeffrey Novak, Acting General Counsel, Office of the General Counsel, pursuant to delegated authority from the Secretary of Energy. The document with

the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on August 12, 2025.

**Treena V. Garrett,**

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

[FR Doc. 2025–15490 Filed 8–13–25; 8:45 am]

**BILLING CODE 6450–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

*Docket Numbers:* EC25–123–000.

*Applicants:* Carroll County Energy LLC, South Field Energy LLC, AL Advanced Power Holdings, Inc.

*Description:* Joint Application for Authorization Under Section 203 of the Federal Power Act of Carroll County Energy LLC, et al.

*Filed Date:* 8/4/25.

*Accession Number:* 20250804–5192.

*Comment Date:* 5 p.m. ET 9/18/25.

*Docket Numbers:* EC25–125–000.

*Applicants:* Moxie Freedom LLC, Talen Generation, LLC.

*Description:* Joint Application for Authorization Under Section 203 of the Federal Power Act of Moxie Freedom LLC, et al.

*Filed Date:* 8/6/25.

*Accession Number:* 20250806–5206.

*Comment Date:* 5 p.m. ET 9/22/25.

Take notice that the Commission received the following exempt wholesale generator filings:

*Docket Numbers:* EG25–434–000.

*Applicants:* Garnet Energy Center, LLC.

*Description:* Garnet Energy Center, LLC submits Notice of Self–Certification of Exempt Wholesale Generator Status.

*Filed Date:* 8/8/25.

*Accession Number:* 20250808–5191.

*Comment Date:* 5 p.m. ET 8/29/25.

*Docket Numbers:* EG25–435–000.

*Applicants:* Manila Solar, LLC.

*Description:* Manila Solar, LLC submits Notice of Self–Certification of Exempt Wholesale Generator Status.

*Filed Date:* 8/8/25.

*Accession Number:* 20250808–5193.

*Comment Date:* 5 p.m. ET 8/29/25.

*Docket Numbers:* EG25–436–000.

*Applicants:* Red Butte Wind, LLC.

*Description:* Red Butte Wind, LLC submits Notice of Self–Certification of Exempt Wholesale Generator Status.

*Filed Date:* 8/8/25.

*Accession Number:* 20250808–5201.

*Comment Date:* 5 p.m. ET 8/29/25.

*Docket Numbers:* EG25–437–000.

*Applicants:* Three Waters Wind Farm, LLC.

*Description:* Three Waters Wind Farm, LLC submits Notice of Self–Certification of Exempt Wholesale Generator Status.

*Filed Date:* 8/8/25.

*Accession Number:* 20250808–5204.

*Comment Date:* 5 p.m. ET 8/29/25.

*Docket Numbers:* EG25–438–000.

*Applicants:* Trelina Solar Energy Center, LLC.

*Description:* Trelina Solar Energy Center, LLC submits Notice of Self–Certification of Exempt Wholesale Generator Status.

*Filed Date:* 8/8/25.

*Accession Number:* 20250808–5205.

*Comment Date:* 5 p.m. ET 8/29/25.

*Docket Numbers:* EG25–439–000.

*Applicants:* Tupelo Brake Solar, LLC.

*Description:* Tupelo Brake Solar, LLC submits Notice of Self–Certification of Exempt Wholesale Generator Status.

*Filed Date:* 8/8/25.

*Accession Number:* 20250808–5206.

*Comment Date:* 5 p.m. ET 8/29/25.

*Docket Numbers:* EG25–440–000.

*Applicants:* Escalante BESS I LLC.

*Description:* Escalante BESS I LLC submits Notice of Self–Certification of Exempt Wholesale Generator Status.

*Filed Date:* 8/11/25.

*Accession Number:* 20250811–5074.

*Comment Date:* 5 p.m. ET 9/2/25.

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER25–2430–001.

*Applicants:* Southwest Power Pool, Inc.

*Description:* Tariff Amendment: Deficiency Response in ER25–2430—Revisions to Implement Provisional Load to be effective 8/4/2025.

*Filed Date:* 8/11/25.

*Accession Number:* 20250811–5076.

*Comment Date:* 5 p.m. ET 9/2/25.

*Docket Numbers:* ER25–2961–000.

*Applicants:* Lafitte Solar, LLC.

*Description:* Supplement to 07/23/2025, Lafitte Solar, LLC tariff filing.

*Filed Date:* 7/31/25.

*Accession Number:* 20250731–5301.

*Comment Date:* 5 p.m. ET 8/21/25.

*Docket Numbers:* ER25–3061–001.

*Applicants:* Duke Energy Progress, LLC.

*Description:* Tariff Amendment: Errata to Updated Nuclear Decommissioning Expense Filing to be effective 10/1/2025.

*Filed Date:* 8/8/25.

*Accession Number:* 20250808–5196.

*Comment Date:* 5 p.m. ET 8/29/25.

*Docket Numbers:* ER25–3124–000.

*Applicants:* Dairyland Power Cooperative, MRP Elgin LLC, MRP Rocky Road LLC.

*Description:* Dairyland Power Cooperative, submits a limited waiver request of Section 6.6(g) of Attachment DD of the PJM OATT, for exception to the must-offer requirement of 2027/2028 Delivery Year.

*Filed Date:* 8/7/25.

*Accession Number:* 20250807–5135.

*Comment Date:* 5 p.m. ET 8/28/25.

*Docket Numbers:* ER25–3136–000.

*Applicants:* Blue Moon Energy LLC.

*Description:* Initial Rate Filing:

Application for Market Based Rate to be effective 10/8/2025.

*Filed Date:* 8/8/25.

*Accession Number:* 20250808–5195.

*Comment Date:* 5 p.m. ET 8/29/25.

*Docket Numbers:* ER25–3137–000.

*Applicants:* ISO New England Inc.

*Description:* ISO New England Inc. Capital Budget Quarterly Filing for 2nd Quarter of 2025.

*Filed Date:* 8/8/25.

*Accession Number:* 20250808–5207.

*Comment Date:* 5 p.m. ET 8/29/25.

*Docket Numbers:* ER25–3138–000.

*Applicants:* Flat Ridge 5 Wind Energy LLC.

*Description:* Tariff Amendment: MBR Tariff Cancellation to be effective 12/31/9998.

*Filed Date:* 8/8/25.

*Accession Number:* 20250808–5215.

*Comment Date:* 5 p.m. ET 8/29/25.

*Docket Numbers:* ER25–3139–000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* § 205(d) Rate Filing: Original NSA, SA No. 7719; Queue No. AE2–113 to be effective 10/8/2025.

*Filed Date:* 8/8/25.

*Accession Number:* 20250808–5220.

*Comment Date:* 5 p.m. ET 8/29/25.

*Docket Numbers:* ER25–3141–000.

*Applicants:* Southwest Power Pool, Inc.

*Description:* § 205(d) Rate Filing: 3023R4 Panama Energy Center GIA to be effective 7/23/2025.

*Filed Date:* 8/11/25.

*Accession Number:* 20250811–5006.  
*Comment Date:* 5 p.m. ET 9/2/25.  
*Docket Numbers:* ER25–3142–000.  
*Applicants:* PJM Interconnection, L.L.C.

*Description:* § 205(d) Rate Filing: Amendment to ISA ICSA, SA Nos. 5562 5563; AB2–032/AB2–153 to be effective 10/11/2025.

*Filed Date:* 8/11/25.

*Accession Number:* 20250811–5022.

*Comment Date:* 5 p.m. ET 9/2/25.

*Docket Numbers:* ER25–3143–000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* § 205(d) Rate Filing: Original Construction Service Agreement No. 7730; NYISO Project Identifier Q1080 to be effective 7/15/2025.

*Filed Date:* 8/11/25.

*Accession Number:* 20250811–5052.

*Comment Date:* 5 p.m. ET 9/2/25.

*Docket Numbers:* ER25–3144–000.

*Applicants:* Escalante BESS I LLC.

*Description:* § 205(d) Rate Filing: Market-Based Rate Application and Request for Waivers and Blanket Approvals to be effective 10/11/2025.

*Filed Date:* 8/11/25.

*Accession Number:* 20250811–5058.

*Comment Date:* 5 p.m. ET 9/2/25.

*Docket Numbers:* ER25–3145–000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* § 205(d) Rate Filing: Rev to PJM Tariff, Parts VII, VIII & IX RE: Interconnection Process GDECS No. 2 to be effective 8/12/2025.

*Filed Date:* 8/11/25.

*Accession Number:* 20250811–5064.

*Comment Date:* 5 p.m. ET 9/2/25.

*Docket Numbers:* ER25–3146–000.

*Applicants:* Midcontinent Independent System Operator, Inc.

*Description:* § 205(d) Rate Filing: 2025–08–11 SA 4266 Ameren IL 1st Rev MPFCA J1199 J1453 J1454 (Havana) to be effective 10/11/2025.

*Filed Date:* 8/11/25.

*Accession Number:* 20250811–5092.

*Comment Date:* 5 p.m. ET 9/2/25.

*Docket Numbers:* ER25–3147–000.

*Applicants:* MATL LLP.

*Description:* § 205(d) Rate Filing: Cutbank Solar LGIA Filing to be effective 8/5/2025.

*Filed Date:* 8/11/25.

*Accession Number:* 20250811–5100.

*Comment Date:* 5 p.m. ET 9/2/25.

The filings are accessible in the Commission's eLibrary system by clicking on the links or 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](mailto:OPP@ferc.gov).

Dated: August 11, 2025.

**Carlos D. Clay,**

*Deputy Secretary.*

[FR Doc. 2025–15456 Filed 8–13–25; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 8606–010]

#### Erie Boulevard Hydropower, L.P.; Notice of Reasonable Period of Time for Water Quality Certification Application

On February 12, 2025, the New York State Department of Environmental Conservation (New York DEC) submitted to the Federal Energy Regulatory Commission (Commission) notice 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 Erie Boulevard Hydropower, L.P., in conjunction with the above captioned project on February 10, 2025. Pursuant to Commissions regulations,<sup>1</sup> we hereby notify the New York DEC of the following:

*Date of Receipt of the Certification Request:* February 10, 2025.

*Reasonable Period of Time to Act on the Certification Request:* February 10, 2026.

If the New York 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: August 11, 2025.

**Debbie-Anne A. Reese,**

*Secretary.*

[FR Doc. 2025–15449 Filed 8–13–25; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP25–529–000]

#### Southern Star Central Gas Pipeline, Inc.; Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline

Take notice that on July 31, 2025, Southern Star Central Gas Pipeline, Inc. (Southern Star), 4700 State Route 56, Owensboro, Kentucky 42301, filed in the above referenced docket, a prior notice request pursuant to sections 157.205 and 157.216 of the Commission's regulations under the Natural Gas Act (NGA), and Southern Star's blanket certificate issued in Docket No. CP82–479–000, for authorization to abandon and permanently plug, Webb Well No. 208, a pressure recovery well located in the Webb Storage Field in Grant County, Oklahoma (Webb Well No. 208 Abandonment Project). Southern Star states the project will increase the operational integrity of the Webb Storage Field and eliminate the cost of maintaining facilities without affecting the overall performance of the storage field, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>). From the Commission's 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

<sup>1</sup> 18 CFR 4.201(e).

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](mailto: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](mailto:public.referenceroom@ferc.gov).

Any questions concerning this request should be directed to Jennifer Matthews, Manager, Regulatory, Southern Star Central Gas Pipeline, Inc., 4700 State Route 56, Owensboro, Kentucky 42301, by phone at (270) 316-2972 or by email to [jennifer.matthews@southernstar.com](mailto:jennifer.matthews@southernstar.com).

### Public Participation

There are three ways to become involved in the Commission's review of this project: you can file a protest to the project, you can file a motion to intervene in the proceeding, and you can file comments on the project. There is no fee or cost for filing protests, motions to intervene, or comments. The deadline for filing protests, motions to intervene, and comments is 5:00 p.m. Eastern Time on October 10, 2025. How to file protests, motions to intervene, and comments is explained below.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community organizations, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or [OPP@ferc.gov](mailto:OPP@ferc.gov).

### Protests

Pursuant to section 157.205 of the Commission's regulations under the NGA,<sup>1</sup> any person<sup>2</sup> or the Commission's staff may file a protest to the request. If no protest is filed within the time allowed or if a protest is filed and then withdrawn within 30 days after the allowed time for filing a protest, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request for

authorization will be considered by the Commission.

Protests must comply with the requirements specified in section 157.205(e) of the Commission's regulations,<sup>3</sup> and must be submitted by the protest deadline, which is 5:00 p.m. Eastern Time on October 10, 2025. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

### Interventions

Any person has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure<sup>4</sup> and the regulations under the NGA<sup>5</sup> by the intervention deadline for the project, which is 5:00 p.m. Eastern Time on October 10, 2025. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at <https://www.ferc.gov/resources/guides/how-to/intervene.asp>.

All timely, unopposed motions to intervene are automatically granted by operation of Rule 214(c)(1). Motions to intervene that are filed after the intervention deadline are untimely and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

### Comments

Any person wishing to comment on the project may do so. The Commission

considers all comments received about the project in determining the appropriate action to be taken. To ensure that your comments are timely and properly recorded, please submit your comments on or before 5:00 p.m. Eastern Time on October 10, 2025. *The filing of a comment alone will not serve to make the filer a party to the proceeding.* To become a party, you must intervene in the proceeding.

### How To File Protests, Interventions, and Comments

There are two ways to submit protests, motions to intervene, and comments. In both instances, please reference the Project docket number CP25-529-000 in your submission.

(1) You may file your protest, motion to intervene, and comments by using the Commission's eFiling feature, which is located on the Commission's website ([www.ferc.gov](http://www.ferc.gov)) under the link to Documents and Filings. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making; first select "General" and then select "Protest", "Intervention", or "Comment on a Filing"; or<sup>6</sup>

(2) You can file a paper copy of your submission by mailing it to the address below. Your submission must reference the Project docket number CP25-529-000.

*To file via USPS:* Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

*To file via any other method:* Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of submissions (option 1 above) and has eFiling staff available to assist you at (202) 502-8258 or [FercOnlineSupport@ferc.gov](mailto:FercOnlineSupport@ferc.gov).

Protests and motions to intervene must be served on the applicant either by mail at: Jennifer Matthews, Manager, Regulatory, Southern Star Central Gas Pipeline, Inc., 4700 State Route 56, Owensboro, Kentucky 42301, or by email (with a link to the document) at [jennifer.matthews@southernstar.com](mailto:jennifer.matthews@southernstar.com). Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for

<sup>6</sup> Additionally, you may file your comments electronically by using the eComment feature, which is located on the Commission's website at [www.ferc.gov](http://www.ferc.gov) under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project.

<sup>1</sup> 18 CFR 157.205.

<sup>2</sup> Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

<sup>3</sup> 18 CFR 157.205(e).

<sup>4</sup> 18 CFR 385.214.

<sup>5</sup> 18 CFR 157.10.

parties can be downloaded from the service list at the eService link on FERC Online.

#### Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from the Commission's Office of External Affairs, at (866) 208- FERC, or on the FERC website at [www.ferc.gov](http://www.ferc.gov) using the "eLibrary" link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to [www.ferc.gov/docs-filing/esubscription.asp](http://www.ferc.gov/docs-filing/esubscription.asp).

Dated: August 11, 2025.

**Debbie-Anne A. Reese,**  
Secretary.

[FR Doc. 2025-15448 Filed 8-13-25; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 4113-067]

#### Oswego Hydro Partners, L.P.; Notice of Intent To Prepare an Environmental Assessment

On February 27, 2024, Oswego Hydro Partners, L.P. filed a relicense application for the 3.18-megawatt Phoenix Hydroelectric Project No. 4113. The project is located on the Oswego, Oneida, and Seneca Rivers in Onondaga and Oswego counties, New York.

In accordance with the Commission's regulations, on June 2, 2025, Commission staff issued a notice that the project was ready for environmental analysis (REA notice). Based on the information in the record, including comments filed on the REA notice, staff does not anticipate that licensing the project would constitute a major federal action significantly affecting the quality of the human environment. Therefore, staff intends to prepare an environmental assessment (EA) on the application to relicense the project.<sup>1</sup>

<sup>1</sup> For tracking purposes under the National Environmental Policy Act, the unique identification

The EA will be issued and circulated for review by all interested parties. All comments filed on the EA will be analyzed by staff and considered in the Commission's final licensing decision.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community organizations, Tribal members, and others access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or [OPP@ferc.gov](mailto:OPP@ferc.gov).

The application will be processed according to the following schedule. Revisions to the schedule may be made as appropriate.

| Milestone            | Target date      |
|----------------------|------------------|
| Commission issues EA | August 11, 2026. |

Any questions regarding this notice may be directed to Joshua Dub by telephone at (202) 502-8138 or by email at [Joshua.Dub@ferc.gov](mailto:Joshua.Dub@ferc.gov).

Dated: August 11, 2025.

**Debbie-Anne A. Reese,**  
Secretary.

[FR Doc. 2025-15451 Filed 8-13-25; 8:45 am]

BILLING CODE 6717-01-P

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-12926-01-R6]

#### Clean Air Act Operating Permit Program; Petition for Objection to State Operating Permit for Valero Energy Partners, L.P., Harris County, Texas

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of final order on petition.

**SUMMARY:** The Environmental Protection Agency (EPA) Administrator signed an Order dated July 18, 2025, granting in part and denying in part a petition dated December 3, 2024, from Texas Environmental Justice Advocacy Services, Caring for Pasadena Communities, and Lone Star Chapter of the Sierra Club (the Petitioners). The petition requested that the EPA object to a Clean Air Act (CAA) title V operating permit issued by the Texas Commission

number for documents relating to this environmental review is EAXX-019-20-000-175790446.

on Environmental Quality (TCEQ) to Valero Energy Partners, L.P., for its Valero Houston Refinery Tank Farm located in Harris County, Texas.

**FOR FURTHER INFORMATION CONTACT:** Aimee Wilson, EPA Region 6 Office, Air Permits Section, (214) 665-7596, [wilson.aimee@epa.gov](mailto:wilson.aimee@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 Texas Environmental Justice Advocacy Services, Caring for Pasadena Communities, and Lone Star Chapter of the Sierra Club dated December 3, 2024, requesting that the EPA object to the issuance of operating permit No. O3784, issued by TCEQ to Valero Energy Partners, L.P., for its Valero Houston Refinery Tank Farm located in Harris County, Texas. On July 18, 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 October 14, 2025.

Dated: August 12, 2025.

**James McDonald,**  
Director, Air and Radiation Division, Region 6.

[FR Doc. 2025-15494 Filed 8-13-25; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-12900-01-R8]

#### Clean Air Act Operating Permit Program; Order on Petition for Objection to State Operating Permit for Kinder Morgan Altamont, LLC— Altamont South Compressor Station

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of final order on petition.

**SUMMARY:** The Environmental Protection Agency (EPA) Administrator signed an order dated May 30, 2025, granting a petition dated October 15, 2024, from the Center for Biological Diversity. The petition requested that the EPA object to a Clean Air Act (CAA) operating permit issued by the Utah Department of Environmental Quality (UDEQ) to Kinder Morgan Altamont, LLC for its

compressor station located in Duchesne, County.

**FOR FURTHER INFORMATION CONTACT:** Julia Witteman, EPA Region 8, telephone number: (303) 312-6156, email address: [witteman.julia@epa.gov](mailto:witteman.julia@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 the Center for Biological Diversity dated October 15, 2024, requesting that the EPA object to the issuance of operating permit no. 1300041005, issued by UDEQ to Kinder Morgan Altamont, LLC in Duchesne County Utah. On May 30, 2025, the EPA Administrator issued an order granting the petition. The order itself explains the basis for the EPA's decision.

**Cyrus Western,**

*Regional Administrator, Region 8.*

[FR Doc. 2025-15444 Filed 8-13-25; 8:45 am]

**BILLING CODE 6560-50-P**

## FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-1104; FR ID 307849]

### Information Collection Being Reviewed by the Federal Communications Commission

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice and request for comments.

**SUMMARY:** As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control

number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

**DATES:** Written PRA comments should be submitted on or before October 14, 2025. If you anticipate that you will be submitting comments but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESSES:** Direct all PRA comments to Cathy Williams, FCC, via email [PRA@fcc.gov](mailto:PRA@fcc.gov) and to [Cathy.Williams@fcc.gov](mailto:Cathy.Williams@fcc.gov).

**FOR FURTHER INFORMATION CONTACT:** For additional information about the information collection, contact Cathy Williams at (202) 418-2918.

**SUPPLEMENTARY INFORMATION:**

*OMB Control Number:* 3060-1104.

*Title:* Section 73.682(d), DTV

Transmission and Program System and Information Protocol ("PSIP") Standards.

*From 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.

Federal Communications Commission.

**Marlene Dortch,**

*Secretary.*

[FR Doc. 2025-15437 Filed 8-13-25; 8:45 am]

**BILLING CODE 6712-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

[OMB #:0970-0467]

### Proposed Information Collection Activity; Trafficking Victim Assistance Program Data

**AGENCY:** Office on Trafficking in Persons, Administration for Children and Families, Department of Health and Human Services.

**ACTION:** Request for public comments.

**SUMMARY:** The Office on Trafficking in Persons (OTIP), Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS), is requesting an extension of approval with revisions of an Office of Management and Budget (OMB) approved information collection: Trafficking Victim Assistance Program (TVAP) Data (OMB #0970-0467; expiration date February 28, 2026).

**DATES:** *Comments due October 14, 2025.*

**ADDRESSES:** In compliance with the requirements of the Paperwork Reduction Act of 1995, ACF is soliciting public comment on the specific aspects of the information collection described above. You can obtain copies of the proposed collection of information and submit comments by emailing [infocollection@acf.hhs.gov](mailto:infocollection@acf.hhs.gov). Identify all requests by the title of the information collection.

**SUPPLEMENTARY INFORMATION:**

*Description:* The Trafficking Victims Protection Act of 2000 (TVPA), as amended, authorizes the Secretary of

HHS to expand benefits and services to victims of severe forms of trafficking in persons in the U.S. Through TVAP, grant recipients provide time-limited comprehensive case management services to confirmed and potential victims of a severe form of human trafficking, as defined by TVPA, as amended, who are seeking or have received HHS certification. Case management services must be provided to qualified persons directly by full-time case managers that are staffed by the prime recipient and may also be provided through a network of per capita service providers.

OTIP proposes to continue to collect information to measure grant project performance, provide technical

assistance to grant recipients, assess program outcomes, inform program evaluation, respond to congressional inquiries and mandated reports, and inform policy and program development that is responsive to the needs of victims.

The information collection captures information on participant demographics (e.g., age, sex, type of trafficking experienced, service location) and services provided, along with aggregate information on outreach activities conducted, subrecipients enrolled, and dollars spent per service. Minor nonsubstantive updates have been made to performance indicators under this collection to simplify response options or to bring the

collection into alignment with OTIP's grant recipient reporting database, the Anti-Trafficking Information Management System (ATIMS).

*Respondents:* TVAP grant recipients and clients of those programs, specifically: TVAP and the Aspire: Child Trafficking Victim Assistance Demonstration Program funding recipients.

#### Annual Burden Estimates

Based on review of performance data received pertaining to the number of clients served through TVAP programs and funding levels, the total number of respondents for each form has been lowered. The time to complete each form remains the same.

| Instrument                                        | Total number of respondents | Total number of responses per respondent | Average burden hours per response | Total burden hours | Annual burden hours |
|---------------------------------------------------|-----------------------------|------------------------------------------|-----------------------------------|--------------------|---------------------|
| Client Characteristics and Program Entry .....    | 5,300                       | 1                                        | 0.75                              | 3,975              | 1,325               |
| Client Case Closure .....                         | 5,300                       | 1                                        | 0.167                             | 885                | 295                 |
| Barriers to Service Delivery and Monitoring ..... | 120                         | 4                                        | 0.167                             | 80                 | 27                  |
| Client Service Use and Delivery .....             | 5,300                       | 1                                        | 0.25                              | 1,325              | 442                 |
| Client Outreach .....                             | 120                         | 4                                        | 0.3                               | 144                | 48                  |
| Subrecipient Enrollment .....                     | 60                          | 3                                        | 0.167                             | 30                 | 10                  |
| Client Service Costs .....                        | 60                          | 1                                        | 0.5                               | 30                 | 10                  |

*Estimated Total Annual Burden Hours:* 2,157.

*Comments:* The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) 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. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

*Authority:* 22 U.S.C. 7105.

**Mary C. Jones,**

*ACF/OPRE Certifying Officer.*

[FR Doc. 2025-15474 Filed 8-13-25; 8:45 am]

**BILLING CODE 4184-47-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

[OMB #: 0970-0338]

#### Proposed Information Collection Activity; 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 3-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:** *Comments due October 14, 2025.* In compliance with the requirements of the Paperwork Reduction Act of 1995, ACF is soliciting public comment on the specific aspects of the information collection described above.

**ADDRESSES:** You can obtain copies of the proposed collection of information and submit comments by emailing [infocollection@acf.hhs.gov](mailto:infocollection@acf.hhs.gov). Identify all

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. 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." FRA, 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 Temporary Assistance for Needy Families (TANF) agencies.

#### Annual Burden Estimates

The following table includes all information collections currently approved under this OMB number. This revision request only proposes changes

to the content of the first row: *Caseload Reduction Credit Documentation Process, Form ACF–202 §§ 261.41 & 261.44*. The revisions do not change currently approved burden estimates.

| Instrument                                                                                            | Total number of respondents | Total number of responses per respondent | Average burden hours per response | Annual burden hours |
|-------------------------------------------------------------------------------------------------------|-----------------------------|------------------------------------------|-----------------------------------|---------------------|
| Caseload Reduction Credit Documentation Process, ACF–202 §§ 261.41 & 261.44 .....                     | 54                          | 1                                        | 120                               | 6,480               |
| Reasonable Cause/Corrective Compliance Documentation Process §§ 262.4, 262.6, & 262.7; § 261.51 ..... | 54                          | 2                                        | 240                               | 25,920              |
| TANF Data Report Part 265 .....                                                                       | 54                          | 4                                        | 2,100                             | 453,600             |
| Separate State Program—Maintenance of Effort Data Report—Part 265 .....                               | 29                          | 4                                        | 714                               | 82,824              |
| TANF Sampling and Statistical Methods Manual § 265.5 .....                                            | 30                          | 4                                        | 48                                | 5,760               |
| Preparation and Submission of Data Verification Procedures §§ 261.60–261.63 .....                     | 54                          | 1                                        | 640                               | 34,560              |
| Estimated Total Annual Burden Hours .....                                                             | .....                       | .....                                    | .....                             | 609,144             |

*Comments:* The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) 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. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

**Authority:** 42 U.S.C. 607(b)(3); FRA Pub. L. 118–5, 301, 137 Stat. 34.

**Mary C. Jones,**  
ACF/OPRE Certifying Officer.

[FR Doc. 2025–15471 Filed 8–13–25; 8:45 am]

**BILLING CODE 4184–36–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

[OMB #: 0970–0278]

#### Submission for Office of Management and Budget Review; Unaccompanied Alien Children Sponsor Application Packet

**AGENCY:** Office of Refugee Resettlement, Administration for Children and Families, U.S. Department of Health and Human Services.

**ACTION:** Request for public comments.

**SUMMARY:** The Office of Refugee Resettlement (ORR), Administration for Children and Families (ACF), U.S. Department of Health and Human Services, is inviting public comments on revisions to an approved information collection. The request consists of several instruments that allow the Unaccompanied Alien Children Bureau to assess the suitability of potential sponsors for unaccompanied alien children. Note this information collection was previously titled Family Reunification Application for Sponsors of Unaccompanied Alien Children and has been retitled at the direction of ORR leadership.

**DATES:** *Comments due* September 15, 2025.

**ADDRESSES:** The public may view and comment on this information collection request at: [https://www.reginfo.gov/public/do/PRAViewICR?ref\\_nbr=\[ICR Ref No.\]](https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=[ICR Ref No.]). You can also obtain copies of the proposed collection of information by emailing [infocollection@acf.hhs.gov](mailto:infocollection@acf.hhs.gov). Identify all emailed requests by the title of the information collection.

#### SUPPLEMENTARY INFORMATION:

*Description:* ORR is proposing three new instruments and revisions to existing instruments under this information collection. Descriptions of the new instruments and proposed revisions for existing instruments are listed below and include terminology updates requested by the current Administration.

Additionally, ORR proposes changing the title of this this information collection from “Family Reunification Packet for Sponsors of Unaccompanied Children” to “Unaccompanied Alien Children Sponsor Application Packet” to better reflect the purpose of the

information collection. ORR plans to make the instruments available in English and Spanish. English is the official language and authoritative version of all federal information.

#### New Instruments

- *Affidavit of Financial Support (Form SAP–8):* This instrument may be used by sponsors to fulfill the proof of income requirement in Form SAP–3. The instrument is used as evidence that the sponsor receives financial support from another individual, thereby demonstrating that there are sufficient financial resources to provide for the physical and mental well-being of the child. The expected respondents of this form are individuals financially supporting the sponsor and potential sponsors.

- *Sponsor Application for Ms. L Separation Cases (Form SAP–9):* This instrument is a shorter version of the Sponsor Application (Form SAP–3) that is used as part of the streamlined reunification process required under the *Ms. L* Settlement Agreement. The form mostly collects the same information about the sponsor as Form SAP–3, except that fields asking for information about household members or alternate caregivers are not included. The expected respondents of this form are *Ms. L* class members (generally, parents and legal guardians who were separated from their child when taken into custody by the Department of Homeland Security for a reason that is not permissible under the Settlement).

- *DNA Testing Instructions (Form SAP–10):* This instrument informs potential sponsors of ORR's DNA testing requirement. ORR requires DNA testing to support proof of relationship between the potential sponsor and the child

when the sponsor purports to be biologically related to the child. ORR requires DNA results that confirm biological parentage, biological grandparentage, avuncular relationship (when an uncle or aunt is a full sibling to a parent), or siblingship (full or half), to establish biological relationship with the child. The expected respondents of this instrument are potential sponsors.

#### Revisions to Existing Instruments

- *All Instruments:*
  - Replace “unaccompanied child” or “UC” with “unaccompanied alien child” or “UAC”
  - Replace “case manager” with “sponsor specialist”
- *Authorization for Release of Information (Form SAP-2):* This instrument collects respondents’ written consent to background investigations with Federal, State, or local law enforcement and/or child welfare agencies, and information to allow ORR to make a determination of whether the unaccompanied alien child will be safe in the custody of the potential sponsor, as well as other adult household members. The expected respondents of this instrument are, under certain circumstances, potential sponsors, adult household members, and alternate adult caregivers.
  - Remove “in black ink” from the instruction at the top of the form to reflect that ORR accepts both wet and electronic signatures for this form.
  - Add a column in the “Other name you have used” table where sponsor applicants can indicate whether they are still using any of the other names they list
  - Add a field to collect either a Social Security Number or Tax Identification Number (if applicable) as required by Public Law (Pub. L.) 119–21 Section 87001(b)(1)(B)
  - Revise instructions in the address section to require addresses from age 18 to present to align with state/local sex offender registry check requirements.
  - Add an attestation that the respondent understands the penalties for knowingly and willfully making false statement under 18 U.S.C. 1001
  - Add an attestation the sponsor specialist must complete if they have assisted the sponsor applicant with entering information into the form
- *Sponsor Application (Form SAP-3):* This form collects information related to the potential sponsor’s ability to provide for the unaccompanied alien child’s mental and physical well-being. ORR uses the information collected to determine the suitability of a potential sponsor as a custodian of an unaccompanied alien child. The

expected respondents of this instrument are potential sponsors.

- Remove the “How to complete this application” and Frequently Asked Questions” sections. This information will be moved into a separate document.
- Reword the field “Your email address or fax number” to read “Your email address”
- Add an attestation that the respondent understands the penalties for knowingly and willfully making false statement under 18 U.S.C. 1001
- Add columns to the household member table to collect contact information (phone and email) as required by Public Law 119–21 Section 87001(b)(1)(F).
- Add yes/no radio buttons for the questions in the “Health Information” section.
- Add an attestation the sponsor specialist must complete if they have assisted the sponsor applicant with entering information into the form.
- Revise the instructions for proof of identity in the Supporting Documents section as follows:
  - Clarify that original versions are accepted.
  - Clarify that expired documents will no longer be accepted.
  - Update the list of acceptable documents to align with recent policy changes.
- Revise the instructions for proof of address in the “Supporting Documents” section as follows:
  - Clarify that an original version of the documentation must be provided.
  - Update the list of acceptable documents to align with recent policy changes.
- Add a requirement to provide proof of income documentation to align with recent policy changes.
- Modify the list of acceptable proof of relationship documents to align with recent policy changes.
- Add a textbox where the sponsor can explain why they are unable to meet any of the supporting documentation requirements (if applicable).
- *Fingerprinting Instructions (Form SAP-5):* This instrument informs, as appropriate, potential sponsors, adult household members, and adult caregivers of the steps they must take to be fingerprinted. Fingerprints are collected electronically at grantee or contractor-operated digital fingerprinting sites or submitted via mail using Federal Bureau of Investigation fingerprint cards (form FD-258, OMB #1110–0046). The expected respondents of this instrument are, under certain circumstances, potential sponsors, adult household members, and adult caregivers.

- No other revisions.

• *Letter of Designation for Care of a Child (Form SAP-6):* This instrument is filed by an unaccompanied alien child’s parent(s) or legal guardian(s) to specify a potential sponsor to whom they wish to grant caregiving authority for their child. The form is optional (not required for release) but helps non-parent sponsors access community resources or answer questions from government authorities about the nature of their relationship with an unaccompanied alien child in their care.

- Add an attestation that the respondent understands the penalties for knowingly and willfully making false statement under 18 U.S.C. 1001.
- Add an attestation the sponsor specialist must complete if they have assisted the sponsor applicant with entering information into the form.

*Respondents:* Potential sponsors of unaccompanied alien children, their adult household members, and alternate adult caregivers.

#### Annual Burden Estimates

Burden estimates for existing instruments were updated to reflect the following changes:

- A decrease in the number of children in ORR care and corresponding decrease in the number of individuals applying to sponsor a child.
- An increase in the number of individuals required to undergo fingerprint checks and the frequency of fingerprint checks for sponsors. All sponsors, household members, and adult caregivers will be required to undergo a fingerprint check. ORR federal staff will take the sponsor’s prints using a mobile device two additional times during the vetting process—during the home study and just prior to physically releasing the child to the sponsor.
- ORR will be moving sponsor vetting responsibilities from grantee/contractor staff to federal staff.

The specific changes to burden are as follows:

- *Authorization for Release of Information (Form SAP-2):* The annual number of respondents increased from 81,532 to 183,588; the annual number of record keepers decreased from 235 to 0.
- *Sponsor Application (Form SAP-3):* The annual number of respondents decreased from 122,950 to 76,569; the annual number of record keepers decreased from 235 to 0; the average burden hours per response increased from 1 hour to 1.5 hours.
- *Fingerprinting Instructions (Form SAP-5):* The annual number of respondents increased from 81,532 to 183,588; the annual number of record

keepers decreased from 235 to 0; the annual number of responses per respondent increased from 1 to 3 (for sponsors respondents only) with an average burden hours per response of

0.5 for the two additional responses (the average burden hours per response of 1.25 hours remains the same for the sponsor's initial response).

• *Letter of Designation for Care of a Child (Form SAP-6)*: The annual number of respondents decreased from 41,181 to 19,202; the annual number of record keepers decreased from 235 to 0.

| Instrument title                                                         | Annual total number of respondents | Annual total number of responses per respondent | Average burden hours per response | Annual total burden hours |
|--------------------------------------------------------------------------|------------------------------------|-------------------------------------------------|-----------------------------------|---------------------------|
| Authorization for Release of Information (Form SAP-2) .....              | 183,588                            | 1                                               | 0.50                              | 91,794                    |
| Family Reunification Application (Form SAP-3) .....                      | 76,569                             | 1                                               | 1.50                              | 114,854                   |
| Fingerprinting Instructions (Form SAP-5)—Initial Fingerprinting .....    | 183,588                            | 1                                               | 1.25                              | 229,485                   |
| Fingerprinting Instructions (Form SAP-5)—Mobile Fingerprinting .....     | 76,569                             | 2                                               | 0.50                              | 76,569                    |
| Letter of Designation for Care of Child (Form SAP-6) .....               | 19,202                             | 1                                               | 0.75                              | 14,401                    |
| Affidavit of Financial Support (Form SAP-8) .....                        | 26,799                             | 1                                               | 1.00                              | 26,799                    |
| Sponsor Application for <i>Ms. L</i> Separation Cases (Form SAP-9) ..... | 165                                | 1                                               | 1.00                              | 165                       |
| DNA Testing Instructions (Form SAP-10) .....                             | 54,252                             | 1                                               | 1.00                              | 54,252                    |
| Estimated Annual Burden Hours Total .....                                | .....                              | .....                                           | .....                             | 608,319                   |

*Authority*: 6 U.S.C. 279; 8 U.S.C. 1232; 45 CFR 410.1202; Pub. L. 119–21 Section 87001.

Mary C. Jones,  
ACF/OPRE Certifying Officer.

[FR Doc. 2025–15484 Filed 8–13–25; 8:45 am]

BILLING CODE 4184–45–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Resources and Services Administration

#### Notice With Request for Comment: Consideration of Adding Metachromatic Leukodystrophy to the Recommended Uniform Screening Panel

**AGENCY**: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

**ACTION**: Notice with request for public comment.

**SUMMARY**: HRSA is considering recommending to the Secretary the addition of Metachromatic Leukodystrophy (MLD) to the Recommended Uniform Screening Panel (RUSP). HRSA is providing notice and requesting comments from the public on this potential recommendation. Conditions listed on the RUSP are part of the evidence-informed preventive health guidelines supported by HRSA for infants and children. Non-grandfathered health plans are required to cover screenings included in the HRSA-supported comprehensive guidelines without cost-sharing (e.g., co-payment, co-insurance, etc.). HRSA is particularly interested in comments that address the potential benefit of early screening of MLD within the newborn

period, the ability of state newborn screening programs to screen for MLD, and the availability of effective treatments for MLD. In deciding whether to provide recommendations to the Secretary supporting the addition of MLD to the RUSP, HRSA will consider public comments, including evidence-based reports, obtained through this notice.

**DATES**: Submit comments no later than September 15, 2025.

**ADDRESSES**: Responses must be submitted electronically to CDR Leticia Manning, MPH, at: [NBSPrograms@hrsa.gov](mailto:NBSPrograms@hrsa.gov).

**FOR FURTHER INFORMATION CONTACT**: CDR Leticia Manning, MPH, Newborn Screening Team Lead, Division of Services for Children with Special Health Needs, Maternal and Child Health Bureau, HRSA, 5600 Fishers Lane, Rockville, Maryland 20857 or [NBSPrograms@hrsa.gov](mailto:NBSPrograms@hrsa.gov).

**SUPPLEMENTARY INFORMATION**: The information obtained through this notice may help inform HRSA on the benefits of screening for MLD and adding this condition to the RUSP. Of the 56 newborn screening programs in the United States, all states and Puerto Rico currently screen for at least 31 of the 37 core conditions on the RUSP. Some states also screen for additional disorders. Conditions listed on the RUSP are part of the evidence-informed preventive health guidelines supported by HRSA for infants and children. Non-grandfathered health plans are required to cover screenings included in the HRSA-supported comprehensive guidelines without cost-sharing. The Advisory Committee on Heritable Disorders in Newborns and Children (ACHDNC), now terminated, was tasked with reviewing available scientific

evidence and then making recommendations to the Secretary regarding what conditions should be on the RUSP. When a condition is nominated, ACHDNC determines whether there is sufficient evidence available for early screening and refers it to the ACHDNC's Evidence Review Group (ERG). The ERG is responsible for identifying and assessing all available evidence and summarizing for ACHDNC the strength and effectiveness of the evidence found on the net benefit of screening, the ability of states to screen for the condition, and the availability of effective treatments. The ERG completed an evidence review for MLD. ACHDNC was terminated following the completion of the evidence review for MLD, but prior to making a recommendation on its inclusion in the RUSP or issuing a recommendation to the Secretary.

When drafting responses, consider the data and other information described on the ERG's report summary, and provide input on the suitability of states screening for MLD within the newborn period. The evidence-based review summary for MLD can be found at <https://www.hrsa.gov/advisory-committees/heritable-disorders>.

#### Special Note to Commenters

This notice is not inviting nominations for other conditions to be added to the RUSP. HRSA is considering potential ways to continue supporting the RUSP and the overall system of newborn screening. In deciding whether to provide a recommendation to the Secretary supporting the addition of MLD to the RUSP, HRSA will consider evidence-

based reports and public comments obtained through this notice.

**Maria G. Button,**

*Director, Executive Secretariat.*

[FR Doc. 2025–15432 Filed 8–13–25; 8:45 am]

**BILLING CODE 4165–15–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Resources and Services Administration

#### Notice With Request for Comment: Consideration of Adding Duchenne Muscular Dystrophy to the Recommended Uniform Screening Panel

**AGENCY:** Health Resources and Services Administration (HRSA), Department of Health and Human Services.

**ACTION:** Notice with request for public comment.

**SUMMARY:** HRSA is considering recommending to the Secretary the addition of Duchenne Muscular Dystrophy (DMD) to the Recommended Uniform Screening Panel (RUSP). HRSA is providing notice and requesting comments from the public on this potential recommendation. Conditions listed on the RUSP are part of the evidence-informed preventive health guidelines supported by HRSA for infants and children. Non-grandfathered health plans are required to cover screenings included in the HRSA-supported comprehensive guidelines without cost-sharing (*e.g.*, co-payment, co-insurance, etc.). HRSA is particularly interested in comments that address the potential benefit of early screening of DMD within the newborn period, the ability of state newborn screening programs to screen for DMD, and the availability of effective treatments for DMD. In deciding whether to provide recommendations to the Secretary supporting the addition of DMD to the RUSP, HRSA will consider public comments, including evidence-based reports, obtained through this notice.

**DATES:** Submit comments no later than September 15, 2025.

**ADDRESSES:** Responses must be submitted electronically to CDR Leticia Manning, MPH, at: [NBSPrograms@hrsa.gov](mailto:NBSPrograms@hrsa.gov).

**FOR FURTHER INFORMATION CONTACT:** CDR Leticia Manning, MPH, Newborn

Screening Team Lead, Division of Services for Children with Special Health Needs, Maternal and Child Health Bureau, HRSA, 5600 Fishers Lane, Rockville, Maryland 20857 or [NBSPrograms@hrsa.gov](mailto:NBSPrograms@hrsa.gov).

**SUPPLEMENTARY INFORMATION:** The information obtained through this notice may help inform HRSA on the benefits of screening for DMD and adding this condition to the RUSP. Of the 56 newborn screening programs in the United States, all states and Puerto Rico currently screen for at least 31 of the 37 core conditions on the RUSP. Some states also screen for additional disorders. Conditions listed on the RUSP are part of the evidence-informed preventive health guidelines supported by HRSA for infants and children. Non-grandfathered health plans are required to cover screenings included in the HRSA-supported comprehensive guidelines without cost-sharing. The Advisory Committee on Heritable Disorders in Newborns and Children (ACHDNC), now terminated, was tasked with reviewing available scientific evidence and then making recommendations to the Secretary regarding what conditions should be on the RUSP. When a condition is nominated, ACHDNC determines whether there is sufficient evidence available for early screening and refers it to ACHDNC's Evidence Review Group (ERG). The ERG is responsible for identifying and assessing all available evidence and summarizing for ACHDNC the strength and effectiveness of the evidence found on the net benefit of screening, the ability of states to screen for the condition, and the availability of effective treatments. The ERG completed an evidence review for DMD. ACHDNC was terminated following the completion of the evidence review for DMD, but prior to making a recommendation on its inclusion in the RUSP or issuing a recommendation to the Secretary.

When drafting responses, consider the data and other information described on the ERG's report summary, and provide input on the suitability of states screening for DMD within the newborn period. The evidence-based review summary for DMD can be found at <https://www.hrsa.gov/advisory-committees/heritable-disorders>.

#### Special Note to Commenters

This notice is not inviting nominations for other conditions to be

added to the RUSP. HRSA is considering potential ways to continue supporting the RUSP and the overall system of newborn screening. In deciding whether to provide a recommendation to the Secretary supporting the addition of DMD to the RUSP, HRSA will consider evidence-based reports and public comments obtained through this notice.

**Maria G. Button,**

*Director, Executive Secretariat.*

[FR Doc. 2025–15433 Filed 8–13–25; 8:45 am]

**BILLING CODE 4165–15–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Resources and Services Administration

#### Notice of Supplemental Award; Infant-Toddler Court Program—State Awards

**AGENCY:** Health Resources and Services Administration (HRSA), Department of Health and Human Services.

**ACTION:** Notice of supplemental funding.

**SUMMARY:** HRSA is providing additional award funds to the 12 current Infant Toddler Court Program (ITCP)—State Awards recipients previously funded under HRSA–22–73 to support the continuation and expansion of existing activities to build state and local capacity and implement the infant-toddler court approach in federal fiscal year (FY) 2025.

**FOR FURTHER INFORMATION CONTACT:** Ekaterina Zoubak, Early Childhood Systems Analyst, Division of Home Visiting and Early Childhood Systems, HRSA, at [ezoubak@hrsa.gov](mailto:ezoubak@hrsa.gov) or 240–475–8014.

#### SUPPLEMENTARY INFORMATION:

*Intended Recipient(s) of the Award:* All 12 current recipients of ITCP—State Awards, as listed in Table I.

*Amount of Non-Competitive Awards:* 12 awards for \$2,798,847 total (up to \$233,237 each).

*Project Period:* September 30, 2022,–September 29, 2027.

*Assistance Listing Number:* 93.110.

*Award Instrument:* Non-competitive supplemental funding to the existing Cooperative Agreement.

*Authority:* 42 U.S.C. 701(a)(2) (Title V, § 501(a)(2) of the Social Security Act)

TABLE 1—RECIPIENT(S) AND AWARD AMOUNT(S)

| Grant No.         | Award recipient name                                                                   | City, state | Award amount |
|-------------------|----------------------------------------------------------------------------------------|-------------|--------------|
| U2ZMC46643 .....  | Prevent Child Abuse Arizona .....                                                      | AZ .....    | \$233,237    |
| U2ZMC529755 ..... | Illuminate Colorado .....                                                              | CO .....    | 233,237      |
| U2ZMC46638 .....  | Georgia State University Research Foundation, Inc .....                                | GA .....    | 233,237      |
| U2ZMC46644 .....  | Iowa Department of Public Health .....                                                 | IA .....    | 233,237      |
| U2ZMC46639 .....  | Michigan Department of Health and Human Services .....                                 | MI .....    | 233,237      |
| U2ZMC46636 .....  | Nevada Division of Child & Family Services .....                                       | NV .....    | 233,237      |
| U2ZMC46642 .....  | Passaic County Court Appointed Special Advocates, A New Jersey Non-profit Corporation. | NJ .....    | 233,237      |
| U2ZMC46640 .....  | Justice Innovation Inc. d/b/a Center for Court Innovation .....                        | NY .....    | 233,237      |
| U2ZMC46637 .....  | Educational Service Center of Cuyahoga County .....                                    | OH .....    | 233,237      |
| U2ZMC46641 .....  | Oklahoma Department of Mental Health and Substance Abuse Services .....                | OK .....    | 233,237      |
| U2ZMC46635 .....  | Children's Center .....                                                                | UT .....    | 233,237      |
| U2ZMC46634 .....  | Children and Youth Justice Center .....                                                | WA .....    | 233,237      |

*Justification:* In FY 2022, under the authority for Special Projects of Regional and National Significance (42 U.S.C. 701(a)(2) (Title V, § 501(a)(2) of the Social Security Act)), HRSA awarded ITCP State awards to 12 recipients (HRSA–22–073). This award included expectations for the recipient to continue and expand research-based infant-toddler court teams to change child welfare practices and improve the early developmental health and well-being of infants, toddlers, and their families.

A Congressional Report accompanying the Further Consolidated Appropriations Act, 2024 (P.L. 118–47), included funding to “to continue and expand research-based Infant-Toddler Court Teams to change child welfare practices to improve well-being for infants, toddlers, and their families,” (Senate Report 118–84). In addition, the Joint Explanatory Statement accompanying the FY 2024 appropriations act directed HRSA to “allocate funding to ensure continuation of existing grantees, technical assistance, and other activities.” In FY 2024, HRSA provided a supplement of \$2,700,000 in Special Projects of Regional and National Significance funding, through its Maternal and Child Health Bureau, to ITCP—State Award Program recipients noted in Table 1.

Consistent with previous Congressional intent, HRSA will provide \$2,798,847 in FY 2025 in supplemental funding to the same recipients outlined in Table 1. This

supplement will be used for project activities within the scope of the current ITCP—State Awards funding opportunity (HRSA–22–073) and improve access to evidence-based child welfare practices and improve the early developmental health and well-being of infants, toddlers, and their families.

**Thomas J. Engels,**  
*Administrator.*

[FR Doc. 2025–15469 Filed 8–13–25; 8:45 am]

**BILLING CODE 4615–15–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Resources and Services Administration

#### Health Center Program Performance Period Extensions; Correction

**AGENCY:** Health Resources and Services Administration (HRSA), Department of Health and Human Services.

**ACTION:** Notice of the extension of the standard performance period for health center grantees from 3 to 4 years and request for information from current recipients; Correction.

**SUMMARY:** HRSA is extending health center grantees' performance periods to a total of 4 years. The change from a 3-year performance period to a 4-year performance period will provide current health centers additional time to serve their service area before they apply for a new award and will provide a funding

amount consistent with what would have been made available through the Service Area Competition (SAC). The extended performance period supports HRSA's commitment to continuity in access to comprehensive primary care and will not impact HRSA's ability to ensure that health centers comply with Health Center Program requirements. This update will not change the statutory requirement that health centers that fail to comply with Health Center Program requirements will receive a 1-year performance period if a new project period is awarded.

**FOR FURTHER INFORMATION CONTACT:** Matt Kozar, Division Director, Office of Program and Policy Development, Bureau of Primary Care, HRSA, at [mkozar@hrsa.gov](mailto:mkozar@hrsa.gov) and 301–443–1034.

#### SUPPLEMENTARY INFORMATION:

##### Correction

The 192 health center awardees, as listed in the table below, will receive a 1-year Extension with Funds for a total 4-year performance period.

- *Amount of Award(s):* 192 non-competitive awards for approximately \$828 million.

- *Project Period:* January 1, 2023, to December 31, 2026; February 1, 2023, to January 31, 2027.

- *Assistance Listing Number:* 93.224.

- *Award Instrument:* Grant—Non-competing Continuation.

- *Authority:* Section 330 of the Public Health Service Act, as amended (42 U.S.C. 254b, as amended).

TABLE 1—RECIPIENTS AND AWARD AMOUNTS

| Grant #          | Budget period start | Name                                    | City             | State | Est award amount |
|------------------|---------------------|-----------------------------------------|------------------|-------|------------------|
| H80CS01138 ..... | Jan .....           | Bethel Family Clinic .....              | Bethel .....     | AK    | \$1,840,427      |
| H80CS04434 ..... | Jan .....           | Native Village of Eyak .....            | Cordova .....    | AK    | 1,840,661        |
| H80CS01130 ..... | Jan .....           | Norton Sound Health Corporation .....   | Nome .....       | AK    | 3,141,641        |
| H80CS00020 ..... | Jan .....           | Alabama Regional Medical Services ..... | Birmingham ..... | AL    | 5,127,920        |

TABLE 1—RECIPIENTS AND AWARD AMOUNTS—Continued

| Grant #          | Budget period start | Name                                                    | City                   | State | Est award amount |
|------------------|---------------------|---------------------------------------------------------|------------------------|-------|------------------|
| H80CS00230 ..... | Jan .....           | El Rio Santa Cruz Neighborhood Health Center, Inc.      | Tucson .....           | AZ    | 10,074,355       |
| H80CS26606 ..... | Jan .....           | Horizon Health and Wellness, Inc .....                  | Apache Junction .....  | AZ    | 1,816,493        |
| H80CS26604 ..... | Jan .....           | Neighborhood Outreach Access to Health .....            | Phoenix .....          | AZ    | 3,090,888        |
| H80CS00651 ..... | Jan .....           | North Country Healthcare, Inc .....                     | Flagstaff .....        | AZ    | 6,746,754        |
| H80CS04321 ..... | Jan .....           | Sunset Community Health Center .....                    | Somerton .....         | AZ    | 6,167,152        |
| H80CS00142 ..... | Jan .....           | AltaMed Health Services Corporation .....               | Los Angeles .....      | CA    | 18,049,823       |
| H80CS08739 ..... | Jan .....           | Avenal Community Health Center .....                    | Lemoore .....          | CA    | 3,718,335        |
| H80CS00138 ..... | Jan .....           | Community Medical Centers, Inc .....                    | Stockton .....         | CA    | 8,375,519        |
| H80CS26608 ..... | Jan .....           | Coppertower Family Medical Center, Inc .....            | Cloverdale .....       | CA    | 1,215,617        |
| H80CS00628 ..... | Jan .....           | Mendocino Community Health Clinic, Inc .....            | Ukiah .....            | CA    | 5,449,353        |
| H80CS26624 ..... | Jan .....           | Pomona Community Health Center .....                    | Pomona .....           | CA    | 2,701,790        |
| H80CS26609 ..... | Jan .....           | Ritter Center .....                                     | San Rafael .....       | CA    | 1,347,670        |
| H80CS00226 ..... | Jan .....           | Salud Para La Gente .....                               | Watsonville .....      | CA    | 4,816,103        |
| H80CS00049 ..... | Jan .....           | San Francisco Community Clinic Consortium               | San Francisco .....    | CA    | 7,433,077        |
| H80CS00223 ..... | Jan .....           | Tiburcio Vasquez Health Center, Inc .....               | Union City .....       | CA    | 2,588,719        |
| H80CS00137 ..... | Jan .....           | United Health Centers of The San Joaquin Valley.        | Fresno .....           | CA    | 13,254,279       |
| H80CS26617 ..... | Jan .....           | Via Care Community Health Center, Inc .....             | Los Angeles .....      | CA    | 2,578,738        |
| H80CS00040 ..... | Jan .....           | The Colorado Coalition for the Homeless .....           | Denver .....           | CO    | 8,832,842        |
| H80CS00212 ..... | Jan .....           | Peak Vista Community Health Centers .....               | Colorado Springs ..... | CO    | 9,909,055        |
| H80CS00134 ..... | Jan .....           | Valley Wide Health Systems, Inc .....                   | Alamosa .....          | CO    | 8,056,605        |
| H80CS00155 ..... | Jan .....           | Generations Family Health Center, Inc .....             | Willimantic .....      | CT    | 4,048,775        |
| H80CS00026 ..... | Jan .....           | Camillus Health Concern, Inc .....                      | Miami .....            | FL    | 4,259,012        |
| H80CS00178 ..... | Jan .....           | Central Florida Family Health Center, Inc .....         | Sanford .....          | FL    | 5,860,129        |
| H80CS25684 ..... | Jan .....           | Health Care District of Palm Beach County ...           | West Palm Beach .....  | FL    | 7,278,563        |
| H80CS00097 ..... | Jan .....           | MCR Health, Inc .....                                   | Palmetto .....         | FL    | 9,737,629        |
| H80CS00182 ..... | Jan .....           | Miami Beach Community Health Center, Inc ..             | Miami Beach .....      | FL    | 7,826,762        |
| H80CS00187 ..... | Jan .....           | Treasure Coast Community Health, Inc .....              | Fellsmere .....        | FL    | 4,167,714        |
| H80CS08780 ..... | Jan .....           | Diversity Health Center, Inc .....                      | Hinesville .....       | GA    | 2,141,846        |
| H80CS00022 ..... | Jan .....           | Saint Joseph's Mercy Care Services .....                | Atlanta .....          | GA    | 5,683,526        |
| H80CS00678 ..... | Jan .....           | Valley Healthcare System, Inc .....                     | Columbus .....         | GA    | 3,098,570        |
| H80CS06641 ..... | Jan .....           | Ko'olauloa Health Center .....                          | Kahuku .....           | HI    | 1,957,949        |
| H80CS06667 ..... | Jan .....           | Community Health Center of Fort Dodge, Inc              | Fort Dodge .....       | IA    | 1,949,691        |
| H80CS00113 ..... | Jan .....           | Crusaders Central Clinic Association .....              | Rockford .....         | IL    | 6,924,055        |
| H80CS00114 ..... | Jan .....           | HealthNet, Inc .....                                    | Indianapolis .....     | IN    | 8,594,547        |
| H80CS00102 ..... | Jan .....           | Family Health Centers, Inc .....                        | Louisville .....       | KY    | 6,912,875        |
| H80CS00083 ..... | Jan .....           | Park Duvalle Community Health Center, Inc ...           | Louisville .....       | KY    | 5,435,002        |
| H80CS00206 ..... | Jan .....           | Catahoula Parish Hospital District # 2 .....            | Sicily Island .....    | LA    | 2,515,789        |
| H80CS26580 ..... | Jan .....           | Common Ground Health Clinic .....                       | Gretna .....           | LA    | 1,548,517        |
| H80CS00129 ..... | Jan .....           | Excelth, Incorporated .....                             | New Orleans .....      | LA    | 5,849,119        |
| H80CS00006 ..... | Jan .....           | Boston Health Care for the Homeless Program, Inc.       | Boston .....           | MA    | 4,685,451        |
| H80CS00734 ..... | Jan .....           | Chase Brexton Health Services, Inc .....                | Baltimore .....        | MD    | 4,015,116        |
| H80CS00017 ..... | Jan .....           | Health Care for the Homeless, Inc .....                 | Baltimore .....        | MD    | 6,211,119        |
| H80CS26633 ..... | Jan .....           | Owensville Primary Care, Inc .....                      | West River .....       | MD    | 1,378,296        |
| H80CS00068 ..... | Jan .....           | Total Health Care, Inc .....                            | Baltimore .....        | MD    | 9,320,756        |
| H80CS08738 ..... | Jan .....           | Covenant Community Care, Inc .....                      | Detroit .....          | MI    | 4,347,804        |
| H80CS00033 ..... | Jan .....           | Detroit Health Care For The Homeless .....              | Detroit .....          | MI    | 5,273,464        |
| H80CS26564 ..... | Jan .....           | South Central Missouri Community Health Center.         | Rolla .....            | MO    | 2,269,295        |
| H80CS00084 ..... | Jan .....           | Central Mississippi Civic Improvement Association, Inc. | Jackson .....          | MS    | 7,974,380        |
| H80CS00188 ..... | Jan .....           | Coastal Family Health Center, Inc .....                 | Biloxi .....           | MS    | 9,027,387        |
| H80CS00009 ..... | Jan .....           | City of Newark, New Jersey .....                        | Newark .....           | NJ    | 4,076,227        |
| H80CS00164 ..... | Jan .....           | Community Health Care, Inc .....                        | Bridgeton .....        | NJ    | 8,326,868        |
| H80CS00036 ..... | Jan .....           | Albuquerque Health Care for the Homeless, Inc.          | Albuquerque .....      | NM    | 3,225,622        |
| H80CS21582 ..... | Jan .....           | Anthony L. Jordan Health Corporation .....              | Rochester .....        | NY    | 4,449,956        |
| H80CS00007 ..... | Jan .....           | Care For The Homeless .....                             | New York .....         | NY    | 6,605,634        |
| H80CS00171 ..... | Jan .....           | Neighborhood Health Center of WNY, Inc .....            | Buffalo .....          | NY    | 3,785,704        |
| H80CS00166 ..... | Jan .....           | Northern Oswego County Health Services, Inc             | Pulaski .....          | NY    | 3,001,661        |
| H80CS00029 ..... | Jan .....           | Care Alliance .....                                     | Cleveland .....        | OH    | 4,635,985        |
| H80CS00118 ..... | Jan .....           | Columbus Neighborhood Health Center, Inc ...            | Columbus .....         | OH    | 7,011,836        |
| H80CS00201 ..... | Jan .....           | Healthsource Of Ohio, Inc .....                         | Loveland .....         | OH    | 8,334,320        |
| H80CS00193 ..... | Jan .....           | Hopewell Health Centers, Inc .....                      | Chillicothe .....      | OH    | 5,439,208        |
| H80CS00196 ..... | Jan .....           | Ohio North East Health Systems, Inc .....               | Youngstown .....       | OH    | 4,713,674        |
| H80CS26577 ..... | Jan .....           | Talbert House Health Center .....                       | Franklin .....         | OH    | 1,884,196        |
| H80CS26585 ..... | Jan .....           | Community Health Center of Northeast Oklahoma, Inc.     | Jay .....              | OK    | 1,428,265        |
| H80CS00149 ..... | Jan .....           | County of Multnomah .....                               | Portland .....         | OR    | 9,809,194        |

TABLE 1—RECIPIENTS AND AWARD AMOUNTS—Continued

| Grant #          | Budget period start | Name                                                           | City                  | State | Est award amount |
|------------------|---------------------|----------------------------------------------------------------|-----------------------|-------|------------------|
| H80CS00162 ..... | Jan .....           | Centro De Servicios Primarios De Salud, Inc                    | Florida .....         | PR    | 1,895,587        |
| H80CS02467 ..... | Jan .....           | Republic of Palau .....                                        | Koror .....           | PW    | 1,375,337        |
| H80CS00154 ..... | Jan .....           | Blackstone Valley Community Health Care, Inc.                  | Pawtucket .....       | RI    | 3,200,860        |
| H80CS00057 ..... | Jan .....           | Providence Community Health Centers, Inc ...                   | Providence .....      | RI    | 7,212,115        |
| H80CS00216 ..... | Jan .....           | Community Health Center of the Black Hills, Inc.               | Rapid City .....      | SD    | 3,043,104        |
| H80CS00135 ..... | Jan .....           | Horizon Health Care, Inc .....                                 | Howard .....          | SD    | 9,784,983        |
| H80CS00219 ..... | Jan .....           | City of Sioux Falls .....                                      | Sioux Falls .....     | SD    | 3,048,204        |
| H80CS00128 ..... | Jan .....           | Centro De Salud Familiar La Fe, Inc .....                      | El Paso .....         | TX    | 6,234,258        |
| H80CS00203 ..... | Jan .....           | La Esperanza Clinic, Inc .....                                 | San Angelo .....      | TX    | 3,238,333        |
| H80CS00126 ..... | Jan .....           | Regence Health Network, Inc .....                              | Plainview .....       | TX    | 5,972,736        |
| H80CS00073 ..... | Jan .....           | Peninsula Institute for Community Health, Inc                  | Newport News .....    | VA    | 6,953,702        |
| H80CS00147 ..... | Jan .....           | Columbia Basin Health Association .....                        | Othello .....         | WA    | 6,707,625        |
| H80CS00319 ..... | Jan .....           | Community Health Association of Spokane ...                    | Spokane .....         | WA    | 7,791,273        |
| H80CS00677 ..... | Jan .....           | Peninsula Community Health Services .....                      | Bremerton .....       | WA    | 3,148,785        |
| H80CS26599 ..... | Feb .....           | Kodiak Area Native Association .....                           | Kodiak .....          | AK    | 2,514,761        |
| H80CS26588 ..... | Feb .....           | Christ Health Center, Inc .....                                | Birmingham .....      | AL    | 1,375,147        |
| H80CS00795 ..... | Feb .....           | Health Services, Inc .....                                     | Montgomery .....      | AL    | 8,136,046        |
| H80CS26611 ..... | Feb .....           | The Achievable Foundation .....                                | Culver City .....     | CA    | 735,054          |
| H80CS00787 ..... | Feb .....           | Asian Pacific Health Care Venture, Inc .....                   | Los Angeles .....     | CA    | 4,902,955        |
| H80CS26616 ..... | Feb .....           | Benevolence Industries, Inc .....                              | Los Angeles .....     | CA    | 2,222,955        |
| H80CS00052 ..... | Feb .....           | Children's Hospital & Research Center at Oakland.              | Oakland .....         | CA    | 2,424,630        |
| H80CS26607 ..... | Feb .....           | Greenville Rancheria .....                                     | Greenville .....      | CA    | 1,530,107        |
| H80CS26619 ..... | Feb .....           | Kedren Community Health Center, Inc .....                      | Los Angeles .....     | CA    | 1,206,507        |
| H80CS06674 ..... | Feb .....           | Los Angeles Christian Health Centers .....                     | Los Angeles .....     | CA    | 5,087,536        |
| H80CS26621 ..... | Feb .....           | Los Angeles LGBT Center .....                                  | Los Angeles .....     | CA    | 2,200,370        |
| H80CS26622 ..... | Feb .....           | Nhan Hoa Comprehensive Health Care Clinic, Inc.                | Garden Grove .....    | CA    | 1,283,149        |
| H80CS26623 ..... | Feb .....           | Operation Samahan, Inc .....                                   | National City .....   | CA    | 2,686,587        |
| H80CS26625 ..... | Feb .....           | Santa Barbara Neighborhood Clinics .....                       | Santa Barbara .....   | CA    | 2,042,112        |
| H80CS00048 ..... | Feb .....           | County of Santa Cruz .....                                     | Santa Cruz .....      | CA    | 2,852,721        |
| H80CS26627 ..... | Feb .....           | Serve the People, Inc .....                                    | Santa Ana .....       | CA    | 2,667,302        |
| H80CS08730 ..... | Feb .....           | Westside Family Health Center .....                            | Culver City .....     | CA    | 2,249,634        |
| H80CS00690 ..... | Feb .....           | Clinica Campesina Family Health Services ....                  | Lafayette .....       | CO    | 8,956,325        |
| H80CS00618 ..... | Feb .....           | Borinquen Health Care Center, Inc .....                        | Miami .....           | FL    | 7,968,464        |
| H80CS26589 ..... | Feb .....           | The Center for Family and Child Enrichment, Inc.               | Miami .....           | FL    | 1,514,528        |
| H80CS00423 ..... | Feb .....           | Central Florida Health Care, Inc .....                         | Winter Haven .....    | FL    | 9,356,810        |
| H80CS00809 ..... | Feb .....           | Community Health Centers, Inc .....                            | Winter Garden .....   | FL    | 8,861,436        |
| H80CS26590 ..... | Feb .....           | EMPOWER U, Inc .....                                           | Miami .....           | FL    | 1,696,296        |
| H80CS26626 ..... | Feb .....           | FoundCare Inc .....                                            | West Palm Beach ..... | FL    | 2,680,886        |
| H80CS00732 ..... | Feb .....           | Jessie Trice Community Health System, Inc ...                  | Miami .....           | FL    | 10,972,059       |
| H80CS00019 ..... | Feb .....           | North Broward Hospital District .....                          | Fort Lauderdale ..... | FL    | 3,202,758        |
| H80CS00081 ..... | Feb .....           | Rural Health Care, Incorporated .....                          | Palatka .....         | FL    | 6,680,788        |
| H80CS00393 ..... | Feb .....           | CareConnect Health, Inc .....                                  | Richland .....        | GA    | 7,501,495        |
| H80CS26591 ..... | Feb .....           | Center for Pan Asian Community Services, Inc.                  | Atlanta .....         | GA    | 2,248,570        |
| H80CS26592 ..... | Feb .....           | Coastal Community Health Services, Inc .....                   | Brunswick .....       | GA    | 2,449,791        |
| H80CS26593 ..... | Feb .....           | Good Samaritan Health Center of Cobb, Inc ..                   | Marietta .....        | GA    | 1,540,918        |
| H80CS26594 ..... | Feb .....           | Health Education, Assessment and Leadership, Inc.              | Atlanta .....         | GA    | 2,536,129        |
| H80CS00807 ..... | Feb .....           | Waianae District Comprehensive Health and Hospital Board, Inc. | Waianae .....         | HI    | 3,990,277        |
| H80CS00670 ..... | Feb .....           | Community Health Care, Inc .....                               | Davenport .....       | IA    | 5,063,179        |
| H80CS00815 ..... | Feb .....           | Peoples Community Health Clinic, Inc .....                     | Waterloo .....        | IA    | 3,348,320        |
| H80CS26601 ..... | Feb .....           | Family Medicine Residency of Idaho .....                       | Boise .....           | ID    | 1,480,731        |
| H80CS00556 ..... | Feb .....           | Valley Family Health Care, Inc .....                           | Payette .....         | ID    | 4,554,206        |
| H80CS26565 ..... | Feb .....           | Hamdard Center for Health & Human Services NFP.                | Addison .....         | IL    | 1,514,484        |
| H80CS00324 ..... | Feb .....           | University of Illinois .....                                   | Chicago .....         | IL    | 4,387,891        |
| H80CS26566 ..... | Feb .....           | Jane Pauley Community Health Center, Inc ...                   | Indianapolis .....    | IN    | 3,459,278        |
| H80CS26568 ..... | Feb .....           | Southlake Community Mental Health Center, Inc.                 | Merrillville .....    | IN    | 2,153,263        |
| H80CS26569 ..... | Feb .....           | Wabash Valley Health Center, Inc .....                         | Terre Haute .....     | IN    | 1,174,333        |
| H80CS00619 ..... | Feb .....           | Big Sandy Health Care, Inc .....                               | Prestonsburg .....    | KY    | 3,851,985        |
| H80CS26595 ..... | Feb .....           | Pennyroyal Healthcare Service Inc .....                        | Princeton .....       | KY    | 1,857,174        |
| H80CS26579 ..... | Feb .....           | C A S E Dental Health Institute .....                          | Shreveport .....      | LA    | 2,555,332        |
| H80CS26581 ..... | Feb .....           | Jefferson Parish Human Services Authority ...                  | Metairie .....        | LA    | 1,385,065        |
| H80CS08764 ..... | Feb .....           | Morehouse Community Medical Centers, Inc                       | Bastrop .....         | LA    | 2,613,881        |

TABLE 1—RECIPIENTS AND AWARD AMOUNTS—Continued

| Grant #          | Budget period start | Name                                                            | City                | State | Est award amount |
|------------------|---------------------|-----------------------------------------------------------------|---------------------|-------|------------------|
| H80CS26582 ..... | Feb .....           | MQVN Community Development Corp .....                           | New Orleans .....   | LA    | 1,438,250        |
| H80CS26583 ..... | Feb .....           | NO/AIDS Task Force .....                                        | New Orleans .....   | LA    | 2,326,502        |
| H80CS00378 ..... | Feb .....           | Charles River Community Health, Inc .....                       | Boston .....        | MA    | 3,702,429        |
| H80CS26638 ..... | Feb .....           | Island Health, Inc .....                                        | Edgartown .....     | MA    | 1,412,934        |
| H80CS00001 ..... | Feb .....           | City of Springfield .....                                       | Springfield .....   | MA    | 2,362,888        |
| H80CS00067 ..... | Feb .....           | Park West Health Systems, Inc .....                             | Baltimore .....     | MD    | 4,365,120        |
| H80CS00030 ..... | Feb .....           | County of Ingham .....                                          | Lansing .....       | MI    | 2,773,592        |
| H80CS26511 ..... | Feb .....           | Upper Great Lakes Family Health Center .....                    | Hancock .....       | MI    | 3,256,108        |
| H80CS00028 ..... | Feb .....           | Hennepin County .....                                           | Minneapolis .....   | MN    | 2,289,115        |
| H80CS26563 ..... | Feb .....           | Compass Health, Inc .....                                       | Clinton .....       | MO    | 10,776,978       |
| H80CS26560 ..... | Feb .....           | East Central Missouri Behavioral Health Services, Inc.          | Mexico .....        | MO    | 1,264,246        |
| H80CS26561 ..... | Feb .....           | Health Care Coalition of Lafayette County .....                 | Lexington .....     | MO    | 2,975,818        |
| H80CS00671 ..... | Feb .....           | Northwest Health Services, Inc .....                            | Saint Joseph .....  | MO    | 5,204,660        |
| H80CS00633 ..... | Feb .....           | Access Family Health Services, Inc .....                        | Smithville .....    | MS    | 2,398,543        |
| H80CS00704 ..... | Feb .....           | Montana Migrant & Seasonal Farm Workers Council, Inc.           | Billings .....      | MT    | 3,523,076        |
| H80CS26596 ..... | Feb .....           | Ocracoke Health Center, Inc .....                               | Ocracoke .....      | NC    | 956,895          |
| H80CS00490 ..... | Feb .....           | The Stedman-Wade Health Services, Inc .....                     | Wade .....          | NC    | 2,035,716        |
| H80CS26562 ..... | Feb .....           | Heartland Health Center, Inc .....                              | Grand Island .....  | NE    | 1,438,898        |
| H80CS26640 ..... | Feb .....           | Mid-State Health Center .....                                   | Plymouth .....      | NH    | 1,679,642        |
| H80CS00380 ..... | Feb .....           | Southern Jersey Family Medical Centers, Inc                     | Hammonton .....     | NJ    | 7,189,854        |
| H80CS04211 ..... | Feb .....           | Zufall Health Center, Inc .....                                 | Dover .....         | NJ    | 6,272,425        |
| H80CS26605 ..... | Feb .....           | Northern Nevada HIV Outpatient Program, Education and Services. | Reno .....          | NV    | 1,778,657        |
| H80CS00313 ..... | Feb .....           | Hudson River Healthcare, Inc .....                              | Peekskill .....     | NY    | 21,524,887       |
| H80CS26630 ..... | Feb .....           | Jericho Road Ministries, Inc .....                              | Buffalo .....       | NY    | 1,635,945        |
| H80CS26631 ..... | Feb .....           | La Casa De Salud Inc .....                                      | Bronx .....         | NY    | 3,181,047        |
| H80CS26574 ..... | Feb .....           | Asian Services in Action, Inc .....                             | Akron .....         | OH    | 1,529,543        |
| H80CS00399 ..... | Feb .....           | The Community Action Committee of Pike County.                  | Piketon .....       | OH    | 4,402,783        |
| H80CS00816 ..... | Feb .....           | Ohio Hills Health Services .....                                | Barnesville .....   | OH    | 2,242,146        |
| H80CS26578 ..... | Feb .....           | County of Wood .....                                            | Bowling Green ..... | OH    | 1,181,543        |
| H80CS00320 ..... | Feb .....           | Community Health Centers, Inc .....                             | Spencer .....       | OK    | 7,575,782        |
| H80CS26602 ..... | Feb .....           | Bandon Community Health Center .....                            | Bandon .....        | OR    | 1,395,291        |
| H80CS00705 ..... | Feb .....           | Centerville Clinics, Inc .....                                  | Fredericktown ..... | PA    | 5,640,164        |
| H80CS26635 ..... | Feb .....           | Project H.O.M.E .....                                           | Philadelphia .....  | PA    | 1,667,917        |
| H80CS00707 ..... | Feb .....           | Rural Health Corporation of Northeastern Pennsylvania.          | Wilkes Barre .....  | PA    | 3,058,937        |
| H80CS00389 ..... | Feb .....           | Spectrum Health Services, Inc .....                             | Philadelphia .....  | PA    | 3,448,095        |
| H80CS00379 ..... | Feb .....           | Corporacion de Servicios de Salud y Medicina Avanzada.          | Cidra .....         | PR    | 7,069,774        |
| H80CS00382 ..... | Feb .....           | Morovis Community Health Center, Inc .....                      | Morovis .....       | PR    | 3,712,502        |
| H80CS00712 ..... | Feb .....           | Prymed Medical Care, Inc .....                                  | Ciales .....        | PR    | 3,016,725        |
| H80CS00454 ..... | Feb .....           | Thundermist Health Center .....                                 | Woonsocket .....    | RI    | 5,482,872        |
| H80CS26597 ..... | Feb .....           | Care Net of Lancaster .....                                     | Lancaster .....     | SC    | 1,628,092        |
| H80CS00750 ..... | Feb .....           | Community Medicine Foundation, Inc .....                        | Rock Hill .....     | SC    | 2,934,738        |
| H80CS00730 ..... | Feb .....           | Eau Claire Cooperative Health Center .....                      | Columbia .....      | SC    | 7,264,357        |
| H80CS00578 ..... | Feb .....           | New Horizon Family Health Services, Inc .....                   | Greenville .....    | SC    | 5,800,227        |
| H80CS00333 ..... | Feb .....           | Lake County Primary Care .....                                  | Tiptonville .....   | TN    | 2,283,896        |
| H80CS26598 ..... | Feb .....           | Maury Regional Hospital .....                                   | Columbia .....      | TN    | 1,261,121        |
| H80CS00762 ..... | Feb .....           | Ocoee Regional Health Corporation .....                         | Benton .....        | TN    | 1,940,628        |
| H80CS26644 ..... | Feb .....           | Utah Partners for Health .....                                  | Midvale .....       | UT    | 1,735,438        |
| H80CS00331 ..... | Feb .....           | Bland County Medical Clinic, Inc .....                          | Bastian .....       | VA    | 1,800,345        |
| H80CS00018 ..... | Feb .....           | Daily Planet, Inc .....                                         | Richmond .....      | VA    | 3,100,806        |
| H80CS26636 ..... | Feb .....           | Rockbridge Area Free Clinic .....                               | Lexington .....     | VA    | 1,531,934        |
| H80CS00386 ..... | Feb .....           | Stony Creek Community Health Center .....                       | Stony Creek .....   | VA    | 398,394          |
| H80CS26641 ..... | Feb .....           | Battenkill Valley Health Center, Inc .....                      | Arlington .....     | VT    | 1,481,503        |
| H80CS26642 ..... | Feb .....           | Five-Town Health Alliance, Inc .....                            | Bristol .....       | VT    | 1,559,455        |
| H80CS26798 ..... | Feb .....           | Gifford Health Care, Inc .....                                  | Randolph .....      | VT    | 1,704,120        |
| H80CS00647 ..... | Feb .....           | Country Doctor Community Clinic .....                           | Seattle .....       | WA    | 3,244,516        |
| H80CS00437 ..... | Feb .....           | International Community Health Services .....                   | Seattle .....       | WA    | 2,832,480        |
| H80CS26603 ..... | Feb .....           | The N.A.T.I.V.E. Project .....                                  | Spokane .....       | WA    | 1,355,489        |
| H80CS00493 ..... | Feb .....           | New Health Programs Association .....                           | Chewelah .....      | WA    | 2,690,337        |
| H80CS00639 ..... | Feb .....           | Yakima Valley Farm Workers Clinic .....                         | Toppenish .....     | WA    | 20,025,936       |
| H80CS00035 ..... | Feb .....           | New Community Clinic, Inc. Ltd .....                            | Green Bay .....     | WI    | 2,546,831        |
| H80CS00034 ..... | Feb .....           | Outreach Community Health Centers, Inc .....                    | Milwaukee .....     | WI    | 3,168,321        |
| H80CS00384 ..... | Feb .....           | Monroe County Health Department .....                           | Union .....         | WV    | 2,532,477        |
| H80CS26637 ..... | Feb .....           | Williamson Health & Wellness Center, Inc .....                  | Williamson .....    | WV    | 1,885,235        |

*Purpose/Justification:* Health centers currently receive a 3-year performance period when they successfully compete and receive Health Center Program funding through a SAC. HRSA will begin to move health centers with a current 3-year performance period to a 4-year performance period starting in fiscal year (FY) 2026 to:

- Reduce the burden on health centers by extending the timing of their SAC application submission from every 3 years to every 4 years.
- Provide HRSA with increased operational flexibility and accountability by distributing the review and processing of SACs, program analysis and recommendations, and operational site visits more evenly across the 4-year funding cycles of health center competitive awards while further ensuring the integrity of compliance reviews and funding decisions for the Health Center Program.
- Increase the continuity of patient access to comprehensive primary health care services by committing each health center to provide services for a longer time frame in each service area, while remaining aligned with current grants requirements and policies.

Over the next 3 years, health centers with a current 3-year performance period will receive a 4-year performance period, either through a 1-year Extension with Funds to their existing performance period or through a new 4-year performance period when they apply to serve an available service area and successfully compete and receive funding through a SAC. Health centers with a current performance period of January 1, 2023, through December 31, 2025, and February 1, 2023, through January 31, 2026, that receive an Extension with Funds will not be required to submit a Budget Period Progress Report Non-Competing Continuation (BPR) prior to their next scheduled SAC application but rather will submit equivalent information via a Request for Information. The 1-year performance period extension will result in a 4-year performance period, which reduces the administrative burden for health centers, increases operational flexibility and accountability for HRSA, and ensures continuity of access to comprehensive primary care for health center patients.

HRSA will provide health centers that have a January or February budget period start date and are scheduled to compete for their service area in FY 2026 with a 1-year Extension with Funds. This award action will initiate the process that eventually provides all compliant health center awardees with a 4-year performance period and creates

a balanced number of health centers that compete for their service area over each 4-year funding cycle. Not supporting this approach would require differentiated performance periods that would provide some health centers with a 3-year performance period and others with a 4-year performance period, thereby creating differing expectations and requirements for health centers and their patients in the continuity of access to comprehensive primary health care services in their service area.

*Request for Recipient Response:* This action extends the performance period with funds to Health Center Program awards. Awards with a current performance period of January 1, 2023, through December 31, 2025, and February 1, 2023, through January 31, 2026, will be extended by 12 months to December 31, 2026, and January 31, 2027, respectively. These extensions will prevent interruptions in access to critical health care services in the health centers' communities and shift performance periods from 3 years to 4 years. To process this action, current health center grantees must respond to this request for information (RFI) within the specified timeframe by providing a SF-424A, Budget Narrative, Form 1C, Form 3, Project Narrative Update, and Supplemental Award Update (if applicable), as detailed below.

*Activities/Requirements:* Activities and work funded under this 1-year extension are within the scope of the current award. All of the terms and conditions of the current award apply to activities and work supported by this 1-year extension.

*Required Submission Response:* Health center awardees must submit the response to this RFI in HRSA's Electronic Handbook. If HRSA does not receive a response to the RFI by the deadline, or the response to the RFI is incomplete or non-responsive, there may be a delay or lapse in the issuance of funding. The response should not exceed 20 pages, single spaced, and must include the following information.

### 1. SF-424A: Budget Information Form

Upload an SF-424A: BUDGET INFORMATION FORM attachment.

*Section A: Budget Summary:* Verify the pre-populated list of Health Center Program funding types:

- Community Health Center (CHC)
- Migratory and Seasonal Agricultural Workers (MSAW)
- Homeless Population (HP)
- Residents of Public Housing (RPH)

If the funding types are incorrect, make necessary adjustments. In the Federal column, provide the funding

request for each Health Center Program funding type (CHC, MSAW, HP, RPH). The total federal funding requested across all Health Center Program funding types must equal the "Recommended Federal Budget" amount. This amount should correspond with the recommended future support amount (Item 33) on your most recent H80 NOA.

**Note:** This RFI submission may not be used to request changes to the total award, funding type(s), or Health Center Program funds allocation between funding types. *Funding must be requested and will be awarded proportionately for all funding types as currently funded under the Health Center Program.*

In the Non-Federal column, provide the total non-federal funding sources for each type of Health Center Program (CHC, MSAW, HP, RPH). The total for the Non-Federal column should equal the Total Non-Federal value on Form 3: Income Analysis (located at <https://bphc.hrsa.gov/sites/default/files/bphc/funding/bpr-form-3.pdf>).

### Section B: Object Class Categories:

Provide the object class category breakdown (i.e., line-item budget) for FY 2026 budgeted funds. Include federal funding in the first column and non-federal funding in the second column. Each line represents a distinct object class category that must be addressed in the Budget Narrative. Indirect costs may only be claimed with an approved indirect cost rate (see details in the Budget Narrative section below).

### Section C: Non-Federal Resources:

Provide a breakdown of non-federal funds by funding source (e.g., state, local) for each type of Health Center Program funding (CHC, MSAW, HP, RPH). If you are a state agency, leave the State column blank and include state funding in the Applicant column. Program income in this section must be consistent with the Total Program Income presented in Form 3: Income Analysis.

### Salary Rate Limitation

As required by the current appropriations act, "[n]one of the funds appropriated in this title shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate over Executive Level II." Effective January 2025, the salary rate limitation is \$225,700 (see <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/25Tables/exec/html/EX.aspx>). As required by law, salary rate limitations may apply in future years and will be updated.

## 2. Budget Narrative

Upload a budget narrative attachment for the 12-month extension period that explains the amounts requested for each line in Section B, Object Class Categories of the SF-424A Budget Information Form. The Budget Narrative must itemize both your federal request and non-federal resources.

The budget narrative must describe how each line-item will support achieving the project objectives. Refer to 45 CFR 75 (2 CFR 200; see <https://www.ecfr.gov/current/title-45/subtitle-A/subchapter-A/part-75#part-75>) for information on allowable costs. Include detailed calculations explaining how each line-item expense within each cost category is derived (e.g., number of visits, cost per unit). Include a description for each item in the “other” category.

Include the following in the Budget Narrative:

**Personnel Costs:** Explain personnel costs and list each staff member who will be supported by Health Center Program funds, name (if possible), position title, percentage of full-time equivalency, and annual salary.

**Reminder:** An individual’s base salary, per se, is NOT constrained by the statutory provision for a salary limitation. The rate limitation limits the amount that may be awarded and charged to the HRSA grant. Provide an individual’s actual base salary if it exceeds the cap. Refer to the Sample Budget Narrative on <https://bphc.hrsa.gov/funding/funding-opportunities/budget-period-progress-report-bpr-noncompeting-continuation-ncc>.

**Fringe Benefits:** List the components that make up the fringe benefit rate (e.g., health insurance, taxes, unemployment insurance, life insurance, retirement plans, and tuition reimbursement). The fringe benefits should be directly proportional to the personnel costs allocated for the project.

**Travel:** List travel costs according to local and long-distance travel. For local travel, outline the mileage rate, number of miles, reason for travel, and staff members/consumers completing the travel. The budget should also reflect the travel expenses (e.g., airfare, lodging, parking, per diem, etc.) for each person and the trip associated with participating in meetings and other proposed training or workshops. Name the traveler(s) if possible, describe the purpose of the travel, and provide the number of trips involved, the destinations, and the number of individuals for whom funds are requested.

**Equipment:** List equipment costs and justify the need for the equipment to carry out the program’s goals. Extensive justification and a detailed status of current equipment must be provided when requesting funds to purchase items that meet the definition of equipment (a unit cost of \$10,000 or more and a useful life of 1 or more years).

**Supplies:** List the items that will be used to implement the proposed project. Separate items into three categories: office supplies (e.g., paper, pencils), medical supplies (e.g., syringes, blood tubes, gloves), and educational supplies (e.g., brochures, videos). Items must be listed separately. Equipment items such as laptops, tablets, and desktop computers are classified as a supply if the acquisition cost is under the \$10,000 per unit cost threshold.

**Contractual/Subawards/Consultant:** Provide a clear justification, including how you estimated the costs and the specific contract/subaward deliverables. Attach a summary of contracts with the Budget Narrative. Make sure that your organization has an established and adequate procurement system with fully developed written procedures for awarding and monitoring all contracts/subawards. Recipients must notify potential subrecipients that entities receiving subawards must be registered in the system for award management (SAM) and provide the recipient with their Unique Entity Identifier number (see 2 CFR part 25; <https://www.ecfr.gov/current/title-2/subtitle-A/chapter-I/part-25>).

In your budget:

- For consultant services, list the total costs for all consultant services. Identify each consultant, the services they will perform, the total number of days, travel costs, and total estimated costs.

- For subawards to entities that will help carry out the work of the grant, describe how you monitor their work to ensure the funds are being properly used.

- **Note:** You should not provide line-item details on proposed contracts; rather, provide the basis for your cost estimate for the contract.

Per the Suspension and Debarment rules in the Uniform Administrative Requirements, as implemented by HRSA under 2 CFR 200.214, non-federal entities and contractors are subject to the non-procurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, 2 CFR parts 180 and 376. These regulations restrict awards, subawards, and contracts with certain parties debarred, suspended, or otherwise excluded from or ineligible for

participation in federal assistance programs or activities.

**Other:** Include all costs that do not fit into any other category and provide an explanation for each cost in this category (e.g., Electronic Health Record provider licenses, audit, legal counsel). In some cases, rent, utilities, and insurance fall under this category if they are not included in an approved indirect cost rate.

**Indirect Costs:** Indirect costs are costs you charge across more than one project that cannot be easily separated by project. To charge indirect costs you can select one of two methods:

**Method 1—Approved rate.** You currently have an indirect cost rate approved by your cognizant federal agency. If indirect costs are included in the budget, attach a copy of the indirect cost rate agreement in the Budget Narrative attachment.

**Method 2—De minimis rate.** Per 2 CFR 200.414(f) (see <https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-E/subject-group-ECFRd93f2a98b1f6455/section-200.414>), if you have never received a negotiated indirect cost rate, you may elect to charge a *de minimis* rate. If you choose this method, costs included in the indirect cost pool must not be charged as direct costs. This rate is 15 percent of modified total direct costs. See 2 CFR 200.1 (<https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200#p-200.1> (Modified%20Total%20Direct%20Cost%20(MTDC))) for the definition of modified total direct costs. You can use this rate indefinitely.

## 3. Form 1C—Documents on File

Form 1C—Documents on File (see <https://bphc.hrsa.gov/sites/default/files/bphc/funding/bpr-form-1c.pdf>) collects information about key documents that support the implementation of Health Center Program requirements and other applicable funding requirements. These requirements are outlined in the Health Center Program Compliance Manual (see <https://bphc.hrsa.gov/compliance/compliance-manual>), Notices of Funding Opportunity, Executive Orders, terms and conditions, and other grants policies and regulations. Please note that Form 1C does not require listing all health center documents (e.g., internal policies and procedures, clinical protocols, or legal documents). Detailed instructions for completing Form 1C: Documents on File are available in the BPR User Guide and on <https://bphc.hrsa.gov/funding/funding-opportunities/budget-period-progress-report-bpr-noncompeting-continuation-ncc>.

#### 4. Form 3—Income Analysis

Form 3—Income Analysis (see <https://bphc.hrsa.gov/sites/default/files/bphc/funding/bpr-form-3.pdf>) must be uploaded and include the projected income from all sources other than the Health Center Program award for the upcoming budget period. Form 3 is divided into (1) Patient Service Revenue—Program Income and (2) Other Income—Other Federal, State, Local, and Other Income. Instructions for completing Form 3: Income Analysis are included in the BPR User Guide and on <https://bphc.hrsa.gov/funding/funding-opportunities/budget-period-progress-report-bpr-noncompeting-continuation-ncc>.

#### 5. Project Narrative Update

Submit a Project Narrative Update attachment. You will address your organizational and patient capacity. For each section, your narrative should include:

- A summary of progress and changes to date,
- Expected progress for the rest of the FY 2025 budget period, and
- Projected changes for the upcoming FY 2026 budget period.

Your response in each section is limited to 2,000 characters (including spaces). This is approximately one page.

1. *Organizational Capacity:* Discuss your progress and any major changes or barriers to organizational capacity since the last application, either SAC or BPR. Describe how changes have impacted or may impact progress. Address the following key areas:

- Staffing, including key management vacancies.
- Operations, including major changes in policies and procedures. You must explain how responses to findings of noncompliance have changed/improved your standards of operation or practice, for example, findings identified in your last SAC or operational site visit, or other conditions on your award (if applicable).

- Financial status, including the most current audit findings.

2. *Patient Capacity:* Discuss any changes to the service area or to your project that have impacted or may impact patient capacity. Describe factors that have contributed to any downward patient trend (greater than a 5 percent decrease) and plans for reaching the projected patient target goal. Plans could include (but are not limited to) changes in scope, successor-in-interest arrangements, or contract or agreement updates. Detailed instructions for completing the Patient Capacity section

are available in Appendix A of the BPR Instructions on the BPR TA web page, <https://bphc.hrsa.gov/funding/funding-opportunities/budget-period-progress-report-bpr-noncompeting-continuation-ncc>.

#### 6. Supplemental Award Update

If HRSA's Bureau of Primary Healthcare awarded your organization funding for any supplemental awards since FY 2023, upload an update on your progress toward meeting the objectives of each award. Do not include other HRSA or federal supplemental awards in this section. Include awards rolled into your base funding.

For each supplemental award received, describe how available data demonstrates progress toward achieving the supplemental funding objectives. This may include Uniform Data System data showing increases in patients, visits, or services, as well as scope of project data reflecting expanded service hours or the addition of new services.

*Your updates should include, but are not limited to the following supplemental awards within the last three FY (since FY 2023):*

- *School-Based Service Expansion*
  - FY 2023
- *Primary Care HIV Prevention*
  - FY 2023
- *Early Childhood Development*
  - FY 2023
- *Behavioral Health Service Expansion*
  - FY 2024
- *Expanded Hours*
  - FY 2025

For each supplemental award update, limit your response to 500 words. If you have questions about supplemental awards, contact us using the BPHC Contact Form, <https://hrsa.my.site.com/support/s/>.

*Submission Deadline:* Submit the response to this request via HRSA's Electronic Handbook no later than XX:XX PM ET on XX/XX/20XX.

*System for Award Management:* Recipients must continue to maintain active SAM registration with current information during all times that they have an active federal award, an active application, or an active plan under consideration by an agency (unless you are an individual or federal agency that is exempted from those requirements under 2 CFR 25.110(b) or (c), or you have an exception approved by the agency under 2 CFR 25.110(d)). For your SAM registration, you must submit a notarized letter appointing the authorized Entity Administrator.

*Intergovernmental Review:* This funding is subject to the provisions of Executive Order 12372, as implemented by 45 CFR part 100.

*Review Criteria and Process:* HRSA will conduct a review of the submitted response in accordance with HRSA guidelines. HRSA reserves the right to request clarification; a resubmission of the budget, narrative and forms, or additional information if the submission is not fully responsive to any of the requirements, or if ineligible activities are proposed. Following the review of all applicable information, HRSA review and awards management officials will determine if special conditions are required, and what level of funding is appropriate. Award decisions and funding levels are discretionary and are not subject to appeal. Continued funding depends on congressional appropriation of funds, satisfactory performance, and a decision that continued funding would be in the government's best interest.

As part of HRSA's required review of risk posed by applicants for this program, as described in 2 CFR 200.206 (see <https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-C/section-200.206>), HRSA will consider additional factors. These factors include, but are not limited to, past performance and the results of HRSA's assessment of the financial stability of your organization. HRSA reserves the right to conduct site visits and/or use the current compliance status to inform final funding decisions.

*Award Notice:* HRSA anticipates issuing the Notice of Award approximately 30 days prior to your budget period start date.

**Thomas J. Engels,**  
Administrator.

[FR Doc. 2025–15465 Filed 8–13–25; 8:45 am]

BILLING CODE 4165–15–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which

would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Emerging Technologies and Training Neurosciences Integrated Review Group; Imaging Technology for Neuroscience Study Section.  
*Date:* September 11–12, 2025.

*Time:* 9:00 a.m. to 6:00 p.m.  
*Agenda:* To review and evaluate grant applications.

*Address:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

*Meeting Format:* Virtual Meeting.  
*Contact Person:* Rachel A. Kane, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr., Bethesda, MD 20892, (301) 496–0221, [kanera@csr.nih.gov](mailto:kanera@csr.nih.gov).

*Name of Committee:* Applied Therapeutics for Cancer Integrated Review Group; Advancing Therapeutics A Study Section.  
*Date:* October 9–10, 2025.

*Time:* 9:30 a.m. to 6:00 p.m.  
*Agenda:* To review and evaluate grant applications.

*Address:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

*Meeting Format:* Virtual Meeting.  
*Contact Person:* Maureen Shuh, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 480–4097, [maureen.shuh@nih.gov](mailto:maureen.shuh@nih.gov).

*Name of Committee:* Molecular, Cellular and Developmental Neuroscience Integrated Review Group; Molecular and Cellular Neuropharmacology Study Section.  
*Date:* October 21–22, 2025.

*Time:* 9:30 a.m. to 6:00 p.m.  
*Agenda:* To review and evaluate grant applications.

*Address:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

*Meeting Format:* Virtual Meeting.  
*Contact Person:* Beata Buzas, Ph.D., Scientific Review Officer, Extramural Project Review Branch, Office of Extramural Activities, 6700B Rockledge Drive, Room 2116, MSC 6902, National Institute on Alcohol Abuse and Alcoholism, Bethesda, MD 20892, (301) 443–0800, [bbuzas@mail.nih.gov](mailto:bbuzas@mail.nih.gov).

*Name of Committee:* Social and Community Influences on Health Integrated Review Group; Social Sciences and Population Studies A Study Section.  
*Date:* October 21–22, 2025.

*Time:* 10:00 a.m. to 6:00 p.m.  
*Agenda:* To review and evaluate grant applications.

*Address:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

*Meeting Format:* Virtual Meeting.  
*Contact Person:* Suzanne Ryan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3139, MSC 7770, Bethesda, MD 20892, (301) 435–1712, [ryansj@csr.nih.gov](mailto:ryansj@csr.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

*Dated:* August 11, 2025.

**Sterlyn H Gibson,**  
*Program Specialist, Office of Federal Advisory Committee Policy.*

[FR Doc. 2025–15431 Filed 8–13–25; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; PAR Panel: Complimentary and Integrative Health Interventions and Outcomes.

*Date:* September 9, 2025.

*Time:* 3:00 p.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Address:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

*Meeting Format:* Virtual Meeting.

*Contact Person:* Cheryl K. Nordstrom, Ph.D., Scientific Review Officer, NIDDK/Scientific Review Branch, National Institutes of Health, 6707 Democracy Blvd., Room 7017, Bethesda, MD 20892, 301–402–6711, [cheryl.nordstrom@nih.gov](mailto:cheryl.nordstrom@nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; PAR–22–180: Maximizing Investigators Research Award (MIRA).

*Date:* November 6–7, 2025.

*Time:* 9:30 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Address:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

*Meeting Format:* Virtual Meeting.

*Contact Person:* Adam Lawrence Heuberger, Ph.D., Scientific Review Branch, National Institute of General Medical

Sciences, National Institutes of Health, 6701 Rockledge Drive, Room 904–C, Bethesda, MD 20892, [adam.heuberger@nih.gov](mailto:adam.heuberger@nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Small Business: Disease Management, Risk Prevention, and Health Behavior Change.

*Date:* November 20–21, 2025.

*Time:* 9:30 a.m. to 5:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Address:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

*Meeting Format:* Virtual Meeting.

*Contact Person:* Helen Huang, Ph.D., Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, National Institutes of Health, 6710B Rockledge Drive, Room 2137D, Bethesda, MD 20892, (301) 435–8207, [helen.huang@nih.gov](mailto:helen.huang@nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

*Dated:* August 11, 2025.

**Sterlyn H. Gibson,**  
*Program Specialist, Office of Federal Advisory Committee Policy.*

[FR Doc. 2025–15430 Filed 8–13–25; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HOMELAND SECURITY

### Transportation Security Administration

#### Revision of Agency Information Collection Activity Under OMB Review: Aviation Security Customer Satisfaction Performance Measurement Passenger Survey

**AGENCY:** Transportation Security Administration, DHS.

**ACTION:** 30-Day notice.

**SUMMARY:** This notice announces that the Transportation Security Administration (TSA) has forwarded the Information Collection Request (ICR), Office of Management and Budget (OMB) control number 1652–0013, abstracted below to OMB for review and approval of a revision of the currently approved collection under the Paperwork Reduction Act (PRA). The ICR describes the nature of the information collection and its expected burden. This collection involves surveying travelers to measure customer satisfaction with aviation security in an effort to more efficiently manage TSA's security screening performance at airports.

**DATES:** Send your comments by September 15, 2025. A comment to OMB is most effective if OMB receives it within 30 days of publication.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to <https://www.reginfo.gov/public/do/PRAMain>. Find this particular information collection by selecting "Currently under Review—Open for Public Comments" and by using the find function.

**FOR FURTHER INFORMATION CONTACT:** Christina A. Walsh, TSA PRA Officer, Information Technology, TSA-11, Transportation Security Administration, 6595 Springfield Center Drive, Springfield, VA 20598-6011; telephone (571) 227-2062; email [TSAPRA@tsa.dhs.gov](mailto:TSAPRA@tsa.dhs.gov).

**SUPPLEMENTARY INFORMATION:** TSA published a **Federal Register** notice, with a 60-day comment period soliciting comments, of the following collection of information on June 2, 2025, 90 FR 23351. TSA did not receive any comments on the notice.

#### Comments Invited

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The ICR documentation will be available at <https://www.reginfo.gov> upon its submission to OMB. Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

(1) Evaluate whether the proposed information requirement is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

#### Information Collection Requirement

**Title:** Aviation Security Customer Satisfaction Performance Measurement.

**Type of Request:** Revision of a currently approved collection.

**OMB Control Number:** 1652-0013.

**Form(s):** Survey.

**Affected Public:** Traveling public.

**Abstract:** TSA conducts passenger surveys at airports nationwide. Passengers are invited, though not required, to complete and return surveys by: (1) using a web-based portal on their own electronic devices or a device provided by TSA, (2) responding to TSA personnel capturing verbal responses, or (3) responding in writing to the survey questions on a customer satisfaction card and depositing the card in a drop-box at the airport. Each survey includes up to 10 questions pulled from a list of questions. Each question promotes a quality response so that TSA can identify areas in need of improvement. All questions concern aspects of the passenger's security screening experience.

TSA is revising the collection by removing the optional question which uses the term "gender," in compliance with section 3(c) of Executive Order 14168 of January 20, 2025 (Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government). This section of the Executive Order requires Federal agencies to use the term "sex" and not "gender" in all applicable agency policies and documents.

**Estimated Annual Number of Respondents:** 9,600.

**Estimated Annual Burden Hours:** 800.

Dated: August 11, 2025.

**Christina A. Walsh,**

*Paperwork Reduction Act Officer, Office of Information Technology, Transportation Security Administration.*

[FR Doc. 2025-15422 Filed 8-13-25; 8:45 am]

**BILLING CODE 9110-05-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[PO #4820000251; Order #02412-015-004-047181.0]

### Public Meeting for the San Rafael Swell Recreation Area Advisory Council

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of public meeting.

**SUMMARY:** In accordance with the Federal Land Policy and Management Act of 1976 and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management (BLM) San Rafael Swell Recreation Area Advisory Council (Council) will meet as follows.

**DATES:** The Council will participate in a field tour on October 1, 2025, from 9

a.m. to 12:00 p.m. Mountain Time (MT), and hold a public meeting on October 2, 2025, from 9 a.m. to 3 p.m. MT. The meeting and field tour are open to the public.

**ADDRESSES:** The field tour will commence and conclude, and the meeting will be held at the Castle Dale City Hall, 20 South 100 East, Castle Dale, Utah 84513. A public comment period will be held at 12:45 p.m. MT on October 2, 2025.

**FOR FURTHER INFORMATION CONTACT:** Elijah Waters, Green River District Manager, 170 South 500 East, Vernal, Utah 84078; telephone: 435-781-4400; email: [ewaters@blm.gov](mailto:ewaters@blm.gov). Persons in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

**SUPPLEMENTARY INFORMATION:** The John D. Dingell, Jr. Conservation, Management, and Recreation Act (Pub. L. 116-9) established the Council to advise the Secretary of the Interior, through the BLM, on planning and managing the San Rafael Swell Recreation Area. The 7-member Council represents a wide range of interests including local government, recreational users, grazing allotment permittees, conservation organizations, people with expertise in historical uses of the recreation area, and Tribal Nations. The October 1 field tour is to sites within the Green River District. Members of the public are welcome on field tours but must provide their own transportation and meals and register to attend 7 days in advance to the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice. The October 2 meeting agenda topics will include an update on activities from the Green River District Manager, a presentation on the John D. Dingell, Jr. Conservation, Management, and Recreation Act Resource Management Plan Amendments for Moab, Price, and Vernal Field Offices, an overview of the NEPA public comment process, a public comment period, and other topics the Council may wish to cover. A final agenda will be posted on the Council's web page at <https://www.blm.gov/get-involved/resource-advisory-council/near-you/utah/San-Rafael-Swell-RAC> 2 weeks in advance of the meeting. Written comments to the Council can be emailed in advance to the individual

listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

**Public Comment Procedures:** The BLM welcomes comments from all interested parties. A public comment period will be held at 12:45 p.m. MT on October 2. Depending on the number of persons wishing to comment and time available, the time for individual oral comments may be limited. Written comments to the Council can be emailed in advance of the meeting to the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice. All comments will be provided to the Council. Please include "Council Comment" in your submission.

Before including your address, phone number, email address, or other personal identifying information in your comments, please be aware that your entire comment, including your personally identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personally identifying information from public review, we cannot guarantee that we will be able to do so.

**Requests for Accommodations:** Please make requests in advance for sign language interpreter services, assistive listening devices, or other reasonable accommodations. We ask that you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice at least 14 business days prior to the meeting to give the Department of the Interior sufficient time to process your request. All reasonable accommodation requests are managed on a case-by-case basis.

(Authority: 43 CFR 1784.4–2).

**Elijah Waters,**

*Green River District Manager and Council Designated Federal Officer.*

[FR Doc. 2025–15392 Filed 8–13–25; 8:45 am]

**BILLING CODE 4331–25–P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

[N6415; NPS–WASO–NAGPRA–NPS0040809; PPWOCRADN0–PCU00RP14.R50000]

**Notice of Intended Repatriation: Santa Barbara Museum of Natural History, Santa Barbara, CA**

**AGENCY:** National Park Service, Interior.  
**ACTION:** Notice.

**SUMMARY:** In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Santa Barbara Museum of Natural History

intends to repatriate certain cultural items that meet the definition of unassociated funerary objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

**DATES:** Repatriation of the cultural items in this notice may occur on or after September 15, 2025.

**ADDRESSES:** Send additional, written requests for repatriation of the cultural items in this notice to Luke Swetland, President and CEO, Santa Barbara Museum of Natural History, 2559 Puesta del Sol, Santa Barbara, CA 93105, email [lswetland@sbnature2.org](mailto:lswetland@sbnature2.org).

**SUPPLEMENTARY INFORMATION:** This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Santa Barbara Museum of Natural History, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

### Abstract of Information Available

A total of 12 cultural items have been requested for repatriation. The 12 unassociated funerary objects consist of 10 small projectile points, one stone disc fragment, and one large stone grinding slab. These items were surface collected in the 1920s from CA–LAN–192 (Lovejoy Springs site, CA) by Bob Wubben. They were donated to the Museum in 1992 by Robert W. and Doris M. Wubben of Torrance, CA.

### Determinations

The Santa Barbara Museum of Natural History has determined that:

- The 12 unassociated funerary objects described in this notice were reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.

- There is a reasonable connection between the cultural items described in

this notice and the Morongo Band of Mission Indians, California and the Yuhaaviatam of San Manuel Nation (previously listed as San Manuel Band of Mission Indians, California).

### Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after September 15, 2025. If competing requests for repatriation are received, the Santa Barbara Museum of Natural History must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The Santa Barbara Museum of Natural History is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

**Authority:** Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: July 31, 2025.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2025–15405 Filed 8–13–25; 8:45 am]

**BILLING CODE 4312–52–P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

[N6422; NPS–WASO–NAGPRA–NPS0040828; PPWOCRADN0–PCU00RP14.R50000]

**Notice of Intended Disposition: U.S. Department of the Interior, National Park Service, Casa Grande Ruins National Monument, Coolidge, AZ**

**AGENCY:** National Park Service, Interior.  
**ACTION:** Notice.

**SUMMARY:** In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Department of the Interior, National Park Service, Casa Grande Ruins National Monument (CAGR) intends to

carry out the disposition of human remains and associated funerary objects removed from Federal or Tribal lands to the lineal descendants, Indian Tribe, or Native Hawaiian organization with priority for disposition in this notice.

**DATES:** Disposition of the human remains and associated funerary objects in this notice may occur on or after September 15, 2025. If no claim for disposition is received by August 14, 2026, the human remains and associated funerary objects in this notice will become unclaimed human remains and associated funerary objects.

**ADDRESSES:** Send written claims for disposition of the human remains and associated funerary objects to Christopher Combel, Acting Superintendent, Casa Grande Ruins National Monument, 1101 W Ruins Drive, Coolidge, AZ 85128, email [christopher\\_combel@nps.gov](mailto:christopher_combel@nps.gov).

**SUPPLEMENTARY INFORMATION:** This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Acting Superintendent, Casa Grande Ruins National Monument, and additional information on the human remains and associated funerary objects in this notice, including the results of consultation, can be found in the related records.

#### Abstract of Information Available

Based on the information available, human remains representing, at least, one individual have been reasonably identified. The one lot of associated funerary objects are primarily pottery sherds, both burnt and unburnt, as well as faunal remains. These ancestral remains and associated funerary objects have not been itemized out of respect to them and a desire to disturb them as little as possible. On May 2, 2025, CAGR staff was performing historic preservation on Compound A (AZ AA:02:14) by removing previous layers of historic concrete treatments from the western wall of Room 31 in Pinal County, Arizona. In between two layers of concrete, there was a four-inch layer of loose dirt, and the cremated ancestral remains were located there.

#### Determinations

CAGR has determined that:

- The human remains described in this notice represent the physical remains of at least one individual of Native American ancestry.
- The one lot of objects described in this notice are reasonably believed to have been placed intentionally with or

near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony.

- The Gila River Indian Community of the Gila River Indian Reservation, Arizona has priority for disposition of the human remains and associated funerary objects described in this notice.

#### Claims for Disposition

Written claims for disposition of the human remains and associated funerary objects in this notice must be sent to the appropriate official identified in this notice under **ADDRESSES**. If no claim for disposition is received by August 14, 2026, the human remains and associated funerary objects in this notice will become unclaimed human remains and associated funerary objects. Claims for disposition may be submitted by:

1. Any lineal descendant, Indian Tribe, or Native Hawaiian organization identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that they have priority for disposition.

Disposition of the human remains and associated funerary objects in this notice may occur on or after September 15, 2025. If competing claims for disposition are received, CAGR must determine the most appropriate claimant prior to disposition. Requests for joint disposition of the human remains and associated funerary objects are considered a single request and not competing requests. CAGR is responsible for sending a copy of this notice to the lineal descendants, Indian Tribes, and Native Hawaiian organizations identified in this notice and to any other consulting parties.

**Authority:** Native American Graves Protection and Repatriation Act, 25 U.S.C. 3002, and the implementing regulations, 43 CFR 10.7.

Dated: August 5, 2025.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2025-15413 Filed 8-13-25; 8:45 am]

**BILLING CODE 4312-52-P**

#### DEPARTMENT OF THE INTERIOR

##### National Park Service

[N6417; NPS-WASO-NAGPRA-NPS0040823; PPWOCRADNO-PCU00RP14.R50000]

**Notice of Intended Repatriation:**  
**Kalamazoo Valley Museum,**  
**Kalamazoo, MI**

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Kalamazoo Valley Museum intends to repatriate certain cultural items that meet the definition of sacred objects/objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

**DATES:** Repatriation of the cultural items in this notice may occur on or after September 15, 2025.

**ADDRESSES:** Send additional, written requests for repatriation of the cultural items in this notice to Regina Gorham, Collections Manager for the Kalamazoo Valley Museum, 230 N Rose Street, Kalamazoo, MI 49007, email [rgorham@kvcc.edu](mailto:rgorham@kvcc.edu).

**SUPPLEMENTARY INFORMATION:** This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Kalamazoo Valley Museum, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

#### Abstract of Information Available

A total of 17 cultural items have been requested for repatriation. The 17 sacred objects/objects of cultural patrimony are baskets. The donor of the objects is Albert May Todd (A.M. Todd). A.M. Todd was a wealthy entrepreneur known for his success in the mint oil industry and for his extensive travels and collecting. After establishing his business in Kalamazoo in 1891, he began traveling primarily to Europe, where he amassed a vast and eclectic collection of art and cultural artifacts. His interests included European paintings, pottery, Native American art, and antiquities from Ancient Rome and Egypt. On one trip alone, he returned with 30,000 pounds of art. Todd displayed his collection publicly in his downtown offices and throughout Kalamazoo in schools and other institutions, driven by a belief that art and culture should be accessible to all—though his collecting reflected the Eurocentric and colonialist views of his time. Many items were shared informally with institutions before being officially donated, and upon his death in 1931, his collection was distributed across schools, colleges, museums, and libraries in Michigan. Preliminary

identification of region was done by Martha Spaeth in 1973.

#### Determinations

The Kalamazoo Valley Museum has determined that:

- The 17 sacred objects/objects of cultural patrimony described in this notice are, according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization, specific ceremonial objects needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, and have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision).
- There is a connection between the cultural items described in this notice and the Tejon Indian Tribe.

#### Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after September 15, 2025. If competing requests for repatriation are received, the Kalamazoo Valley Museum must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The Kalamazoo Valley Museum is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

*Authority:* Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: August 5, 2025.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2025–15408 Filed 8–13–25; 8:45 am]

**BILLING CODE 4312–52–P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

[N6410; NPS–WASO–NAGPRA–NPS0040804; PPWOCRADNO–PCU00RP14.R50000J]

#### Notice of Inventory Completion: Birmingham Museum of Art, Birmingham, AL

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Birmingham Museum of Art (BMA) has completed an inventory of associated funerary objects and has determined that there is a cultural affiliation between the associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

**DATES:** Repatriation of the associated funerary objects in this notice may occur on or after September 15, 2025.

**ADDRESSES:** Send written requests for repatriation of the associated funerary objects in this notice to Dr. Anne Forschler-Tarrasch, Director of Collections & Exhibitions, Birmingham Museum of Art, 2000 Rev. Abraham Woods, Jr. Boulevard, Birmingham, AL 35203, email [aforschler@artsbma.org](mailto:aforschler@artsbma.org).

**SUPPLEMENTARY INFORMATION:** This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of BMA, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

#### Abstract of Information Available

Based on the information available, two associated funerary objects are present. These are represented by two bannerstones. Following the repatriation of two Ancestors identified in a Notice of Inventory Completion published in the **Federal Register** on April 8, 2024 (89 FR 24498), two associated funerary objects from the same location (Detroit, AL) were identified in collection. Like the Ancestors, the associated funerary objects were donated to BMA in 1969 by Dr. Samuel Fischer, III. In consultation with the culturally affiliated Tribes, it was determined that the two bannerstones are the associated funerary objects of the Ancestors published in the **Federal Register** notice referenced above.

## Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the associated funerary objects described in this notice.

#### Determinations

BMA has determined that:

- The two objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a reasonable connection between the associated funerary objects described in this notice and the Jena Band of Choctaw Indians; Mississippi Band of Choctaw Indians; and The Choctaw Nation of Oklahoma.

#### Requests for Repatriation

Written requests for repatriation of the associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the associated funerary objects described in this notice to a requestor may occur on or after September 15, 2025. If competing requests for repatriation are received, BMA must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the associated funerary objects are considered a single request and not competing requests. BMA is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

*(Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.)*

Dated: July 31, 2025.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2025–15400 Filed 8–13–25; 8:45 am]

**BILLING CODE 4312–52–P**

**DEPARTMENT OF THE INTERIOR****National Park Service**

[N6418; NPS-WASO-NAGPRA-  
NPS0040824; PPWOCRADN0-  
PCU00RP14.R50000]

**Notice of Inventory Completion:  
University of Michigan, Ann Arbor, MI**

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Michigan has completed an inventory of human remains (hereinafter referred to as “Ancestral remains” or “Ancestors”) and associated funerary objects and has determined that there is a cultural affiliation between the Ancestral remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

**DATES:** Repatriation of the Ancestral remains and associated funerary objects in this notice may occur on or after September 15, 2025.

**ADDRESSES:** Send written requests for repatriation of the Ancestral remains and associated funerary objects in this notice to Dr. Ben Secunda, NAGPRA Office Managing Director, University of Michigan, Office of Research, Suite G269, Lane Hall, Ann Arbor, MI 48109-1274, email [bsecunda@umich.edu](mailto:bsecunda@umich.edu).

**SUPPLEMENTARY INFORMATION:** This notice is published as part of the National Park Service’s administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the University of Michigan, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

**Abstract of Information Available**

Ancestral remains representing, at least, 16 individuals have been identified. The eight associated funerary objects are two lots of earthenware sherds, one lot of earthenware pipe fragments, one lot of worked deer antler fragments, two lots of unworked animal bone fragments, one lot of soil, and one lot of soil and ash. In September of 1931, the Ancestral remains and associated funerary objects were excavated and removed from the Porter Mounds site (200A1), in Oceana County, Michigan, by the University of Michigan Museum of Anthropological Archaeology (UMMAA) under the

direction of Dr. Carl E. Guthe. Dating for the site is to the Early Late Woodland period A.D. 500–1000, based on diagnostic artifacts. The Ancestors are an adult 20–35 years female, an adult 35+ years possible male, an adolescent, an adult possible female, an infant 18 months to 2 years, a child 7.5–12.5 years, an adolescent, an adult possible female, an adult possible male, a cremated adult, a child 7.5–12.5 years, a child 4–8 years, a child 7.5–12.5 years, an adolescent <17 years, an adult possible female, and an adult.

The University of Michigan has no record of, nor do its officials have any knowledge of, any treatment of items with pesticides, preservatives, or other substances that represent a potential hazard to the collection(s) or to persons handling the collection(s).

**Cultural Affiliation**

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the Ancestral remains and associated funerary objects described in this notice.

**Determinations**

The University of Michigan has determined that:

- The Ancestral remains described in this notice represent the physical remains of 16 individuals of Native American ancestry.
- The eight objects described in this notice are reasonably believed to have been placed intentionally with or near individual Ancestral remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the Ancestral remains and associated funerary objects described in this notice and the Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Bay Mills Indian Community, Michigan; Chippewa Cree Indians of the Rocky Boy’s Reservation, Montana; Citizen Potawatomi Nation, Oklahoma; Forest County Potawatomi Community, Wisconsin; Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Hannahville Indian Community, Michigan; Keweenaw Bay Indian Community, Michigan; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; Little River Band of Ottawa Indians, Michigan; Little Shell Tribe of

Chippewa Indians of Montana; Little Traverse Bay Bands of Odawa Indians, Michigan; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Minnesota Chippewa Tribe, Minnesota (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band); Nottawaseppi Huron Band of the Potawatomi, Michigan; Ottawa Tribe of Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Prairie Band Potawatomi Nation; Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; Red Lake Band of Chippewa Indians, Minnesota; Saginaw Chippewa Indian Tribe of Michigan; Sault Sainte Marie Tribe of Chippewa Indians, Michigan; St. Croix Chippewa Indians of Wisconsin; Sokaogon Chippewa Community, Wisconsin; and the Turtle Mountain Band of Chippewa Indians of North Dakota

**Requests for Repatriation**

Written requests for repatriation of the Ancestral remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under

**ADDRESSES.** Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the Ancestral remains and associated funerary objects described in this notice to a requestor may occur on or after September 15, 2025. If competing requests for repatriation are received, the University of Michigan must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the Ancestral remains and associated funerary objects are considered a single request and not competing requests. The University of Michigan is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

*Authority:* Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: August 5, 2025.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2025–15409 Filed 8–13–25; 8:45 am]

BILLING CODE 4312–52–P

## DEPARTMENT OF THE INTERIOR

### National Park Service

[N6421; NPS–WASO–NAGPRA–  
NPS0040827; PPWOCRADN0–  
PCU00RP14.R50000]

#### Notice of Intended Repatriation: Sonoma State University, Rohnert Park, CA

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Sonoma State University intends to repatriate certain cultural items that meet the definition of unassociated funerary objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

**DATES:** Repatriation of the cultural items in this notice may occur on or after September 15, 2025.

**ADDRESSES:** Send additional, written requests for repatriation of the cultural items in this notice to Elise-Alexandria Green, Sonoma State University, 1801 East Cotati Avenue, Rohnert Park, CA 94928, email [elise.green@sonoma.edu](mailto:elise.green@sonoma.edu).

**SUPPLEMENTARY INFORMATION:** This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Sonoma State University, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

#### Abstract of Information Available

A total of three cultural items have been requested for repatriation. The three unassociated funerary objects come from a donated collection by Tom Thorp and originate from Glenn County California. The cultural items are obsidian projectile points. The cultural items have been housed at Sonoma State University since 1974 under Accession Number 74–01.

Based on records concerning the sacred objects, objects of cultural patrimony, and the institution in which

they are housed, there is no evidence of the cultural items being treated with hazardous substances.

#### Determinations

The Sonoma State University has determined that:

- The three unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.

- There is a reasonable connection between the cultural items described in this notice and the Paskenta Band of Nomlaki Indians of California.

#### Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after September 15, 2025. If competing requests for repatriation are received, the Sonoma State University must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The Sonoma State University is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

**Authority:** Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: August 5, 2025.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2025–15412 Filed 8–13–25; 8:45 am]

BILLING CODE 4312–52–P

## DEPARTMENT OF THE INTERIOR

### National Park Service

[N6371; NPS–WASO–NAGPRA–  
NPS0040762; PPWOCRADN0–  
PCU00RP14.R50000]

#### Notice of Inventory Completion Amendment: University of Florida, Florida Museum of Natural History, Gainesville, FL

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice; amendment.

**SUMMARY:** In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Florida, Florida Museum of Natural History (FLMNH) has amended a notice of inventory completion published in the **Federal Register** on June 3, 2025. This notice amends the Indian Tribes or Native Hawaiian organizations with cultural affiliation.

**DATES:** Repatriation of the human remains and associated funerary objects may occur on or after September 15, 2025.

**ADDRESSES:** Send written requests for repatriation of the human remains and associated funerary objects to Megan Fry, University of Florida, Florida Museum of Natural History, 1659 Museum Road, Gainesville, FL 32611, email [megan.fry@floridamuseum.ufl.edu](mailto:megan.fry@floridamuseum.ufl.edu).

**SUPPLEMENTARY INFORMATION:** This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the FLMNH and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

#### Amendment

This notice amends the determination of cultural affiliation published in a notice of inventory completion in the **Federal Register** (90 FR 23542). Repatriation of the human remains and associated funerary objects in the original notice of inventory completion has not occurred.

**Determinations**

The FLMNH has determined that:

- There is a connection between the human remains and associated funerary objects described in the original notice and the Miccosukee Tribe of Indians; Seminole Tribe of Florida; and The Muscogee (Creek) Nation.

**Requests for Repatriation**

Written requests for repatriation of the human remains and associated funerary objects in the original notice must be sent to the authorized representative identified in this notice under

**ADDRESSES.** Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in the original notice to a requestor may occur on or after September 15, 2025. If competing requests for repatriation are received, the FLMNH must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The FLMNH is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

*Authority:* Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: July 28, 2025.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2025-15394 Filed 8-13-25; 8:45 am]

**BILLING CODE 4312-52-P**

**DEPARTMENT OF THE INTERIOR****National Park Service**

[N6409; NPS-WASO-NAGPRA-  
NPS0040803; PPWOCRADNO-  
PCU00RP14.R50000]

**Notice of Intended Disposition: U.S.  
Department of the Interior, Bureau of  
Land Management, Winnemucca, NV**

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Department of the Interior, Bureau of Land Management (BLM) intends to carry out the disposition of human remains removed from Federal or Tribal lands to the lineal descendants, Indian Tribe, or Native Hawaiian organization with priority for disposition in this notice.

**DATES:** Disposition of the human remains in this notice may occur on or after September 15, 2025. If no claim for disposition is received by August 14, 2026, the human remains in this notice will become unclaimed human remains.

**ADDRESSES:** Send written claims for disposition of the human remains in this notice to Erin Gillett, Bureau of Land Management, 5100 E Winnemucca Boulevard, Winnemucca, NV 89445, email [edgillett@blm.gov](mailto:edgillett@blm.gov).

**SUPPLEMENTARY INFORMATION:** This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the BLM and additional information on the human remains in this notice, including the results of consultation, can be found in the related records. The National Park Service is not responsible for the identifications in this notice.

**Abstract of Information Available**

Based on the information available, human remains representing, at least, one individual have been reasonably identified. On July 17, 2004 at approximately 1300 hrs. a member of the public was camping in the vicinity of Lost Creek Road in Washoe County (original report had a clerical error of "Lone Creek Road"). As the individual was walking along a dry creek bed, they noticed a white object embedded in the sand. The individual returned and used a shovel to move the sand and observed human skeletal remains. After discovery, they left the remains and returned home.

On July 20, 2004, the individual returned to the location with family members and called the Washoe County Sheriff's Office (WCSO) to report the discovered remains. Sergeant Peterson of Search and Rescue was notified of the remains at approximately 1130 hrs. Sgt. Peterson contacted Deputy Tracy Bloom of the WCSO Gerlach substation. At 1300 hrs. Deputy Bloom and Deputy Phil Condon arrived at the location and secured the area.

Investigator/Deputy Washoe County Coroner Marika Morris was notified of the remains at 1340 hrs. and arrived at the location at 1620 hrs. Detective Kathleen Bishop and FIS Investigators Dean Kaumans and Shane Billau also arrived at the location.

During investigation a skull was found partially buried in sand with the exposed right side exhibiting fracturing. The site was excavated by Dean Kaumans and Shane Billau. Upon excavation, a skull, lower jaw, various long bones, ribs and phalangeal bones were recovered. The remains were removed from their position in a block of sand at approximately 2100hrs. and wrapped in black plastic. The excavated sand was sifted, and various bone fragments and teeth were recovered.

The remains were transported by Deputy Coroner Marika Morris to the Washoe County Coroner's Office under WCSO Case #04-8364. The remains were examined on July 21, 2004 by Alane Olson, M.D.

Dr. Olson's opinions of the remains were that they appear to be those of an indigenous young female. No cultural affiliation of these ancestral remains were determined at that time. Dr. Olson recommended that examination by a qualified anthropologist was warranted.

On October 5, 2004, Vernon McCarty the Washoe County Coroner, after finding that no party was available to take custody of the remains, released them to California State University, Chico for anatomic donation.

In 2022 California State University, Chico, notified the Winnemucca District Office (WDO) that the recovered ancestral remains had unknowingly been located on BLM managed lands and that they intended to transfer custody back to the BLM. Following the chain of custody, WCSO passed custody of these ancestral remains to the BLM on April 5, 2022.

**Determinations**

The BLM has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.

- The Alturas Indian Rancheria, California; Big Pine Paiute Tribe of the Owens Valley; Bishop Paiute Tribe; Bridgeport Indian Colony; Burns Paiute Tribe; Cedarville Rancheria, California; Confederated Tribes of the Warm Springs Reservation of Oregon; Fort Bidwell Indian Community of the Fort Bidwell Reservation of California; Fort Independence Indian Community of Paiute Indians of the Fort Independence Reservation, California; Fort McDermitt Paiute and Shoshone Tribes of the Fort

McDermitt Indian Reservation, Nevada and Oregon; Klamath Tribes; Lone Pine Paiute-Shoshone Tribe; Lovelock Paiute Tribe of the Lovelock Indian Colony, Nevada; Paiute-Shoshone Tribe of the Fallon Reservation and Colony, Nevada; Pit River Tribe, California (includes XL Ranch, Big Bend, Likely, Lookout, Montgomery Creek, and Roaring Creek Rancherias); Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Nevada; Reno-Sparks Indian Colony, Nevada; Shoshone-Paiute Tribes of the Duck Valley Reservation, Nevada; Summit Lake Paiute Tribe of Nevada; Susanville Indian Rancheria, California; Te-Moak Tribe of Western Shoshone Indians of Nevada (Four constituent bands: Battle Mountain Band; Elko Band; South Fork Band; and Wells Band); Utu Utu Gwaitu Paiute Tribe of the Benton Paiute Reservation, California; Walker River Paiute Tribe of the Walker River Reservation, Nevada; Winnemucca Indian Colony of Nevada; Yerington Paiute Tribe of the Yerington Colony & Campbell Ranch, Nevada; and the Yomba Shoshone Tribe of the Yomba Reservation, Nevada have priority for disposition of the human remains described in this notice.

#### Claims for Disposition

Written claims for disposition of the human remains in this notice must be sent to the appropriate official identified in this notice under **ADDRESSES**. If no claim for disposition is received by August 14, 2026, the human remains in this notice will become unclaimed human remains. Claims for disposition may be submitted by:

1. Any lineal descendant, Indian Tribe, or Native Hawaiian organization identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows that they have priority for disposition.

Disposition of the human remains in this notice may occur on or after September 15, 2025. If competing claims for disposition are received, the BLM must determine the most appropriate claimant prior to disposition. Claims for joint disposition of the human remains are considered a single claim and not competing claims. The BLM is responsible for sending a copy of this notice to the lineal descendants, Indian Tribes, and Native Hawaiian organizations identified in this notice and to any other consulting parties.

**Authority:** Native American Graves Protection and Repatriation Act, 25 U.S.C. 3002, and the implementing regulations, 43 CFR 10.7.

Dated: July 31, 2025.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2025–15399 Filed 8–13–25; 8:45 am]

**BILLING CODE 4312–52–P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

**[N6412; NPS–WASO–NAGPRA–NPS0040806; PPWOCRADNO–PCU00RP14.R50000]**

#### Notice of Inventory Completion: San José State University, San José, CA

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), San José State University has completed an inventory of human remains and associated funerary objects and has determined that there is no lineal descendant and no Indian Tribe or Native Hawaiian organization with cultural affiliation.

**DATES:** Upon request, repatriation of the human remains and associated funerary objects in this notice may occur on or after September 15, 2025.

**ADDRESSES:** Send written requests for repatriation of the human remains and associated funerary objects in this notice to Alisha Marie Ragland, San José State University, One Washington Square, San Jose, CA 95192, email [alisha.ragland@sjsu.edu](mailto:alisha.ragland@sjsu.edu).

**SUPPLEMENTARY INFORMATION:** This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of San José State University, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

#### Abstract of Information Available

Human remains representing, at least, one individual have been identified. The 73 boxes of associated funerary objects contain faunal remains including fish, mammal, avian, and marine shell, soil samples, lithics and groundstone, botanical samples, and beads. Following the 1995 approval of construction projects for the expansion and restoration of the Moss Landing Marine Laboratory, CA–MNT–234 was excavated, collected, and curated at the Moss Landing Marine Laboratory

Library. No known potentially hazardous substances have been used to treat any of the human remains or associated funerary objects.

#### Consultation

Invitations to consult were sent to the Santa Rosa Indian Community of the Santa Rosa Rancheria, California; Tule River Indian Tribe of the Tule River Reservation, California; and non-federally Indian groups: Amah Mutsun Tribal Band; Amah Mutsun Tribal Band of Mission San Juan Bautista; Costanoan Rumsen Carmel Tribe; Esselen Tribe of Monterey County; Indian Canyon Mutsun Band of Costanoan; KaKoon Ta Ruk Band of Ohlone-Costanoan Indians of the Big Sur Rancheria; The Ohlone/Costanoan Esselen Nation; Rumsen Am: a Tur:ataj Ohlone; Salinan Tribe of Monterey; Wuksache Indian Tribe/Eshom Valley Band; and the Xolon-Salinan Tribe. The Amah Mutsun Tribal Band and the Ohlone/Costanoan Esselen Nation responded to requests and participated in ongoing consultations with San José State University for CA–MNT–234.

#### Cultural Affiliation

The following types of information about the cultural affiliation of the human remains and associated funerary objects in this notice are available: anthropological, archaeological, geographical, historical, linguistics, oral traditional, expert opinion, and Native American traditional knowledge.

The information, including the results of consultation, identified:

1. Ohlone groups connected to the human remains and associated funerary objects.
2. No federally recognized Indian Tribe or Native Hawaiian organization is connected to the human remains and associated funerary objects.
3. No relationship of shared group identity between the earlier group and a federally recognized Indian Tribe or Native Hawaiian organization that can be reasonably traced through time.

#### Determinations

San José State University has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- The 73 boxes of objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- No known lineal descendant who can trace ancestry to the human remains

and associated funerary objects in this notice has been identified.

- No federally recognized Indian Tribe or Native Hawaiian organization with cultural affiliation to the human remains and associated funerary objects described in this notice has been clearly or reasonably identified.

#### Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Upon request, repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after September 15, 2025. If competing requests for repatriation are received, San José State University must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. San José State University is responsible for sending a copy of this notice to the Indian Tribes or Native Hawaiian organizations identified in this notice.

**Authority:** Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: July 31, 2025.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2025-15402 Filed 8-13-25; 8:45 am]

**BILLING CODE 4312-52-P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

[N6407; NPS-WASO-NAGPRA-NPS0040821; PPWOCRADN0-PCU00RP14.R50000]

**Notice of Proposed Transfer or Reinterment: Office of the State Archaeologist Bioarchaeology Program, University of Iowa, Iowa City, IA**

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Native American Graves Protection and

Repatriation Act (NAGPRA), the Office of the State Archaeologist Bioarchaeology Program (OSA BP) proposes to reinter human remains and associated funerary objects listed in a notice of inventory completion published in the **Federal Register** on July 19, 2024.

**DATES:** Reinterment of the human remains and associated funerary objects in this notice may occur on or after September 15, 2025.

**ADDRESSES:** Send written claims for disposition of the human remains and associated funerary objects in this notice to Dr. Lara Noldner, Office of the State Archaeologist Bioarchaeology Program, University of Iowa, 700 S Clinton Street, Iowa City, IA 52242, email [lara-noldner@uiowa.edu](mailto:lara-noldner@uiowa.edu).

**SUPPLEMENTARY INFORMATION:** This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the OSA BP, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

#### Abstract of Information Available

This notice follows publication of a notice of inventory completion in the **Federal Register** (89 FR 58756), on July 19, 2024. Human remains representing, at least, 132 individuals have been identified. The 21 associated funerary objects are 16 pieces of faunal bones, four pieces of charcoal, and one piece of shell.

#### Consultation

Invitations to consult were sent to the Absentee-Shawnee Tribe of Indians of Oklahoma; Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Citizen Potawatomi Nation, Oklahoma; Delaware Nation, Oklahoma; Eastern Shawnee Tribe of Oklahoma; Flandreau Santee Sioux Tribe of South Dakota; Forest County Potawatomi Community, Wisconsin; Hannahville Indian Community, Michigan; Ho-Chunk Nation of Wisconsin; Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Kaw Nation, Oklahoma; Keweenaw Bay Indian Community, Michigan; Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas; Kickapoo Tribe

of Oklahoma; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Lower Sioux Indian Community in the State of Minnesota; Miami Tribe of Oklahoma; Minnesota Chippewa Tribe, Minnesota (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band); Oglala Sioux Tribe; Omaha Tribe of Nebraska; Otoe-Missouria Tribe of Indians, Oklahoma; Pawnee Nation of Oklahoma; Peoria Tribe of Indians of Oklahoma; Ponca Tribe of Indians of Oklahoma; Ponca Tribe of Nebraska; Prairie Band Potawatomi Nation; Prairie Island Indian Community in the State of Minnesota; Quapaw Nation; Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; Red Lake Band of Chippewa Indians, Minnesota; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation, Oklahoma; Sac & Fox Tribe of the Mississippi in Iowa; Santee Sioux Nation, Nebraska; Shakopee Mdewakanton Sioux Community of Minnesota; Sisseton-Wahpeton Ojate of the Lake Traverse Reservation, South Dakota; Spirit Lake Tribe, North Dakota; Sokaogon Chippewa Community, Wisconsin; Standing Rock Sioux Tribe of North & South Dakota; The Osage Nation; Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota; Upper Sioux Community, Minnesota; Winnebago Tribe of Nebraska; and the Yankton Sioux Tribe of South Dakota. No lineal descendant, or Indian Tribe or Native Hawaiian organization with cultural affiliation can be clearly or reasonably identified for the human remains and/or associated funerary objects in this notice. This determination was made based on lack of associated provenience documentation provided by collectors and/or their proclivity for taking both human remains and funerary objects from regions throughout the United States. The Lower Sioux Indian Community in the State of Minnesota and the Ho-Chunk Nation of Wisconsin have responded in support of this proposed reinterment.

#### Cultural Affiliation

The following types of information about the cultural affiliation of the human remains and associated funerary objects in this notice are available: anthropological, archaeological, biological, other relevant information, and expert opinion. The information, including the results of consultation, identified:

1. No earlier group connected to the human remains and associated funerary objects.

2. No Indian Tribe or Native Hawaiian organization connected to the human remains and associated funerary objects.

3. No relationship of shared group identity between the earlier group and the Indian Tribe or Native Hawaiian organization that can be reasonably traced through time.

#### Determinations

The OSA BP has determined that:

- The human remains described in this notice represent the physical remains of 132 individuals of Native American ancestry.
- The 21 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- No known lineal descendant who can trace ancestry to the human remains and associated funerary objects in this notice has been identified.
- No Indian Tribe or Native Hawaiian organization with cultural affiliation to the human remains and associated funerary objects in this notice has been clearly or reasonably identified.
- The human remains and associated funerary objects described in this notice will be reinterred according to applicable laws and policies.

#### Claims for Disposition

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Reinterment of the human remains and associated funerary objects described in this notice may occur on or after September 15, 2025. If requests for repatriation are received, the OSA BP must evaluate the requests and respond in writing to the requestors. The OSA BP is responsible for sending a copy of this notice to the Indian Tribes or Native Hawaiian organizations identified in this notice.

*Authority:* Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: August 5, 2025.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2025–15406 Filed 8–13–25; 8:45 am]

**BILLING CODE 4312–52–P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

**[N6420; NPS–WASO–NAGPRA–NPS0040826; PPWOCRADNO–PCU00RP14.R50000]**

#### **Notice of Inventory Completion: David A. Fredrickson Archaeological Collections Facility at Sonoma State University, Rohnert Park, CA**

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Sonoma State University has completed an inventory of associated funerary objects and has determined that there is a cultural affiliation between the associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

**DATES:** Repatriation of the associated funerary objects in this notice may occur on or after September 15, 2025.

**ADDRESSES:** Send written requests for repatriation of the associated funerary objects in this notice to Elise-Alexandria Green, Sonoma State University, 1801 East Cotati Avenue, Rohnert Park, CA 94928, email [elise.green@sonoma.edu](mailto:elise.green@sonoma.edu).

**SUPPLEMENTARY INFORMATION:** This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Sonoma State University, and additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The National Park Service is not responsible for the determinations in this notice.

#### **Abstract of Information Available**

Based on the information available, 985 associated funerary objects have been identified.

A total of 895 associated funerary objects were removed from CA–KER–824 near McKittrick California, in Kern County. The associated funerary objects were removed from the site during archaeological survey and monitoring by the Sonoma State University Academic Foundation Inc, contracted by the Getty Oil Company of Bakersfield, California. The 895

associated funerary objects are flaked stone tools, debitage, groundstone tools, historic material, modified shell, shell beads, faunal bone, and deity shell. The cultural items have been at Sonoma State University since 1980 under the number 80–09.

In 1973, 89 associated funerary objects were donated to Sonoma State University by Ken Russel. The cultural items were removed from the Old Kern River 20 miles north of Taft in Kern County, California. The cultural items are glass and shell beads. The cultural items have been at Sonoma State University since their donation under the number 73–31.

In 1988, one associated funerary object was removed from near Buena Vista Lake in Kern County, California. No additional information on why the item was removed from its location or why it was brought to Sonoma State were located. The cultural item is a flaked stone tool. The cultural item has been at the university since under the number 88–13

Based on records concerning the associated funerary objects and the institution in which they were housed, there is no evidence of the cultural items being treated with hazardous substances.

#### **Cultural Affiliation**

Based on the information available and the results of consultation, cultural affiliation is identified clearly by information available, including oral traditional, geographical, and biological information described in this notice and Tejon Indian Tribe.

#### **Determinations**

The Sonoma State University has determined that:

- The 985 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a reasonable connection between the associated funerary objects described in this notice and the Tejon Indian Tribe.

#### **Requests for Repatriation**

Written requests for repatriation of the associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization

not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the associated funerary objects in this notice to a requestor may occur on or after September 15, 2025. If competing requests for repatriation are received, the Sonoma State University must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the associated funerary objects are considered a single request and not competing requests. The Sonoma State University is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

**Authority:** Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: August 5, 2025.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2025-15411 Filed 8-13-25; 8:45 am]

BILLING CODE 4312-52-P

## DEPARTMENT OF THE INTERIOR

### National Park Service

[N6414; NPS-WASO-NAGPRA-NPS0040808; PPWOCRADNO-PCU00RP14.R50000]

### Notice of Intended Repatriation: California Academy of Sciences, San Francisco, CA

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the California Academy of Sciences (CAS) intends to repatriate certain cultural items that meet the definition of objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

**DATES:** Repatriation of the cultural items in this notice may occur on or after September 15, 2025.

**ADDRESSES:** Send additional, written requests for repatriation of the cultural items in this notice to Cheryl Tripathi, California Academy of Sciences Anthropology Department, Golden Gate Park, 55 Music Concourse Drive, San Francisco, CA 94118, email [ctripathi@calacademy.org](mailto:ctripathi@calacademy.org).

**SUPPLEMENTARY INFORMATION:** This notice is published as part of the

National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the California Academy of Sciences and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

### Abstract of Information Available

A total of seven cultural items have been requested for repatriation. The seven objects of cultural patrimony are all baskets. According to accession records, these baskets originated from Riverside and San Diego Counties in Southern California or were woven in the style of baskets from Indigenous communities of those counties. Four of these baskets were acquired as gifts to the CAS Anthropology Department from the personal collections of local donors. One basket was purchased by the CAS Anthropology Department from the School of American Research in Santa Fe in 1987; another was purchased by the CAS Anthropology Department from the annual California Indian Basketweavers Association in Thousand Oaks, CA, in 1998. As far as is known, there have been no hazardous substances used to treat any of these objects.

### Determinations

The California Academy of Sciences has determined that:

- The seven objects of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision).
- There is a reasonable connection between the cultural items described in this notice and the Cahuilla Band of Indians.

### Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on

or after September 15, 2025. If competing requests for repatriation are received, the California Academy of Sciences must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The California Academy of Sciences is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

**Authority:** Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: July 31, 2025.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2025-15404 Filed 8-13-25; 8:45 am]

BILLING CODE 4312-52-P

## DEPARTMENT OF THE INTERIOR

### National Park Service

[N6413; NPS-WASO-NAGPRA-NPS0040807; PPWOCRADNO-PCU00RP14.R50000]

### Notice of Inventory Completion Amendment: Robert S. Peabody Institute of Archaeology, Andover, MA

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice; amendment.

**SUMMARY:** In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Robert S. Peabody Institute of Archaeology (RSPI) has amended a notice of inventory completion published in the **Federal Register** on January 26, 2024. This notice amends the Indian Tribes or Native Hawaiian organizations with cultural affiliation.

**DATES:** Repatriation of the human remains and associated funerary objects may occur on or after September 15, 2025.

**ADDRESSES:** Send written requests for repatriation of the human remains and associated funerary objects to Ryan Wheeler, Robert S. Peabody Institute of Archaeology, 180 Main Street, Andover, MA 01810, email [rwheeler@andover.edu](mailto:rwheeler@andover.edu).

**SUPPLEMENTARY INFORMATION:** This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the RSPI, and additional information on the determinations in this notice, including

the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

#### Amendment

This notice amends the determination of cultural affiliation published in a notice of inventory completion in the **Federal Register** (89 FR 5258) on January 26, 2024. Repatriation of the human remains and associated funerary objects in the original notice of inventory completion has not occurred.

#### Determinations

The RSPI has determined that:

- There is a connection between the human remains and associated funerary objects described in the original notice and the Alabama-Coushatta Tribe of Texas; Jena Band of Choctaw Indians; Miccosukee Tribe of Indians; Mississippi Band of Choctaw Indians; Poarch Band of Creek Indians; Seminole Tribe of Florida; The Choctaw Nation of Oklahoma; The Muscogee (Creek) Nation; The Seminole Nation of Oklahoma; and the Thlopthlocco Tribal Town.

#### Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in the original notice must be sent to the authorized representative identified in this notice under

**ADDRESSES.** Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in the original notice to a requestor may occur on or after September 15, 2025. If competing requests for repatriation are received, the RSPI must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The RSPI is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

(Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C.

3003, and the implementing regulations, 43 CFR 10.10.)

Dated: July 31, 2025.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2025–15403 Filed 8–13–25; 8:45 am]

**BILLING CODE 4312–52–P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

**[N6411; NPS–WASO–NAGPRA–  
NPS0040805; PPWOCRADNO–  
PCU00RP14.R50000]**

**Notice of Intended Disposition: U.S. Department of the Interior, Bureau of Land Management, Oregon/ Washington State Office, Spokane District Office, Wenatchee Field Office, Wenatchee, WA**

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Department of the Interior, Bureau of Land Management, OR/WA State Office, Wenatchee Field Office (BLM Wenatchee Field Office), intends to carry out the disposition of human remains and associated funerary objects removed from Federal or Tribal lands to the lineal descendants, Indian Tribe, or Native Hawaiian organization with priority for disposition in this notice.

**DATES:** Disposition of the human remains and associated funerary objects in this notice may occur on or after September 15, 2025. If no claim for disposition is received by August 14, 2026, the human remains and associated funerary objects in this notice will become unclaimed human remains and associated funerary objects.

**ADDRESSES:** Send written requests for repatriation of the human remains and associated funerary objects to Curtis J. Bryan, Wenatchee Field Manager, U.S. Department of the Interior, Bureau of Land Management, 915 Walla Walla Ave., Wenatchee, WA 98801, email [cbryan@blm.gov](mailto:cbryan@blm.gov).

**SUPPLEMENTARY INFORMATION:** This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the BLM Wenatchee Field Office and additional information on the human remains and associated funerary objects in this notice, including the results of consultation, can be found in the related records. The National Park Service is

not responsible for the identifications in this notice.

#### Abstract of Information Available

Based on the information available, human remains representing at least one individual have been reasonably identified. The one associated funerary object is a stone pipe. The individual is represented by a cranium discovered by the public and reported to the BLM. The cranium was discovered along State Route 821, adjacent to the Yakima River on BLM lands in Kittitas County, Washington. Upon revisiting the site after the notification of the discovery of the cranium, the stone pipe was discovered.

#### Determinations

The BLM Wenatchee Field Office has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- The one object described in this notice is reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- The Confederated Tribes and Bands of the Yakama Nation and the Confederated Tribes of the Colville Reservation have priority for disposition of the human remains and associated funerary object described in this notice.

#### Claims for Disposition

Written claims for disposition of the human remains and associated funerary objects in this notice must be sent to the appropriate official identified in this notice under **ADDRESSES**. If no claim for disposition is received by August 14, 2026, the human remains and associated funerary objects in this notice will become unclaimed human remains and associated funerary objects. Claims for disposition may be submitted by:

1. Any lineal descendant, Indian Tribe, or Native Hawaiian organization identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that they have priority for disposition.

Disposition of the human remains and associated funerary objects in this notice may occur on or after September 15, 2025. If competing claims for disposition are received, the BLM Wenatchee Field Office must determine the most appropriate claimant prior to disposition. Requests for joint disposition of the human remains and associated funerary objects are

considered a single request and not competing requests. The BLM Wenatchee Field Office is responsible for sending a copy of this notice to the lineal descendants, Indian Tribes, and Native Hawaiian organizations identified in this notice and to any other consulting parties.

*Authority:* Native American Graves Protection and Repatriation Act, 25 U.S.C. 3002, and the implementing regulations, 43 CFR 10.7.

Dated: July 31, 2025.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2025–15401 Filed 8–13–25; 8:45 am]

**BILLING CODE 4312–52–P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

[N6373; NPS–WASO–NAGPRA–NPS0040764; PPWOCRADN0–PCU00RP14.R50000]

#### Notice of Inventory Completion Amendment: University of Florida, Florida Museum of Natural History, Gainesville, FL

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice; amendment.

**SUMMARY:** In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Florida, Florida Museum of Natural History (FLMNH) has amended a notice of inventory completion published in the **Federal Register** on December 5, 2023. This notice amends the Indian Tribes or Native Hawaiian organizations with cultural affiliation.

**DATES:** Repatriation of the human remains may occur on or after September 15, 2025.

**ADDRESSES:** Send written requests for repatriation of the human remains to Megan Fry, University of Florida, Florida Museum of Natural History, 1659 Museum Road, Gainesville, FL 32611, email [megan.fry@floridamuseum.ufl.edu](mailto:megan.fry@floridamuseum.ufl.edu).

**SUPPLEMENTARY INFORMATION:** This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the FLMNH and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

### Amendment

This notice amends the determination of cultural affiliation published in a notice of inventory completion in the **Federal Register** (88 FR 84353, December 5, 2023). Repatriation of the human remains in the original notice of inventory completion has not occurred.

### Determinations

The FLMNH has determined that:

- There is a connection between the human remains described in the original notice and the Miccosukee Tribe of Indians; Poarch Band of Creek Indians; and the Seminole Tribe of Florida.

### Requests for Repatriation

Written requests for repatriation of the human remains in the original notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in the original notice to a requestor may occur on or after September 15, 2025. If competing requests for repatriation are received, the FLMNH must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The FLMNH is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

*Authority:* Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: July 28, 2025.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2025–15396 Filed 8–13–25; 8:45 am]

**BILLING CODE 4312–52–P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

[N6406; NPS–WASO–NAGPRA–NPS0040801; PPWOCRADN0–PCU00RP14.R50000]

#### Notice of Intended Repatriation: U.S. Department of the Interior, National Park Service, Pipestone National Monument, Pipestone, MN

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Department of the Interior, National Park Service, Pipestone National Monument (PIPE) intends to repatriate a certain cultural item that meets the definition of sacred object and that has a known lineal descendant.

**DATES:** Repatriation of the cultural item in this notice may occur on or after September 15, 2025.

**ADDRESSES:** Send additional, written requests for repatriation of the cultural item in this notice to Lauren Blacik, Superintendent, Pipestone National Monument, 36 Reservation Avenue, Pipestone, MN 56164, email [lauren\\_blacik@nps.gov](mailto:lauren_blacik@nps.gov).

**SUPPLEMENTARY INFORMATION:** This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Pipestone National Monument Superintendent and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records.

### Abstract of Information Available

A total of one cultural item has been requested for repatriation. The one sacred object is a ceremonial pipe. A pipe consisting of two parts, the bowl and stem, carved in the early 1970s by [Robert Crooks,] a member of the Mdewakanton Sioux Community. The bowl is a carved 'Indian Head' design into pipestone (catlinite). The stem is sumac and decorated with beadwork and leather fringe.

### Determinations

PIPE has determined that:

- The one sacred object described in this notice is a specific ceremonial object needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, according to the Native American traditional knowledge of a lineal descendant,

Indian Tribe, or Native Hawaiian organization.

- A known lineal descendant (name withheld per request) is connected to the cultural item described in this notice.

#### Requests for Repatriation

Additional, written requests for repatriation of the cultural item in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural item in this notice to a requestor may occur on or after September 15, 2025. If competing requests for repatriation are received, PIPE must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural item are considered a single request and not competing requests. PIPE is responsible for sending a copy of this notice to all requestors and any other consulting parties.

**Authority:** Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: July 31, 2025.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2025-15397 Filed 8-13-25; 8:45 am]

**BILLING CODE 4312-52-P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

[N6419; NPS-WASO-NAGPRA-NPS0040825; PPWOCDRADN0-PCU00RP14.R50000]

#### Notice of Inventory Completion: University of Florida, Florida Museum of Natural History, Gainesville, FL

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Florida, Florida Museum of Natural History (FLMNH), has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects

and Indian Tribes or Native Hawaiian organizations in this notice.

**DATES:** Repatriation of the human remains and associated funerary objects in this notice may occur on or after September 15, 2025.

**ADDRESSES:** Send written requests for repatriation of the human remains and associated funerary objects in this notice to Megan Fry, University of Florida, Florida Museum of Natural History, 1659 Museum Road, Gainesville, FL 32611, email [NagpraOffice@floridamuseum.ufl.edu](mailto:NagpraOffice@floridamuseum.ufl.edu).

**SUPPLEMENTARY INFORMATION:** This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the FLMNH, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

#### Abstract of Information Available

Human remains representing at least four individuals from Devils Den (8LV84) are present at the Florida Museum of Natural History. There are 118 associated funerary objects consisting of faunal bone and fossil specimens, including opossum, round-tailed muskrat, fox squirrel, southern flying squirrel, pocket gopher, rabbit, white-tailed deer, among others.

The site is an Early Archaic, inundated land slide that has produced fossils and faunal bones dating between 115kya to 12kya, based on biochronology. The site is an underwater sink hole. The University of Florida faculty and volunteers collected fossil specimens and human remains in the 1960's, redepositing them in the FLMNH Division of Vertebrate Paleontology. They subsequently transferred most of the Ancestors to the Anthropology Department of FLMNH, although a few were retained. In 1991, Michael Stallings was contacted by Eddie Montero of Divers Supply in GNV stating that "human bones" had been found by divers at Devils Den. He visited the site the following day and spoke with the owner (Anna Lovaas). She handed over the human and faunal bones, which were later taken to FLMNH for identification by Gary Morgan and Liz Wing (EAP). The following week they were taken back to DD and returned to the place where they had been removed, and those Ancestors are not included in this notice. It appears that the Ancestors from the Anthropology collection were later sent

to Donald Morris at Arizona State University for study. They were later transferred from ASU to the Anthropology Department of the FLMNH in 2003, as part of a larger acquisition.

#### Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

#### Determinations

The FLMNH has determined that:

- The human remains described in this notice represent the physical remains of four individuals of Native American ancestry.
- The 118 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Miccosukee Tribe of Indians; Seminole Tribe of Florida; and The Muscogee (Creek) Nation.

#### Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after September 15, 2025. If competing requests for repatriation are received, the FLMNH must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The FLMNH is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

*Authority:* Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: August 5, 2025.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2025-15410 Filed 8-13-25; 8:45 am]

**BILLING CODE 4312-52-P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

[N6408; NPS-WASO-NAGPRA-  
NPS0040802; PPWOCRADNO-  
PCU00RP14.R50000]

#### **Notice of Inventory Completion: Tennessee Department of Environment and Conservation, Division of Archaeology, Nashville, TN**

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Tennessee Department of Environment and Conservation, Division of Archaeology (TDEC-DOA) has completed an inventory of human remains and associated funerary objects from Cumberland, DeKalb, Fentress, Jackson, Morgan, Overton, Pickett, Putnam, Smith, White, and Wilson Counties, TN, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

**DATES:** Repatriation of the human remains and associated funerary objects in this notice may occur on or after September 15, 2025.

**ADDRESSES:** Send written requests for repatriation of the human remains and associated funerary objects in this notice to Phillip R. Hodge, Tennessee Department of Environment and Conservation, Division of Archaeology (TDEC-DOA), 1216 Foster Avenue, Cole Building #3, Nashville, TN 37243, email [Phil.Hodge@tn.gov](mailto:Phil.Hodge@tn.gov).

**SUPPLEMENTARY INFORMATION:** This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the TDEC-DOA, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

### Abstract of Information Available

Human remains representing, at least, 80 individuals have been identified. The 16 associated funerary objects are 10 artifacts, and six lots of artifacts described below.

#### *Site 40CU8, Cumberland County, TN*

Human remains representing, at least, one individual. No information is available regarding the circumstances surrounding the acquisition of these remains. There is no known exposure to hazardous substances or treatments.

#### *Unknown Site, Cumberland County, TN*

Human remains representing, at least, one individual. These remains were collected in the 1970s and donated to the University of Tennessee Forensic Center before being transferred to TDEC-DOA in 2015. No information exists as to the circumstances surrounding their collection. There is no known exposure to hazardous substances or treatments.

#### *Site 40DK57, DeKalb County, TN*

Human remains representing, at least, one individual. No information is available regarding the circumstances surrounding the acquisition of these remains. There is no known exposure to hazardous substances or treatments.

#### *Unknown Sites, Fentress County, TN*

Human remains representing, at least, six individuals. Remains of at least two individuals were donated to TDEC-DOA by the Knox County Forensic Center. Remains of at least three individuals were excavated by PE Cox in 1928 from a rockshelter in Fentress County, Tennessee, later loaned by the Tennessee State Museum to the State Library and Archives, and later transferred to the Division of Archaeology in 1995. Remains of at least one individual were transferred from the Tennessee State Museum to TDEC-DOA in 1995, however no information exists as to the circumstances surrounding original collection. There is no known exposure to hazardous substances or treatments.

#### *Site 40JK12, Jackson County, TN*

Human remains representing, at least, 10 individuals were collected from burial features. The six associated funerary objects are six soil samples. Stone box burials from site 40JK12 were salvaged during a project led by TDEC-DOA staff in 1972. There is no known exposure to hazardous substances or treatments.

#### *Site 40JK25, Jackson County, TN*

Human remains representing, at least, 22 individuals. The six associated funerary objects are two eastern box turtle tibiae and four lots of artifacts that include fauna and lithics. Excavations at site 40JK25 were conducted by the Tennessee Department of Conservation in 1976 prior to reconstruction of State Route 53. There is no known exposure to hazardous substances or treatments.

#### *Unknown Site, Morgan County, TN*

Human remains representing, at least, nine individuals. The one associated funerary object is one lot of artifacts that includes faunal and lithics. These materials were donated to TDEC-DOA by the Knox County Medical Examiner in 2020. No information exists as to the circumstances surrounding their collection. There is no known exposure to hazardous substances or treatments.

#### *Site 40OV166, Overton County, TN*

Human remains representing, at least, two individuals. These remains were looted from a rockshelter and seized by the Tennessee Methamphetamine Taskforce and donated to TDEC-DOA in 2011. There is no known exposure to hazardous substances or treatments.

#### *Unknown Sites, Overton County, TN*

Human remains representing, at least, three individuals. The one associated funerary object is one lot of artifacts that includes fauna and lithics. Remains of at least two individuals and one lot of AFOs were donated to the Tennessee State Museum and transferred to the Division of Archaeology in 2021. Remains of at least one individual were donated to TDEC-DOA by a private individual in 2025. There is no known exposure to hazardous substances or treatments.

#### *Unknown Site, Pickett County, TN*

Human remains representing, at least, three individuals. The two associated funerary objects are two ceramic vessel fragments. Remains of one individual and two ceramic vessel fragments were donated to the Tennessee State Museum and transferred to TDEC-DOA in 2017. Remains of at least, two individuals, were donated to TDEC-DOA by the Pickett County Sheriff. No information exists as to the circumstances surrounding their collection. There is no known exposure to hazardous substances or treatments.

#### *Unknown Site, Putnam County, TN*

Human remains representing, at least, one individual. These remains were donated to TDEC-DOA in 1989. No record exists as to the donor, or original

circumstances of collection. There is no known exposure to hazardous substances or treatments.

*Site 40SM4, Smith County, TN*

Human remains representing, at least, one individual. These ancestral remains were collected by TDEC–DOA staff in 1972 during a site survey. There is no known exposure to hazardous substances or treatments.

*Unknown Site, Smith County, TN*

Human remains representing, at least, four individuals. No record exists as to the donor, original circumstances, or date of acquisition for these remains. There is no known exposure to hazardous substances or treatments.

*Site 40WH99, White County, TN*

Human remains representing, at least, three individuals. Remains of at least one individual were collected by TDEC–DOA staff in 1987 from looter pits. No information is available regarding the acquisition of at least two individuals. There is no known exposure to hazardous substances or treatments.

*Unknown Site, White County, TN*

Human remains representing, at least, three individuals. Remains of at least one adult individual were collected by a private individual and donated to TDEC–DOA in 2009. Remains of at least two individuals were donated to TDEC–DOA by the White County Sheriff in 2010. There is no known exposure to hazardous substances or treatments.

*Site 40WI1, Wilson County, TN*

Human remains representing, at least, one individual. TDEC–DOA staff conducted excavations at 40WI1 in 1974 that resulted in the recovery of this single ancestor from within the footprint of a wall trench structure. There is no known exposure to hazardous substances or treatments.

*Unknown Site, Wilson County, TN*

Human remains representing, at least, nine individuals. Remains of at least one individual were recovered in Wilson County and donated to TDEC–DOA. Remains of at least eight individuals were discovered by law enforcement in Wilson County and transferred to TDEC–DOA in 2007. There is no known exposure to hazardous substances or treatments.

### Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and

associated funerary objects described in this notice.

### Determinations

The TDEC–DOA has determined that:

- The human remains described in this notice represent the physical remains of 80 individuals of Native American ancestry.
- The 16 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Cherokee Nation; Eastern Band of Cherokee Indians; The Muscogee (Creek) Nation; and the United Keetoowah Band of Cherokee Indians in Oklahoma.

### Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after September 15, 2025. If competing requests for repatriation are received, the TDEC–DOA must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The TDEC–DOA is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

**Authority:** Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: July 31, 2025.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2025–15398 Filed 8–13–25; 8:45 am]

**BILLING CODE 4312–52–P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

[N6416; NPS–WASO–NAGPRA–NPS0040822; PPWOCRADNO–PCU00RP14.R50000]

### Notice of Inventory Completion: Kalamazoo Valley Museum, Kalamazoo, MI

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Kalamazoo Valley Museum has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

**DATES:** Upon request, repatriation of the human remains in this notice may occur on or after September 15, 2025.

**ADDRESSES:** Send written requests for repatriation of the human remains in this notice to Regina Gorham, Collections Manager for the Kalamazoo Valley Museum, 230 N Rose Street, Kalamazoo, MI 49007, email [rgorham@kvcc.edu](mailto:rgorham@kvcc.edu).

**SUPPLEMENTARY INFORMATION:** This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Kalamazoo Valley Museum, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

### Abstract of Information Available

Human remains representing, at least two individuals have been identified from Flathead County, Montana. No associated funerary objects are present. The donor is Donald Boudeman. Boudeman who was an avid collector with wide-ranging interests, including musical instruments, medieval armor, firearms, and artifacts from Alaska, Egypt, Africa, the Americas, and the Philippines. He frequently advertised for acquisitions and displayed items from his collection at the Kalamazoo Public Museum (now the Kalamazoo Valley Museum), where he was named Curator of Archaeology around 1930. He was active in the Michigan-Indiana Museums Association, serving as Vice-President. Following his death in 1949,

portions of his extensive collection entered the holdings of institutions such as the Kalamazoo Valley Museum, Michigan State University, Western Michigan University, and the National Museum of the American Indian.

Per Robert Sundick, forensic anthropologist and professor at Western Michigan University (April 1988), “The artificial deformation of the skull may be due to wrapping the skull as an infant. The skull and mandible do not work together so are from two different individuals.” Originally it was thought that two remains belonged to the same person.

### Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains.

### Determinations

The Kalamazoo Valley Museum has determined that:

- The human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- There is a connection between the human remains described in this notice and the Confederated Salish and Kootenai Tribes of the Flathead Reservation.

### Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after September 15, 2025. If competing requests for repatriation are received, the Kalamazoo Valley Museum must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The Kalamazoo Valley Museum is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian

organizations identified in this notice and any other consulting parties.

*Authority:* Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: August 5, 2025.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2025–15407 Filed 8–13–25; 8:45 am]

**BILLING CODE 4312–52–P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

[N6372; NPS–WASO–NAGPRA–NPS0040763; PPWOCRADNO–PCU00RP14.R50000]

### Notice of Inventory Completion Amendment: University of Florida, Florida Museum of Natural History, Gainesville, FL, and Florida Department of State, Tallahassee, FL

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice; amendment.

**SUMMARY:** In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Florida, Florida Museum of Natural History (FLMNH) and Florida Department of State have amended a notice of inventory completion published in the **Federal Register** on December 5, 2023. This notice amends the Indian Tribes or Native Hawaiian organizations with cultural affiliation.

**DATES:** Repatriation of the human remains and associated funerary objects may occur on or after September 15, 2025.

**ADDRESSES:** Send written requests for repatriation of the human remains and associated funerary objects to Megan Fry, University of Florida, Florida Museum of Natural History, 1659 Museum Road, Gainesville, FL 32611, email [megan.fry@floridamuseum.ufl.edu](mailto:megan.fry@floridamuseum.ufl.edu) (primary contact for this notice) and Téa Kaplan, Florida Department of State, 2100 West Tennessee Street, Tallahassee, FL 32304, email [tea.kaplan@dos.fl.gov](mailto:tea.kaplan@dos.fl.gov).

**SUPPLEMENTARY INFORMATION:** This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the FLMNH and Florida Department of State and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The

National Park Service is not responsible for the determinations in this notice.

### Amendment

This notice amends the determination of cultural affiliation published in a notice of inventory completion in the **Federal Register** (88 FR 84359, December 5, 2023). Repatriation of the human remains and associated funerary objects in the original notice of inventory completion has not occurred.

### Determinations

The FLMNH and Florida Department of State has determined that:

- There is a connection between the human remains and associated funerary objects described in the original notice and the Miccosukee Tribe of Indians; Mississippi Band of Choctaw Indians; Poarch Band of Creek Indians; Seminole Tribe of Florida; and The Choctaw Nation of Oklahoma.

### Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in the original notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in the original notice to a requestor may occur on or after September 15, 2025. If competing requests for repatriation are received, the FLMNH and Florida Department of State must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The FLMNH and Florida Department of State is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

*Authority:* Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: July 28, 2025.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2025–15395 Filed 8–13–25; 8:45 am]

BILLING CODE 4312–52–P

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1419]

### Certain Exercise Equipment and Subassemblies Thereof; Notice of Issuance of a General Exclusion Order and a Limited Exclusion Order; Termination of the Investigation

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission (“Commission”) has determined to issue (1) a general exclusion order (“GEO”) prohibiting the importation of products that infringe claim 1 of U.S. Patent No. 8,721,511 (“the ‘511 patent”) or the claim of U.S. Patent No. D659,208 (“the D’208 patent”); and (2) a limited exclusion order (“LEO”) prohibiting entry of products that infringe claim 19 of the ‘511 patent or the claim of U.S. Patent No. D659,205 (“the D’205 patent”) that are imported by or on behalf of certain defaulting respondents. The investigation is terminated.

#### FOR FURTHER INFORMATION CONTACT:

Namo Kim, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–3459. 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](mailto:EDIS3Help@usitc.gov). General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205–1810.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation on September 27, 2024, based upon a complaint filed on behalf of Balanced Body, Inc. of Sacramento, California (“Complainant”). 89 FR 79306–07 (Sept. 27, 2024). The complaint, as supplemented, alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section

337”), based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain exercise equipment and subassemblies thereof by reason of infringement of one or more of claims 1–15, 19–21, and 23–26 of the ‘511 patent; the claim of the D’205 patent; and the claim of the D’208 patent (collectively, the “asserted patents”). *Id.* The complaint further alleged that a domestic industry exists. *Id.* at 79306. The Commission’s notice of investigation named as respondents: Guangzhou Oasis, LLC d/b/a trysauna.com of Boulder, Colorado (“Trysauna”); Ciga Pilates of Hong Kong; Shandong Tmax Machinery Technology Co. Ltd. of Dezhou City, China (“Tmax”); Shandong VOG Sports Products Co. Ltd. of Dezhou City, China (“VOG Sports”); Dezhou Bodi Fitness Equipment Co., Ltd. of Dezhou City, China (“Dezhou”); and Suzhou Selfcipline Sports Goods Co., Ltd. of Suzhou, China (“Selfcipline”). *Id.* at 79307. The Office of Unfair Import Investigations (“OUII”) is also a party to this investigation. *Id.*

On March 10, 2025, the Commission terminated the investigation as to respondent Ciga Pilates based on withdrawal of the complaint. Order No. 9 (Feb. 11, 2025), *unreviewed by* Comm’n Notice (Mar. 10, 2025).

On April 9, 2025, the Commission found the remaining respondents Trysauna, Tmax, VOG Sports, Dezhou, and Selfcipline (collectively, “Defaulting Respondents”) in default. Order No. 11 (Mar. 10, 2025), *unreviewed by* Comm’n Notice (Apr. 9, 2025).

On April 16, 2025, the Commission terminated the investigation as to claims 2–15, 20–21, and 23–26 of the ‘511 patent. Order No. 13 (Mar. 24, 2025), *unreviewed by* Comm’n Notice (Apr. 16, 2025).

On April 30, 2025, the ALJ issued an initial determination (Order No. 15) (“ID”) granting-in-part and deferring-in-part Complainant’s motion for summary determination of violation of section 337. Specifically, the ID found a violation by each of VOG Sports, Dezhou, and Selfcipline with respect to imported products infringing claim 1 of the ‘511 patent and the claim of the D’208 patent. The ID also found that the domestic industry requirement is satisfied.

On May 9, 2025, Complainant filed a notice of withdrawal of its request for a GEO as to the claims on which the ALJ deferred summary determination in the ID. *See* Complainant’s Notice of Withdrawal of Its Request for a General

Exclusion Order as to Certain Patent Claims and Renewed Request for Recommended Determination on Remedy and Bond at 1.

On May 12, 2025, the ALJ issued an order (Order No. 16) stating that Complainant’s notice of withdrawal resolved all issues pending before the ALJ and the investigation is now in the “remedy phase.” Order No. 16 and the summary determination ID (Order No. 15) included a Recommended Determination (“RD”) recommending that a GEO should issue as to claim 1 of the ‘511 patent and the claim of the D’208 patent, and that a one hundred percent (100%) bond be set.

On May 14, 2025, the Commission issued its post-RD notice seeking submissions on public interest issues raised by the relief recommended by the ALJ should the Commission find a violation. 90 FR 21509–10 (May 20, 2025). No responses were filed from the public. On June 2, 2025, Complainant filed a statement on the public interest pursuant to Commission Rule 210.50(a)(4), 19 CFR 210.50(a)(4).

On May 30, 2025, the Commission issued a notice determining not to review the ALJ’s summary determination ID (Order No. 15), and requesting the parties to the investigation, interested government agencies, and any other interested parties to file written submissions on the issues of remedy, the public interest, and bonding. 90 FR 23952–54 (June 5, 2025).

On June 13, 2025, Complainant and OUII filed written submissions on remedy, the public interest, and bonding. On June 20, 2025, OUII filed a reply to Complainant’s written submission. No other submissions were filed.

Having reviewed the record of the investigation, including the RD and the parties’ submissions, the Commission has determined that the appropriate remedy is (1) a GEO as to claim 1 of the ‘511 patent and the claim of the D’208 patent; and (2) an LEO prohibiting entry of products that infringe (i) claim 19 of the ‘511 patent as to respondents VOG Sports, Dezhou, Selfcipline, and Tmax or (ii) the claim of the D’205 patent as to respondents Trysauna, VOG Sports, Dezhou, Selfcipline, and Tmax.

The Commission has further determined that the public interest factors enumerated in subsections (d) and (g) (19 U.S.C. 1337(d), (g)) do not preclude issuance of the above referenced remedial orders. Additionally, the Commission has determined to impose a bond of one hundred percent (100%) of entered value of the covered products during the

period of Presidential review. 19 U.S.C. 1337(j). The investigation is terminated.

The Commission vote for this determination took place on August 11, 2025.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: August 11, 2025.

**Lisa Barton,**

*Secretary to the Commission.*

[FR Doc. 2025–15429 Filed 8–13–25; 8:45 am]

**BILLING CODE 7020–02–P**

## INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–771 and 731–TA–1755 (Preliminary)]

### Oleoresin Paprika From India

#### Determinations

On the basis of the record<sup>1</sup> developed in the subject investigations, the United States International Trade Commission (“Commission”) determines, pursuant to the Tariff Act of 1930 (“the Act”), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of oleoresin paprika from India, provided for in subheadings 3203.00.80 and 3301.90.10 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (“LTFV”) and subsidized by the government of India.<sup>2</sup>

#### Commencement of Final Phase Investigations

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigations. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in § 207.21 of the Commission's rules, upon notice from the U.S. Department of Commerce (“Commerce”) of affirmative preliminary determinations in the investigations under §§ 703(b) or 733(b) of the Act, or, if the preliminary determinations are negative, upon notice of affirmative final determinations in those investigations

under §§ 705(a) or 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigations need not enter a separate appearance for the final phase of the investigations. Any other party may file an entry of appearance for the final phase of the investigations after publication of the final phase notice of scheduling. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations. As provided in section 207.20 of the Commission's rules, the Director of the Office of Investigations will circulate draft questionnaires for the final phase of the investigations to parties to the investigations, placing copies on the Commission's Electronic Document Information System (EDIS, <https://edis.usitc.gov>), for comment.

#### Background

On June 25, 2025, Rezolex, Ltd. Co., Las Cruces, New Mexico, filed petitions with the Commission and Commerce, alleging that an industry in the United States is materially injured or threatened with material injury by reason of subsidized imports of oleoresin paprika from India and LTFV imports of oleoresin paprika from India. Accordingly, effective June 25, 2025, the Commission instituted countervailing duty investigation No. 701–TA–771 and antidumping duty investigation No. 731–TA–1755 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of July 1, 2025 (90 FR 28767). The Commission conducted its conference on July 16, 2025. All persons who requested the opportunity were permitted to participate.

The Commission made these determinations pursuant to §§ 703(a) and 733(a) of the Act (19 U.S.C. 1671b(a) and 1673b(a)). It completed and filed its determinations in these investigations on August 11, 2025. The views of the Commission are contained in USITC Publication 5656 (August 2025), entitled *Oleoresin Paprika from India: Investigation Nos. 701–TA–771 and 731–TA–1755 (Preliminary)*.

By order of the Commission.

Issued: August 11, 2025.

**Lisa Barton,**

*Secretary to the Commission.*

[FR Doc. 2025–15435 Filed 8–13–25; 8:45 am]

**BILLING CODE 7020–02–P**

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant to the National Cooperative Research and Production Act of 1993—Defense Industrial Based Consortium

Notice is hereby given that, on July 2, 2025, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), Defense Industrial Based Consortium (“DIBC”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Agile Operations, Inc., Fair Oaks Ranch, TX; Allen Control Systems, Inc., Austin, TX; Alta Resource Technologies, Inc., Boulder, CO; American Battery Materials, Inc., Greenwich, CT; American Renaissance Minerals LLC, Coral Gables, FL; Ampal, Inc., Palmerton, PA; Arcadia Minerals, Inc., Riverton, WY; ARCortex, Inc., Marina Del Rey, CA; Armada Systems, Inc., San Francisco, CA; ARMEL Corp., White Hall, AR; AsterTech LLC, Dayton, OH; Bascom Hunter Technologies, Inc., Baton Rouge, LA; Brimstone Energy, Inc., Oakland, CA; Buell Automatics, Inc., Rochester, NY; Cogency Power, Inc., Montrose, CO; Confidential Career Solutions LLC, Wylie, TX; Constellation Biomining LLC, Longview, TX; Covenant Industries, Inc., Great Neck, NY; Creative Engineers, Inc., New Freedom, PA; Crow Industries, Inc., Scottsdale, AZ; DeVal Life Cycle Support LLC, Philadelphia, PA; Discovery Machine, Inc., Williamsport, PA; Duranium, Inc., Alameda, CA; Ecoatoms, Inc., Reno, NV; Electronic Fluorocarbons LLC, Hopkinton, MA; Everest Metals Corporation Ltd., Perth WA, COMMONWEALTH OF AUSTRALIA; Evergreen Additive, Inc., Freeport, ME; Exergy Systems, Inc., Costa Mesa, CA; Flash Metals Texas, Inc., Houston, TX; Fonon Technologies, Inc., Orlando, FL; Found Energy Co., Wilmington, DE; General Inspection LLC, Davisburg, MI; Georgia Tech

<sup>1</sup> The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

<sup>2</sup> 90 FR 34419 and 90 FR 34433 (July 22, 2025).

Applied Research Corp., Atlanta, GA; Giner, Inc., Auburndale, MA; GlycoSurf, Inc., Salt Lake City, UT; Gold 50 US, Inc., Reno, NV; Halo Materials, Inc., San Jose, CA; Illinois Quantum And Microelectronics Park LLC, Urbana, IL; Imvela Corp. dba Kingdom Supercultures, Brooklyn, NY; Intalus, Inc., Ashburn, VA; Intramotev, Inc., Saint Louis, MO; JLGov LLC, Virginia Beach, VA; Kestrel Intelligence, Inc., Boise, ID; L3Harris Technologies, Inc.—Space and Airborne Systems, Clifton, NJ; LaunchPoint Electric Propulsion Solutions, Inc., Goleta, CA; Massachusetts Institute of Technology dba MIT Lincoln Laboratory, Lexington, MA; Maxterial, Inc., Pleasanton, CA; Mithril Mining Corp., Salt Lake City, UT; MY Ventures LLC, Catonsville, MD; NTH Cycle, Inc., Burlington, MA; Nyrstar Clarksville, Inc., Clarksville, TN; ObjectSecurity LLC, San Diego, CA; Olles Consulting & Contracting LLC, Hilton, NY; Ommio Health, Inc., Woodbridge, CT; Pacific Industrial Development Corp., Ann Arbor, MI; Palladium International LLC, Washington, DC; Parsons Environment & Infrastructure Group, Inc. dba Parsons Services Co of Texas, Charlotte, NC; PBS Aerospace, Inc., Atlanta, GA; Peak Nanosystems LLC, Richardson, TX; PHNX Materials, San Leandro, CA; Planate Management Group LLC, Orlando, FL; Precision Custom Components LLC, York, PA; Qualis LLC, Huntsville, AL; Quantum Leap Research LLC, Leesburg, VA; Rare Earth Technologies, Inc., Cincinnati, OH; Rare Innovation LLC, Sarasota, FL; Resilient Digital Ecosystem LLC, Tampa, FL; Rogue Space Systems Corp., Laconia, NH; SAPA Transmission, Inc., Shelby Township, MI; Saronic Technologies, Inc., Austin, TX; Science Systems & Applications, Inc., Lanham, MD; Skyplate Technology LLC, Orlando, FL; Society of Manufacturing Engineers, Southfield, MI; South32 Hermosa, Inc., Tucson, AZ; Southwest Energy Group LLC, Mesa, AZ; T & T Materials, Inc., Rochester, NY; Tetramer Technologies LLC, Pendleton, SC; The Butler Weldments Corporation dba Butler Weldments Corp., Cameron, TX; The Cohen Group LLC, Washington, DC; The Trustee for The DRM Trust (dba) Unidan Engineering, Gold Coast, COMMONWEALTH OF AUSTRALIA; Tidal Vision Products, Inc., Bellingham, WA; Travertine Technologies, Inc., Boulder, CO; University of Maine System dba University of Maine, Orono, ME; University of South Florida Institute of Applied Engineering, Inc., Tampa, FL; University of Tennessee, Knoxville, TN; URO Corporation Pty

Ltd., Melbourne, COMMONWEALTH OF AUSTRALIA; US Critical Materials Corp., Salt Lake City, UT; USL LLC, Mesa, AZ; Volund Manufacturing, Inc., Silverado, CO; Wall Colmonoy Corp., Madison Heights, MI; Western Magnesium Corp., Las Vegas, NV; Westhem Resources LLC, Henrico, VA; Wildcat Discovery Technologies, Inc., San Diego, CA; Williams International Co. LLC, Pontiac, MI; Wind River Systems, Inc., Alameda, CA; WorkersFirst LLC, Virginia Beach, VA; and ZIGR, Inc., Smyrna, DE, have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and DIBC intends to file additional written notifications disclosing all changes in membership.

On February 21, 2024, DIBC filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on June 24, 2024 (89 FR 52508).

The last notification was filed with the Department on March 31, 2025. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on April 21, 2025 (90 FR 16703).

**Suzanne Morris,**

*Deputy Director Civil Enforcement Operations, Antitrust Division.*

[FR Doc. 2025–15453 Filed 8–13–25; 8:45 am]

#### BILLING CODE P

### DEPARTMENT OF JUSTICE

#### Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

On August 11, 2025, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the District of New Mexico in the lawsuit entitled *United States of America, State of New Mexico, New Mexico Environment Department, and Navajo Nation v. United Nuclear Corporation*, Civil Action No. 1:25–cv–00765–KK–SCY.

The complaint in the case alleges claims for recovery of response costs and performance of a remedial action under the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”) against United Nuclear Corporation (“UNC”) with respect to two uranium-contaminated Superfund sites in New Mexico, the Northeast Church Rock Mine Site (“NECR Mine

Site”) and the United Nuclear Corporation Mill Site (“UNC Mill Site”). These claims arise from the release and threatened release of mine and mill wastes that are contaminated with radium-226, uranium, and other hazardous substances at the NECR Mine Site and UNC Mill Site. The Consent Decree requires UNC and related party General Electric Company, also a “Settling Defendant” and guarantor, to complete a remedial action selected by EPA that will cost an estimated \$62.5 million. The remedial action involves primarily excavation of the NECR Mine Site wastes and transfer of approximately 96% of the wastes to the UNC Mill Site for placement in an engineered repository at the UNC Mill Site. The Consent Decree also provides for the payment of unreimbursed response costs incurred or to be incurred by the United States and the Navajo Nation. In return, the Consent Decree grants covenants not to sue to the Settling Defendants under Sections 106 and 107(a) of CERCLA, Section 7003 of the Resource Conservation and Recovery Act (“RCRA”), and under certain state and tribal laws.

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, State of New Mexico, New Mexico Environment Department and Navajo Nation v. United Nuclear Corp.*, D.J. Ref. No. 90–11–3–10077/1. 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:

| <i>To submit comments:</i> | <i>Send them to:</i>                                                                            |
|----------------------------|-------------------------------------------------------------------------------------------------|
| By email .....             | <i>pubcomment-ees.enrd@usdoj.gov.</i>                                                           |
| By mail .....              | Assistant Attorney General,<br>U.S. DOJ—ENRD, P.O.<br>Box 7611, Washington,<br>D.C. 20044–7611. |

Under section 7003(d) of RCRA, a commenter may request an opportunity for a public meeting in the affected area. 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.

**Thomas Carroll,**

*Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 2025-15495 Filed 8-13-25; 8:45 am]

**BILLING CODE 4410-15-P**

## NATIONAL COUNCIL ON DISABILITY

### Sunshine Act Meetings

**TIME AND DATE:** The Members of the National Council on Disability (NCD) will hold a two-day in-person Council meeting on Thursday, August 28, 2025, 9:30 a.m.– 3:40 p.m. Eastern Daylight Time (EDT) and Friday, August 29, 2025, 9:30–11:55 a.m., EDT.

**PLACE:** This meeting will occur at the U.S. Access Board Conference Room, 1331 F Street NW, Suite 800, Washington, DC 20004. The event will also be streamed live via Zoom videoconference for those not able to attend in person. Details are available on NCD's event page at <https://www.ncd.gov/meeting/2025-08-28-aug-28-29-2025-council-meeting/>.

#### MATTERS TO BE CONSIDERED:

*Day 1*—Following welcome remarks and introductions, the Council will receive a policy update; panel discussion on the current state of ground transportation for people with mobility disabilities including taxis, rideshares, microtransit, and shuttles; and a lunch break; followed by a panel discussion on access to autonomous vehicles for people with mobility disabilities; a break; and a public comment period; before adjourning.

*Day 2*—Following welcoming remarks, the Council will receive the Chairman's report; council member reports; Executive Committee report; and a panel discussion on improving state and local disaster preparation plans for people with disabilities; before adjourning.

*Agenda:* The times provided below are approximations for when each agenda item is anticipated to be discussed (all Eastern Daylight Time):

#### Thursday, August 28, 2025

9:30–9:45 a.m.—Welcome Greetings, Roll Call, Acceptance of Agenda  
9:45–10:00 a.m.—Policy Update  
10:00–11:45 a.m.—Current State of Ground Transportation for People with Mobility Disabilities: Taxis, Rideshares, Paratransit, Microtransit, Shuttles  
11:45 a.m.–1:00 p.m.—Lunch Break

1:00–2:45 p.m.—Access to Autonomous Vehicles for People with Mobility Disabilities: Today and the Future  
2:45–3:00 p.m.—Break  
3:00–3:40 p.m.—Public Comment Period and Staff Overview of Online Public Comments  
3:40 p.m.—Adjourn until August 29 at 9:30 a.m.

#### Friday, August 29, 2025

9:30–9:40 a.m.—Welcome and Call to Order  
9:40–9:55 a.m.—Chairman's Report  
9:55–10:10 a.m.—Council Member Reports  
10:10–10:25 a.m.—Executive Committee Report  
10:25–11:55 a.m.—Improving State and Local Disaster Preparation Plans for People with Disabilities  
11:55 a.m.—Adjourn

*Public Comment:* Your participation during the public comment period provides an opportunity for us to hear from you—individuals, businesses, providers, educators, parents and advocates. Your comments are important in bringing to the Council's attention the issues and priorities of the disability community.

For the August 28 Council meeting, NCD will have a public comment period of 40 minutes and requests comments on any topic related to our open projects: improving the outcomes of people with disabilities during and after disasters; disability clinical competency training for healthcare provider training programs; ADA accommodations during court proceedings; and youth and younger adults with disabilities in nursing homes. Additional information on specifics of the topic is available on NCD's public comment page at <https://ncd.gov/public-comment>.

The Council will receive comments in-person only but will share during the meeting a summary of comments received on these topics ahead of the meeting via email. Due to the hybrid nature of the event, in-person comments will be given priority.

To provide public comment during an NCD Council Meeting, NCD requires advanced registration by either signing up to present while registering for the meeting or sending an email to [PublicComment@ncd.gov](mailto:PublicComment@ncd.gov) with the subject line "Public Comment" and your name, organization, state, and topic of comment included in the body of your email.

Deadline for public comment registration is August 26, 8:00 p.m. EDT. Please indicate if you are providing the comment in-person or only submitting via email. All individuals desiring to make public comment are strongly

encouraged to read NCD's guidelines for public comment in advance of the meeting at: <https://ncd.gov/public-comment>.

While public comment can be submitted on any topic over email, comments during the meeting should be specific to the requested topics in the following information.

Please send NCD your comments, experiences, articles, data, and other research on the following topics, which are all projects currently underway or soon to be underway. Please send your comments and any attachments to [PublicComment@ncd.gov](mailto:PublicComment@ncd.gov). Your contributions will help strengthen our investigations and provide for a more comprehensive view for federal policymakers.

#### Information on Public Comment Topics

##### *I. Improving the Outcome of People With Disabilities During and after Disasters*

This project will focus on how state and local governments execute their emergency management plans; identify promising practices; and provide resources and recommendations. The following are areas comment:

1. What elements are lacking in state and local disaster preparation plans that would mitigate the adverse impact of disaster recovery and response on people with disabilities?
2. How do states encourage local emergency management operators to be inclusive of people with disabilities before, during and after disasters?
3. What is FEMA's role and responsibility to ensure people with disabilities' needs are included in disaster preparation at the local level?
4. What states have an infrastructure that promotes the inclusivity of people with disabilities?

##### *II. Disability Clinical Competency Training for Healthcare Provider Training Programs*

This project will offer a framework to clinical preparedness for health care providers in the medical treatment of people with disabilities. The following are areas comment:

1. What is the current state of healthcare provider education in medical schools, Nurse Practitioner schools and Physician Assistant programs? How many provide clinical training, patient exposure, and patient feedback? What is the response of the students? How many of these training programs require "clinical disability competency" training? How many are simply short, inadequate "watch a video" vignettes?

2. What are the challenges and obstacles for these schools to adopt curriculum over the course of their training?

3. Do the current graduates of these training programs feel they have the confidence, skills, experience and training to effectively provide optimal care?

4. What is the connection between clinical confidence and changes in behavior and attitudes among healthcare providers?

5. What are the estimated overall cost savings for providing optimal healthcare to people with disabilities?

6. What are the transferable skills that clinicians can learn from “disability competency training” to apply to all other patient populations (especially the elderly, complex and chronic co-existing conditions, which is a growing patient population)?

7. What are the existing curriculum resources that can be adopted and incorporated into current provider training?

### III. ADA Accommodations during Court Proceedings

This project will explore the lack of available training for judges and ADA coordinators that results in people with disabilities being denied reasonable accommodations in court proceedings, which often directly impacts the outcome of the litigation; and offer recommendations to address this unequal access to the courts. The following are areas comment:

1. How many states have court ADA coordinators?

2. With states that have ADA coordinators, is there an ADA grievance procedure? Is the decision to provide reasonable accommodation decided by the coordinator or the judge?

3. What are the training requirements for judges? Is training available that discusses reasonable accommodations?

4. Why does there seem to be a lack of understanding of reasonable accommodations and family courts?

5. What procedure is required to amend the Administrative Offices of the Courts Regulations?

6. What is the current procedure in federal courts to assess reasonable accommodation requests?

### IV. Youth and Younger Adults with Disabilities in Nursing Homes

This project seeks to uncover the drivers of the growing population of youth and younger adults with disabilities living in nursing homes and explore policy solutions that seek to keep youth and younger adults with disabilities in their communities where

they can live, learn, and seek employment. The following are areas comment:

1. What number of people with disabilities ages 21–40 are receiving LTSS in nursing homes? How large is the subset of those under age 21? What are the numbers by state? What are the demographics? What is the average length of stay? What placements were made out of state?

2. What data gaps exist on these questions and how could the Centers for Medicare and Medicaid Services (CMS) improve them? What reporting could HHS or HUD require of federal fund recipients to obtain data on people with disabilities age 40 and under in nursing homes?

3. How many people are estimated to be on waiting lists to transfer out of nursing facilities are ages 21–40 and under 21? What federal and state policies assist in gathering this information and what are the federal and state barriers?

4. Are there existing federal and state policies that have the effect of routing younger people with disabilities into nursing homes? (Please note that NCD is not seeking information on what keeps people with disabilities from leaving nursing facilities as we have well-established research on that topic).

5. What impact has Money Follows the Person had on nursing home diversion for younger people with disabilities? Please provide specific examples to the degree possible. What other programs are successful at diversion of younger people with disabilities from nursing homes?

6. What opportunities are available to younger people with disabilities who reside in nursing homes, for free appropriate public education (FAPE), recreation, community participation? What are the results of unavailability/restricted availability of the activities?

7. How could policymakers specifically address the needs of younger people with disabilities in LTSS and housing policy?

**CONTACT PERSON FOR MORE INFORMATION:** Nicholas Sabula, Public Affairs Specialist, NCD, 1331 F Street NW, Suite 850, Washington, DC 20004; 202–272–2004 (V), or [nsabula@ncd.gov](mailto:nsabula@ncd.gov).

*Accommodations:* ASL Interpreters will be provided in-room and included during the live streamed meeting, and CART has been arranged for this meeting and will be embedded into the Zoom platform as well as available via streamtext link. The web link to access CART Streamtext: <https://www.streamtext.net/player?event=NCD>.

If you require additional accommodations, please notify Stacey

Brown by sending an email to [sbrown@ncd.gov](mailto:sbrown@ncd.gov) as soon as possible and no later than 24 hours prior to the meeting.

Due to last-minute confirmations or cancellations, NCD may substitute items without advance public notice.

Dated: August 12, 2025.

**Anne C. Sommers McIntosh,**

*Director of Legislative Affairs and Outreach.*

[FR Doc. 2025–15517 Filed 8–12–25; 4:15 pm]

**BILLING CODE 8421–02–P**

## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

### National Endowment for the Arts

#### Arts Advisory Panel Meetings

**AGENCY:** National Endowment for the Arts.

**ACTION:** Notice of meetings.

**SUMMARY:** Pursuant to the Federal Advisory Committee Act, as amended, notice is hereby given that 1 meeting of the Arts Advisory Panel to the National Council on the Arts will be held by teleconference or videoconference.

**DATES:** See the **SUPPLEMENTARY INFORMATION** section for individual meeting times and dates. All meetings are Eastern time and ending times are approximate:

**ADDRESSES:** National Endowment for the Arts, Constitution Center, 400 7th St. SW, Washington, DC 20506.

**FOR FURTHER INFORMATION CONTACT:** Further information with reference to this meeting can be obtained from Lara Allee, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, DC 20506; [alleel@arts.gov](mailto:alleel@arts.gov), or call 202–682–5698.

**SUPPLEMENTARY INFORMATION:** The closed portions of meetings are for the purpose of Panel review, discussion, evaluation, and recommendations on financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency. In accordance with the determination of the Chair of March 11, 2022, these sessions will be closed to the public pursuant to 5 U.S.C. 10.

#### Upcoming Meeting

*Grant Application Review:* This meeting will be closed.

*Date and time:* September 5, 2025; 3:00 p.m. to 5:00 p.m.

Dated: August 12, 2025.

**Daniel Beattie,**

*Director of Guidelines and Panel Operations,  
National Endowment for the Arts.*

[FR Doc. 2025–15488 Filed 8–13–25; 8:45 am]

**BILLING CODE 7537–01–P**

## NUCLEAR WASTE TECHNICAL REVIEW BOARD

### Board Meeting; Postponement

**ACTION:** Notice of meeting postponement.

August 12, 2025—The U.S. Nuclear Waste Technical Review Board is postponing the public meeting in originally scheduled for August 27, 2025. A future meeting date will be announced in the **Federal Register** and posted to the Board's website.

The public meeting of the Nuclear Waste Technical Review Board originally scheduled to occur in Arlington, Virginia, on Wednesday, August 27, 2025, to receive program updates from Department of Energy's (DOE) Office of Spent Fuel and High-Level Waste Disposition, within the Office of Nuclear Energy (DOE–NE) has been postponed. The meeting will be re-scheduled, and a new notice will be published in the **Federal Register** and posted to the Board's website at [www.nwtrb.gov](http://www.nwtrb.gov). The original notice was published on July 24, 2025, FR Doc. 2025–13936, at 90 FR 34913.

The Board is an independent federal agency in the Executive Branch. It was established in the Nuclear Waste Policy Amendments Act of 1987 (Public Law 100–203) to perform ongoing evaluation of the technical and scientific validity of U.S. Department of Energy activities related to developing and implementing a program for the management and disposal of spent nuclear fuel and high-level radioactive waste, in accordance with the terms of the Nuclear Waste Policy Act of 1982. Board members serve part-time and are appointed by the President from a list of nominees submitted by the National Academy of Sciences. The Board reports its findings, conclusions, and recommendations to Congress and the Secretary of Energy. Board reports, correspondence, congressional testimony, meeting transcripts, and related materials are posted on the Board's website.

For information regarding the postponement, contact Mr. Christopher Burk, Director External Affairs, at [burk@nwtrb.gov](mailto:burk@nwtrb.gov); by telephone at 703–235–4486; by mail at 2300 Clarendon Boulevard, Suite 1300, Arlington, VA 22201–3367; or by fax at 703–235–4495.

Dated: August 12, 2025.

**Neysa Slater-Chandler,**

*Director of Administration, U.S. Nuclear Waste Technical Review Board.*

[FR Doc. 2025–15470 Filed 8–13–25; 8:45 am]

**BILLING CODE 6820–AM–P**

## POSTAL REGULATORY COMMISSION

[Docket No. CP2025–12; Order No. 9081]

### Inbound EMS 2

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission is acknowledging a recent Postal Service filing of its intention to change prices not of general applicability to be effective January 1, 2026. This document informs the public of the filing, invites public comment, and takes other administrative steps.

**DATES:** *Comments are due:* August 18, 2025.

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

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

### SUPPLEMENTARY INFORMATION:

#### Table of Contents

- I. Introduction
- II. Contents of Filing
- III. Commission Action
- IV. Ordering Paragraphs

#### I. Introduction

On August 8, 2025, the Postal Service filed notice pursuant to 39 CFR 3035.105, announcing its intention to change rates not of general applicability for Inbound Express Mail Service (EMS) 2 effective January 1, 2026.<sup>1</sup>

#### II. Contents of Filing

To support its proposed Inbound EMS 2 rates, the Postal Service filed a redacted version of the proposed new rates, a copy of the certification required under 39 CFR 3035.105(c)(2), a redacted copy of Governors' Decision No. 19–1, a redacted copy of the most recent annual EMS Pay-for-Performance (PfP)

Plan for Calendar Year (CY) 2024, a redacted copy of the most recent available EMS Cooperative PfP report card ("Summary Report") for CY 2024, and a redacted explanation of the calculation for any lost revenues for CY 2024. Notice at 3; *see id.* Attachments 2–7. The Postal Service states that the financial workpapers that accompany the Notice include underlying workpapers used to calculate any PfP penalties and lost revenue from CY 2024, that all PfP penalties and lost revenue are applied in the financial workpapers and deducted accordingly, and that the workpapers also include a spreadsheet listing the countries expected to participate in PfP in CY 2026, as directed by Order No. 5966.<sup>2</sup>

Additionally, the Postal Service filed unredacted copies of Governors' Decision No. 19–1, its proposed rates, service performance data and plan, calculation of any lost revenue, the list of expected PfP countries in CY 2026, and related financial information under seal. Notice at 2. The Postal Service also filed an application for non-public treatment of materials under seal. *Id.* Attachment 1.

### III. Commission Action

The Commission establishes Docket No. CP2025–12 for consideration of matters raised by the Notice and pursuant to 39 CFR 3010.101(q)(3) appoints Samuel Robinson to serve as Public Representative in this docket. 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.

The Commission invites comments on whether the Postal Service's filing is consistent with 39 U.S.C. 3632, 3633, and 3642 and 39 CFR part 3035. Comments are due no later than August 18, 2025. The public portions of the filing can be accessed via the Commission's website (<https://www.prc.gov>). Non-public portions of the Postal Service's filing can be accessed through compliance with the requirements of 39 CFR part 3011.

### IV. Ordering Paragraphs

*It is ordered:*

1. The Commission establishes Docket No. CP2025–12 for consideration of the matters raised by the Postal Service's Notice.

2. Pursuant to 39 CFR 3010.101(q)(3), Samuel Robinson is appointed to serve

<sup>1</sup> Notice of the United States Postal Service of Filing Changes in Rates Not of General Applicability for Inbound EMS 2, and Application for Non-Public Treatment, August 8, 2025, at 1 (Notice).

<sup>2</sup> Notice at 3; *see* Docket No. CP2021–128, Order Approving Changes in Prices Not of General Applicability for Inbound EMS 2, August 20, 2021, at 5–6 (Order No. 5966).

as an officer of the Commission to represent the interests of the general public in this proceeding (Public Representative).

3. Comments are due no later than August 18, 2025.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

**Erica A. Barker,**  
Secretary.

[FR Doc. 2025–15463 Filed 8–13–25; 8:45 am]

BILLING CODE 7710-FW-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103677; File No. SR–OCC–2025–007]

### Self-Regulatory Organizations; the Options Clearing Corporation; Order Granting Approval of Proposed Rule Change by the Options Clearing Corporation Concerning Updates to Its Portfolio Revaluation Process for Purposes of Determining Intraday Margin Calls in Order To Better Manage OCC's Intraday Risk Exposure to Its Clearing Members

August 11, 2025.

#### I. Introduction

On May 15, 2025, the Options Clearing Corporation (“OCC”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change SR–OCC–2025–007, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (“Exchange Act”) <sup>1</sup> and Rule 19b–4 <sup>2</sup> thereunder, to make updates to its portfolio revaluation process for purposes of determining intraday margin calls.<sup>3</sup> The proposed rule change was published for public comment in the **Federal Register** on June 2, 2025.<sup>4</sup> The Commission has received public comment supporting the proposed rule change.<sup>5</sup> On July 17, 2025, pursuant to Section 19(b)(2) of the Exchange Act,<sup>6</sup> 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,

until August 5, 2025.<sup>7</sup> For the reasons discussed below, the Commission is approving the proposed rule change (hereinafter defined as “Proposed Rule Change”).

#### II. Background

OCC is a central counterparty (“CCP”), which means that, as part of its function as a clearing agency, it interposes itself as the buyer to every seller and the seller to every buyer for certain financial transactions. As the CCP for the listed options markets in the United States,<sup>8</sup> as well as for certain futures and stock loans, OCC is exposed to certain risks arising from providing clearing and settlement services to its Clearing Members.<sup>9</sup> Because OCC is obligated to perform on the contracts it clears, even where one of its Clearing Members defaults, one such risk to which OCC is exposed is credit risk in the form of exposure to a Clearing Member's trading activities. OCC manages such credit risk, in part, by collecting collateral from its Clearing Members in the form of margin. OCC sets margin requirements and collects margin daily; however, it may also collect margin intraday under certain circumstances.

At the start of each business day, OCC collects the required margin for each marginable account calculated by OCC's proprietary System for Theoretical Analysis and Numerical Simulation (“STANS”), based on the account's end-of-day positions <sup>10</sup> from the previous business day. OCC is also authorized to make intraday margin calls in certain defined circumstances, such as to reflect changes in the market price of options held in a short position, size of a Clearing Member's positions, value of securities deposited as margin, or otherwise to protect OCC, other Clearing Members or the general public, among other circumstances.<sup>11</sup>

OCC monitors the impact of intraday price movements on Clearing Member

positions as a potential basis for collecting additional margin.<sup>12</sup> Specifically, OCC uses price movements throughout the day to calculate updated profit and loss (“P&L”) for each account based on a Clearing Member's start-of-day positions in that account.<sup>13</sup> OCC may call for additional margin intraday if it observes losses in an account beyond a threshold;<sup>14</sup> specifically, when OCC observes unrealized losses greater than 50 percent of an account's total risk charges.<sup>15</sup> While this process addresses price movements, it does not take intraday position changes into account for purposes of monitoring P&L changes and issuing related margin calls. OCC believes that incorporating intraday position changes into its portfolio revaluation process will help mitigate intraday risk exposures to its Clearing Members driven by position changes in the Clearing Members' portfolios.<sup>16</sup> Accordingly, OCC proposes to change its portfolio revaluation process to incorporate current positions.<sup>17</sup>

Under the current revaluation process, to calculate updated account P&L throughout the day, OCC revalues start-of-day positions with current prices at set intervals (“revaluation runs,” or “runs”) during standard equity trading hours between 8:30 a.m. CT and 3:15 p.m. CT. Under the Proposed Rule Change, OCC proposes to revalue current positions, rather than start-of-day positions, at the time of each intraday revaluation run. Among other things, this would account for potentially risk-reducing or risk-increasing position changes in a Clearing Member's portfolio over the course of the trading day. For instance,

<sup>12</sup> OCC refers to this process as portfolio revaluation. See Notice of Filing, 90 FR at 23404.

<sup>13</sup> The term “start-of-day positions” refers to Clearing Member end-of-day positions from the prior trading day adjusted for corporate actions, but does not include any positions generated from overnight extended trading hours. See Notice of Filing, 90 FR at 23404 n.9.

<sup>14</sup> See OCC Rule 609(a)(3) (stating that OCC may require the deposit of intra-day margin to reflect changes in the value of securities deposited by the Clearing Member as margin).

<sup>15</sup> Total risk charges consist of expected shortfall (“ES”), stress test charges, and add-on charges. See Notice of Filing, 90 FR at 23407. ES is the estimated average of potential losses higher than the 99 percent value at risk (VaR) threshold. See Notice of Filing, 90 FR at 23407 n.28. VaR refers to a statistical technique that is used in risk management to measure the potential risk of loss for a given set of assets over a particular time horizon. See *id.*

<sup>16</sup> See Notice of Filing, 90 FR at 23408.

<sup>17</sup> The term “current positions” refers to Clearing Member positions at a certain point in time during the regular trading hours (“RTH”), which includes positions from the start-of-day and those generated during extended trading hours and RTH. See Notice of Filing, 90 FR at 23405 n.11.

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b–4.

<sup>3</sup> See Notice of Filing *infra* note 4, at 90 FR 23403.

<sup>4</sup> See Securities Exchange Act Release No. 103123 (May 27, 2025), 90 FR 23403 (June 2, 2025) (File No. SR–OCC–2025–007) (“Notice of Filing”).

<sup>5</sup> Comments on the proposed rule change are available at <https://www.sec.gov/comments/sr-occ-2025-007/srocc2025007.htm>.

<sup>6</sup> 15 U.S.C. 78s(b)(2).

<sup>7</sup> Securities Exchange Act Release No. 103493 (July 17, 2025), 90 FR 34564 (July 22, 2025) (File No. SR–OCC–2025–007).

<sup>8</sup> OCC describes itself as “the sole clearing agency for standardized equity options listed on a national securities exchange registered with the Commission (‘listed options’).” See Securities Exchange Act Release No. 96533 (Dec. 19, 2022), 87 FR 79015 (Dec. 23, 2022) (File No. SR–OCC–2022–012).

<sup>9</sup> Capitalized terms not defined herein have the same meaning as provided in OCC's By-Laws and Rules, which can be found on OCC's public website: <https://www.theocc.com/Company-Information/Documents-and-Archives/By-Laws-and-Rules>.

<sup>10</sup> The term “end-of-day positions” refers to the positions held by Clearing Members after the markets have closed each business day. See Notice of Filing, 90 FR at 23404 n.4.

<sup>11</sup> See OCC Rule 609(a).

under the current process, a Clearing Member's start-of-day positions may present unrealized losses that exceed the threshold, which could lead to a margin call. If the Clearing Member's current positions at the time of an intraday revaluation run lead to a higher P&L compared to the start-of-day positions, the current process would not account for that risk-reducing change; however, under the Proposed Rule Change, the Clearing Member's margin call could be reduced in that situation.

OCC also proposes to change the frequency with which it conducts the revaluation process. Currently, OCC completes a revaluation run once every 40 minutes. Under the Proposed Rule Change, OCC would complete a run once every five minutes.<sup>18</sup> Where OCC's internal system determines there has been an account P&L breach,<sup>19</sup> it automatically sends an email alert to OCC's Market Risk and Default Management team ("MRDM"). Currently, such determinations and alerts occur once every 40-minutes. OCC proposes to keep the alert interval at 40 minutes, but to make it configurable such that it could change in the future.

Other than the basis for and frequency of portfolio revaluation, OCC does not propose to change its existing related monitoring, escalation, and margin call processes. Both currently and as proposed, MRDM would verify and escalate breaches to OCC's Financial Risk Management team ("FRM") to recommend an intraday margin call. The determination to approve or defer an intraday margin call would be made by an OCC employee at the Executive Director level or higher. Such calls would be made at or around noon CT if approved. Any intraday margin call to be made after 1:30 p.m. CT would continue to require approval by OCC senior management.<sup>20</sup>

OCC has stated that this process would have no impact on OCC's calculation of STANS margin requirements or other models.<sup>21</sup> Based on a review of the potential impact over a one-year period, however, the proposed change would have had an impact on the frequency and size of

intraday margin calls.<sup>22</sup> During the period reviewed, the total number of margin calls would have increased 34 percent from 93 to 125, but the average margin call amount would have decreased 19.3 percent from \$69.3 million to \$55.9 million.<sup>23</sup>

### 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.<sup>24</sup> Under the Commission's Rules of Practice, the "burden to demonstrate that a proposed rule change is consistent with the Exchange Act and the rules and regulations issued thereunder . . . is on the self-regulatory organization ['SRO'] that proposed the rule change."<sup>25</sup>

The description of a proposed rule change, its purpose and operation, its effect, and a legal analysis of its consistency with applicable requirements must all be sufficiently detailed and specific to support an affirmative Commission finding,<sup>26</sup> and any failure of an SRO to provide this information may result in the Commission not having a sufficient basis to make an affirmative finding that a proposed rule change is consistent with the Exchange Act and the applicable rules and regulations.<sup>27</sup> Moreover, "unquestioning reliance" on an SRO's representations in a proposed rule change is not sufficient to justify Commission approval of a proposed rule change.<sup>28</sup>

After carefully considering the Proposed Rule Change, the Commission finds that the Proposed Rule Change is consistent with the requirements of the Exchange Act and the rules and regulations thereunder applicable to OCC. More specifically, the Commission finds that the proposal is consistent with Sections 17A(b)(3)(F) of the

Exchange Act,<sup>29</sup> and Rule 17ad-22(e)(6)<sup>30</sup> 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 assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible.<sup>31</sup> Based on the Commission's review of the record, and for the reasons described below, the Proposed Rule Change described above is consistent with assuring the safeguarding of securities and funds which are in OCC's custody or control or for which it is responsible.

As discussed above, OCC sets margin requirements using end-of-day account positions, but also has a system in place to call for additional margin intraday based on price changes that impact the positions of Clearing Members. OCC's current system applies intraday price changes to start-of-day positions, but does not account for a Clearing Member's trades made throughout the day. Where OCC observes losses in excess of a preset threshold, OCC may make intraday margin calls, which are generally requested at a central collection time during the business day.

OCC now proposes revaluing Clearing Member accounts based on change in both prices and positions throughout the day. Accounting for changes in positions as well as in prices will provide OCC with a more current view of its exposures. More current exposure information increases the likelihood that OCC will accurately determine when it needs to call for additional margin and how much additional margin is necessary. Increasing the accuracy of OCC's intraday margin call processes will increase the likelihood that OCC collects sufficient margin collateral to mitigate OCC's credit exposure to a Clearing Member default, which, in turn, helps assure the safeguarding of non-defaulting Clearing Members' collateral by reducing the likelihood that OCC would be forced to charge losses to the Clearing Fund, which is mutualized among Clearing Members.

Accordingly, the Proposed Rule Change is consistent with the requirements of Section 17A(b)(3)(F) of the Act.<sup>32</sup>

<sup>18</sup> As noted above, OCC completes revaluation runs between 8:30 a.m. CT and 3:15 p.m. CT.

<sup>19</sup> As noted above, the threshold for a breach is when an account experiences unrealized losses greater than 50 percent of that account's total risk charges. To avoid confusion with other terminology, OCC proposes to replace the phrase "total risk charge" with "total risk margin charge" in its documentation.

<sup>20</sup> The senior management positions authorized to approve a late intraday margin call are Chief Financial Risk Officer, Chief Executive Officer, Chief Operating Officer, or Chief Risk Officer.

<sup>21</sup> See Notice of Filing, 90 FR at 23405.

<sup>22</sup> See Notice of Filing, 90 FR at 23407.

<sup>23</sup> The minimum call amount would remain the same starting at \$500,000, but under the proposed methodology the largest call amount would have decreased 21.8 percent to \$682.7 million. The total margin collected from intraday calls over the period would have increased 7.8 percent from \$6.45 billion to \$6.99 billion.

<sup>24</sup> 15 U.S.C. 78s(b)(2)(C).

<sup>25</sup> Rule 700(b)(3), Commission Rules of Practice, 17 CFR 201.700(b)(3).

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> *Susquehanna Int'l Group, LLP v. Securities and Exchange Commission*, 866 F.3d 442, 447 (D.C. Cir. 2017).

<sup>29</sup> 15 U.S.C. 78q-1(b)(3)(F).

<sup>30</sup> 17 CFR 240.17ad-22(e)(6).

<sup>31</sup> 15 U.S.C. 78q-1(b)(3)(F).

<sup>32</sup> 15 U.S.C. 78q-1(b)(3)(F).

*B. Consistency With SEC Rule 17ad-22(e)(6)(ii) of the Exchange Act*

Rule 17ad-22(e)(6)(ii) under the Exchange Act requires, *inter alia*, that a covered clearing agency (“CCA”) establish, implement, maintain, and enforce written policies and procedures reasonably designed to cover, if the CCA provides central counterparty services, its credit exposures to its participants by establishing a risk-based margin system that, at a minimum, among other things, (i) monitors intraday exposures on an ongoing basis<sup>33</sup> and (ii) includes the authority and operational capacity to make intraday margin calls, as frequently as circumstances warrant, including when risk thresholds specified by the CCA are breached.<sup>34</sup>

OCC’s Proposed Rule Change is designed to monitor Clearing Member account valuations to collect margin more closely aligned to OCC’s risk exposure. OCC assumes risk on every transaction it clears because it must guarantee those transactions in connection with its role as both buyer to every seller and seller to every buyer. One aspect of the OCC’s risk is credit exposure to its Clearing Members. As described above, OCC already maintains a process for monitoring exposures intraday, and now proposes to incorporate intraday position changes into that monitoring process, which will provide OCC a more accurate view of the positions to which it is exposed. OCC also proposes to increase the frequency of its intraday monitoring from once every 40 minutes to once every 5 minutes, which will provide OCC with more granular information to OCC regarding its intraday exposures. Although OCC does not propose to change the frequency with which OCC’s system provides alerts of intraday threshold breaches at this time, the proposal would make such frequency configurable, which would allow OCC to change the frequency in the event it determines that doing so would be more appropriate for the markets it serves.<sup>35</sup> The proposed changes are, therefore, reasonably designed to allow OCC to monitor its intraday exposures on an ongoing basis.<sup>36</sup>

Accordingly, the Proposed Rule Change is consistent with the requirements of Rule 17ad-22(e)(6)(ii).<sup>37</sup>

#### IV. Conclusion

On the basis of the foregoing, the Commission finds that the Proposed Rule Change is consistent with the requirements of the Exchange Act, and in particular, the requirements of Section 17A of the Exchange Act<sup>38</sup> and the rules and regulations thereunder.

*It is therefore ordered*, pursuant to Section 19(b)(2) of the Exchange Act,<sup>39</sup> that the Proposed Rule Change (SR-OCC-2025-007) be, and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>40</sup>

**Vanessa A. Countryman,**

*Secretary.*

[FR Doc. 2025-15426 Filed 8-13-25; 8:45 am]

**BILLING CODE 8011-01-P**

#### SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-103672; File No. SR-CboeBZX-2025-102]

#### Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule To Provide a Temporary Discount for BZX Historical Depth Data

August 11, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the “Act”),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on July 30, 2025, Cboe BZX Exchange, Inc. (the “Exchange” or “BZX”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

related monitoring, escalation, and margin call processes. As described above, OCC is not proposing to remove or change those processes such that it would continue to execute intraday margin calls as it has in the past based on its internal governance and operational processes.

<sup>37</sup> 17 CFR 240.17ad-22(e)(6)(ii).

<sup>38</sup> In approving the Proposed Rule Change, the Commission has considered the proposed rules’ impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

<sup>39</sup> 15 U.S.C. 78s(b)(2).

<sup>40</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 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 to provide a temporary discount on fees assessed to BZX Members and non-Members that purchase \$20,000 or more of ad hoc purchases of BZX Historical Depth Data. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange’s website ([http://markets.cboe.com/us/equities/regulation/rule\\_filings/BZX/](http://markets.cboe.com/us/equities/regulation/rule_filings/BZX/)) and at the Exchange’s Office of the Secretary.

#### II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

##### A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

##### 1. Purpose

The Exchange proposes to update its Fee Schedule to provide a temporary discount on fees assessed to BZX Members (“Members”)<sup>3</sup> and non-Members that purchase \$20,000 or more of ad hoc purchases of BZX Historical Depth Data (“Historical Depth Reports”), effective July 30, 2025 through September 30, 2025.

By way of background, the Exchange currently makes available for purchase Depth Data, which is a daily archive of the Exchange’s depth of book real-time feed, which provides depth-of-book quotations and execution information based on equity orders entered into the System. The Exchange also offers

<sup>3</sup> See Rule 1.5(n) (“Member”). The term “Member” shall mean any registered broker or dealer that has been admitted to membership in the Exchange. A Member will have the status of a “member” of the Exchange as that term is defined in Section 3(a)(3) of the Act. Membership may be granted to a sole proprietor, partnership, corporation, limited liability company or other organization which is a registered broker or dealer pursuant to Section 15 of the Act, and which has been approved by the Exchange.

<sup>33</sup> 17 CFR 240.17ad-22(e)(6)(ii)(B).

<sup>34</sup> 17 CFR 240.17ad-22(e)(6)(ii)(C)(1).

<sup>35</sup> The Commission declined to adopt a minimum monitoring frequency for intraday exposures and has stated that the requirement for ongoing monitoring is designed to allow a CCA to determine what monitoring frequency is appropriate for its particular market. Covered Clearing Agency Resilience and Recovery and Orderly Wind-Down Plans, Securities Exchange Act Release 101446, 89 FR 91000, 91001 (Nov. 18, 2024) (File No. S7-10-23).

<sup>36</sup> OCC’s rules already authorize it to make margin intraday margin calls. OCC has processes in place

Historical Depth Data, which offers such data on a historical basis, *i.e.* T+1 or later. The Historical Depth Report is a completely voluntary product, in that the Exchange is not required by any rule or regulation to make this data available and that potential customers may purchase it on an ad-hoc basis only if they voluntarily choose to do so.

Cboe LiveVol, LLC (“LiveVol”), a wholly owned subsidiary of the Exchange’s parent company, Cboe Global Markets, Inc., makes the Historical Depth Report available for purchase to Users on the LiveVol DataShop website ([datashop.cboe.com](https://datashop.cboe.com)). The Historical Depth Data is available for purchase to Members and Non-Members; the Exchange charges a fee per month of historical data of \$1,000. The Historical Depth Report provided on a historical basis is only provided to data recipients for internal use only, and thus, no redistribution will be permitted. The Exchange notes that the Historical Depth Report is subject to direct competition from other exchanges, as other exchanges offer similar products for a fee.<sup>4</sup>

The Exchange’s options platform (“BZX Options”) and affiliated equities and options exchanges (*i.e.*, Cboe Exchange, Inc. (“Cboe Options”), Cboe C2 Exchange, Inc. (“C2 Options”), Cboe EDGX Exchange, Inc. (“EDGX”), Cboe BYX Exchange, Inc. (“BYX”), and Cboe EDGA Exchange, Inc. (“EDGA”) (collectively, “Affiliates”) also offer similar data products.<sup>5</sup> Particularly, each of the Exchange’s Affiliates offer a daily and historical archive of their depth of book real-time feed with execution information based on their trading activity that is substantially similar to the information provided by the Exchange through its Depth Data products.

The Exchange proposes to provide a temporary pricing incentive program in which Members or Non-Members that purchase Historical Depth Reports will receive a percentage fee discount where specific purchase thresholds are met. Specifically, the Exchange proposes to provide a 20% discount for ad-hoc purchases of Historical Depth Data of \$20,000 or more.<sup>6</sup> The proposed program will apply to all market

participants irrespective of whether the market participant is a new or current purchaser; however, the discount cannot be combined with any other discounts offered by the Exchange. The Exchange intends to introduce the discount program beginning July 30, 2025, with the program remaining in effect through September 30, 2025. The Exchange also notes that it previously adopted similar discount programs for other historical data products offered by the Exchange.<sup>7</sup>

## 2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the “Act”) and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.<sup>8</sup> Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)<sup>9</sup> 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)<sup>10</sup> requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange also believes the proposed rule change is consistent with Section 6(b)(4) of the Act,<sup>11</sup> which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Members and other persons using its facilities.

In adopting Regulation NMS, the Commission granted self-regulatory organizations (“SROs”) and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to

consumers, and also spur innovation and competition for the provision of market data. The Exchange believes that the proposed fee changes will further broaden the availability of U.S. equity market data to investors consistent with the principles of Regulation NMS. The Exchange believes the dissemination of historical depth of book data via Historical Depth Reports benefits investors through increased transparency and may promote better informed trading, as well as research and studies of the equities industry. Nevertheless, the Exchange notes that such data is not necessary for trading and as noted above, is entirely optional. Moreover, several other exchanges offer a similar data product which offer the same type of data content through similar reports.<sup>12</sup>

The Exchange operates in a highly competitive environment. Indeed, there are currently 16 registered equities exchanges that trade equities. Based on publicly available information, no single equities exchange has more than 15% of the equity market share.<sup>13</sup> The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Particularly, 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.”<sup>14</sup> Making similar data products available to market participants fosters competition in the marketplace, and constrains the ability of exchanges to charge supercompetitive fees. In the event that a market participant views one exchange’s data product as more attractive than the competition, that market participant can, and often does, switch between similar products. The proposed fees are a result of the competitive environment of the U.S. equities industry as the Exchange seeks to adopt fees to attract purchasers of Historical Depth Reports.

The Exchange believes that the proposed incentive program for any Member or non-Member who purchases Historical Depth Reports is reasonable

<sup>4</sup> See e.g., <https://www.nasdaqtrader.com/Trader.aspx?id=DPPriceListOptions#nom>; and [https://www.nyse.com/publicdocs/nyse/data/NYSE\\_Market\\_Data\\_Fee\\_Schedule.pdf](https://www.nyse.com/publicdocs/nyse/data/NYSE_Market_Data_Fee_Schedule.pdf).

<sup>5</sup> See e.g., EDGX Fee Schedule, BYX Fee Schedule, EDGA Fee Schedule.

<sup>6</sup> The discount will apply on an order-by-order basis. The discount will apply to the total purchase price, once the \$20,000 minimum purchase is satisfied (for example, a qualifying order of \$25,000 would be discounted to \$20,000, *i.e.*, receive a 20% discount of \$5,000).

<sup>7</sup> See e.g., Securities Exchange Act Release No. 99182 (December 14, 2023), 88 FR 88173 (December 20, 2023) (SR–CboeBZX–2023–093) and Securities Exchange Act Release No. 100330 (June 13, 2024), 89 FR 51931 (June 20, 2024) (SR–CboeBZX–2024–048).

<sup>8</sup> 15 U.S.C. 78f(b).

<sup>9</sup> 15 U.S.C. 78f(b)(5).

<sup>10</sup> *Id.*

<sup>11</sup> 15 U.S.C. 78f(b)(4).

<sup>12</sup> See *supra* note 4.

<sup>13</sup> See Cboe Global Markets, U.S. Equities Market Volume Summary, Month-to-Date (July 29, 2025), available at <https://www.cboe.com/us/equities/market/>.

<sup>14</sup> See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (“Regulation NMS Adopting Release”).

because such purchasers would receive a 20% discount for purchasing \$20,000 or more worth of Historical Depth Reports. The Exchange believes the proposed discount is reasonable as it will give purchasers the ability to use and test the Historical Depth Reports at a discounted rate, prior to purchasing additional months or a monthly subscription, and will therefore encourage users to purchase Historical Depth Reports. Further, the proposed discount is intended to promote increased use of the Exchange's Historical Depth Reports by defraying some of the costs a purchaser would ordinarily have to expend before using the data product. The Exchange believes that the proposed discount is equitable and not unfairly discriminatory because it will apply equally to all Members and non-Members who purchase Historical Depth Reports. Lastly, the purchase of this data product is discretionary and not compulsory. Indeed, no market participant is required to purchase the Historical Depth Reports, and the Exchange is not required to make Historical Depth Reports available to all investors. Potential purchasers may request the data at any time if they believe it to be valuable or may decline to purchase such data. As noted above, the Exchange previously adopted similar discount programs for other historical data products offered by the Exchange.<sup>15</sup>

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange operates in a highly competitive environment in which the Exchange must continually adjust its fees to remain competitive. Because competitors are free to modify their own fees in response, including the adoption of similar discounts to those fees, the Exchange believes that the degree to which fee changes (including discounts and rebates) in this market may impose any burden on competition is extremely limited. As discussed above, the Exchange's Historical Depth Reports offering is subject to direct competition from several other options exchanges that offer similar data products. Moreover, purchase of Historical Depth Reports is optional. It is designed to help investors understand underlying

market trends to improve the quality of investment decisions, but is not necessary to execute a trade.

The proposed rule changes are grounded in the Exchange's efforts to compete more effectively. In this competitive environment, potential purchasers are free to choose which, if any, similar product to purchase to satisfy their need for market information. As a result, the Exchange believes this proposed rule change permits fair competition among national securities exchanges. Further, the Exchange believes that these changes will not cause any unnecessary or inappropriate burden on intermarket competition, as the proposed incentive program applies uniformly to any purchaser of Historical Depth Reports.

#### *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<sup>16</sup> and paragraph (f) of Rule 19b-4<sup>17</sup> 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](mailto:rule-comments@sec.gov). Please include file number SR-CboeBZX-2025-102 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-2025-102. 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-2025-102 and should be submitted on or before September 4, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>18</sup>

**Vanessa A. Countryman,**  
*Secretary.*

[FR Doc. 2025-15425 Filed 8-13-25; 8:45 am]

**BILLING CODE 8011-01-P**

#### **SECURITIES AND EXCHANGE COMMISSION**

**[Release No. 34-103678; File No. SR-PHLX-2025-34]**

#### **Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Options 9, Section 13 (Position Limits) and Options 8, Section 34 (FLEX Index, Equity and Currency Options) Regarding Options on Certain Exchange-Traded Products Holding Bitcoin**

August 11, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on August 6, 2025, Nasdaq PHLX LLC ("Phlx" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared

<sup>15</sup> See e.g., Securities Exchange Act Release No. 99182 (December 14, 2023), 88 FR 88173 (December 20, 2023) (SR-CboeBZX-2023-093) and Securities Exchange Act Release No. 100330 (June 13, 2024), 89 FR 51931 (June 20, 2024) (SR-CboeBZX-2024-048).

<sup>16</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>17</sup> 17 CFR 240.19b-4(f).

<sup>18</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### **I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

The Exchange proposes to amend Options 9, Section 13, Position Limits, and Options 8, Section 34, FLEX Index, Equity, and Currency Options, with respect to options on the iShares Bitcoin Trust ETF ("IBIT"), the Grayscale Bitcoin Mini Trust ETF ("BTC"), the Bitwise Bitcoin ETF ("BITB") and the Grayscale Bitcoin Trust ETF ("GBTC").

The text of the proposed rule change is available on the Exchange's website at <https://listingcenter.nasdaq.com/rulebook/phlx/rulefilings> and at the principal office of the Exchange.

### **II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

#### **A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

##### **1. Purpose**

The Exchange proposes to amend Options 9, Section 13, Position Limits, and Options 8, Section 34, FLEX Index, Equity, and Currency Options, with respect to options on the iShares Bitcoin Trust ETF ("IBIT"), the Grayscale Bitcoin Mini Trust ETF ("BTC"), the Bitwise Bitcoin ETF ("BITB") and the Grayscale Bitcoin Trust ETF ("GBTC"). Each change will be described below.

##### **Position Limits**

The Exchange proposes to amend its rules relating to position limits at Options 9, Section 13 and exercise limits at Options 9, Section 15.<sup>3</sup> Recently, Nasdaq ISE, LLC ("ISE") received approval to eliminate the current 25,000 contract position and

exercise limit for options on IBIT.<sup>4</sup> As a result, ISE would apply the position in ISE Options 9, Section 13(d) to options on IBIT and exercise limits in ISE Options 9, Section 15. Additionally, recently, NYSE Arca, Inc. ("Arca") received approval to eliminate the current 25,000 contract position and exercise limit for options on BTC and BITB.<sup>5</sup> As a result, Arca would apply the position limits in Arca Rule 6.8–O, Commentary .06(a)–(e) to options on BTC and BITB. Finally, Arca recently received approval to eliminate the current 25,000 contract position and exercise limit for options on GBTC.<sup>6</sup> As a result, Arca would apply the position limits in Arca Rule 6.8–O, Commentary .06(a)–(e) to options on GBTC.

The Exchange proposes to similarly amend its position limit rules at Phlx Options 9, Section 13 and exercise limits at Options 9, Section 15 to likewise eliminate the current 25,000 contract position and exercise limit for options on IBIT, BTC, BITB and GTBC. As a result, IBIT, BTC, BITB and GTBC would be subject to the position limits described in ISE Options 9, Section 13 and the corresponding exercise limits in ISE Options 9, Section 15.

##### **IBIT**

IBIT is an Exchange-Traded Fund ("ETF") that holds bitcoin and is listed on The Nasdaq Stock Market LLC.<sup>7</sup> On September 20, 2024, ISE received approval to list options on IBIT.<sup>8</sup> The current position and exercise limits for IBIT options are 25,000 contracts as stated in Options 9, Sections 13 and 15, the lowest limit available in options.<sup>9</sup>

<sup>4</sup> See Securities Exchange Act Release No. 103564 (July 29, 2025) (SR–ISE–2024–62) (not yet noticed).

<sup>5</sup> See Securities Exchange Act Release No. 103568 (July 29, 2025) (SR–NYSEArca–2025–10) (not yet noticed).

<sup>6</sup> See Securities Exchange Act Release No. 103567 (July 29, 2025) (SR–NYSEArca–2025–07) (not yet noticed).

<sup>7</sup> Nasdaq received approval to list and trade Bitcoin-Based Commodity-Based Trust Shares in IBIT pursuant to Rule 5711(d) of Nasdaq. See Securities Exchange Act Release No. 99306 (January 10, 2024), 89 FR 3008 (January 17, 2024) (SR–NASDAQ–2023–016) (Order Granting Accelerated Approval of Proposed Rule Changes, as Modified by Amendments Thereto, To List and Trade Bitcoin-Based Commodity-Based Trust Shares and Trust Units). IBIT started trading on January 11, 2024.

<sup>8</sup> See Securities Exchange Act Release No. 101128 (September 20, 2024), 89 FR 78942 (September 26, 2024) (SR–ISE–2024–03) (Notice of Filing of Amendment Nos. 4 and 5 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment Nos. 1, 4, and 5, To Permit the Listing and Trading of Options on the iShares Bitcoin Trust) ("IBIT Approval Order"). ISE began trading IBIT options on November 19, 2024.

<sup>9</sup> Options on Fidelity Wise Origin Bitcoin Fund, ARK 21Shares Bitcoin ETF, Grayscale Bitcoin Trust (BTC), Grayscale Bitcoin Mini Trust BTC, and Bitwise Bitcoin ETF are also subject to a 25,000 contract position and exercise limit.

Per the Commission "rules regarding position and exercise limits are intended to prevent the establishment of options positions that can be used or might create incentives to manipulate or disrupt the underlying market so as to benefit the options positions."<sup>10</sup> For this reason, the Commission requires that "position and exercise limits must be sufficient to prevent investors from disrupting the market for the underlying security by acquiring and exercising a number of options contracts disproportionate to the deliverable supply and average trading volume of the underlying security."<sup>11</sup> Based on its review of the data and analysis provided by ISE, the Commission concluded that the 25,000 contract position limit for non-FLEX IBIT options satisfied these objectives.<sup>12</sup>

While ISE proposed an aggregated 25,000 contract position limit for IBIT options in its IBIT Approval Order, it nonetheless believed that evidence existed to support a much higher position limit. Specifically, the Commission has considered and reviewed the ISE's analysis in its IBIT Approval Order that the exercisable risk associated with a position limit of 25,000 contracts represented only 0.4% of the outstanding shares of IBIT.<sup>13</sup> The Commission also has considered and reviewed the ISE's statement its IBIT Approval Order that with a position limit of 25,000 contracts on the same side of the market and 611,040,00 shares of IBIT outstanding, 244 market participants would have to simultaneously exercise their positions to place IBIT under stress.<sup>14</sup> Based on the Commission's review of this information and analysis, the Commission concluded that the proposed position and exercise limits of 25,000 contracts were designed to prevent investors from disrupting the market for the underlying security by acquiring and exercising a number of options contracts disproportionate to the deliverable supply and average trading volume of the underlying security, and to prevent the establishment of options positions that can be used or might create incentives

<sup>10</sup> See Securities Exchange Act Release No. 101128 (September 20, 2024), 89 FR 78942 at 78946 (September 26, 2025) (SR–ISE–2024–03) (Notice of Filing of Amendment Nos. 4 and 5 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment Nos. 1, 4, and 5, To Permit the Listing and Trading of Options on the iShares Bitcoin Trust).

<sup>11</sup> See *id.*

<sup>12</sup> See *id.*

<sup>13</sup> See *id.* ISE data represents figures from August 12, 2024.

<sup>14</sup> See *id.* Data represents figures from August 12, 2024.

<sup>3</sup> The Exchange notes that Phlx's exercise limits at Options 3, Section 15 refer to the position limits at Options 3, Section 13 so they are not being separately amended.

to manipulate or disrupt the underlying market so as to benefit the options position.<sup>15</sup>

IBIT currently qualifies for a 250,000 contract position limit pursuant to the criteria in Options 9, Section 13, which requires that, for the most recent six-month period, trading volume for the underlying security be at least 100 million shares.<sup>16</sup> As of November 25, 2024, the market capitalization for IBIT was \$46,783,480,800<sup>17</sup> with an average daily volume (“ADV”), for the preceding three months prior to November 25, 2024, of 39,421,877 shares. IBIT is well above the requisite minimum of 100 million shares necessary to qualify for the 250,000 contract position limit. Also, as of November 25, 2024, there are 19,787,762 bitcoins in circulation.<sup>18</sup> At a price of \$94,830,<sup>19</sup> that equates to a market capitalization of greater than \$1.876 trillion US. If a position limit of 250,000 contracts were considered, the exercisable risk would represent 2.89%<sup>20</sup> of the outstanding shares outstanding of IBIT. Given IBIT’s liquidity, the current 25,000 position limit is extremely conservative.

Position limits, and exercise limits, are designed to limit the number of options contracts traded on the exchange in an underlying security that an investor, acting alone or in concert

with others directly or indirectly, may control. These limits, which are described in Phlx Options 9, Sections 13 and 15, are intended to address potential manipulative schemes and adverse market impacts surrounding the use of options, such as disrupting the market in the security underlying the options. Position and exercise limits must balance concerns regarding mitigating potential manipulation and the cost of inhibiting potential hedging activity that could be used for legitimate economic purposes.

To achieve this balance, Phlx proposes to remove IBIT from the list in Options 9, Section 13(a), regarding position limits, so that options on IBIT may trade similar to all other options for purposes of position and exercise limits. As a result of removing the limitation for options in IBIT from Options 9, Sections 13(a), it would increase the position and exercise limits for options on IBIT from 25,000 to 250,000 contracts based on the criteria in Phlx Options 9, Section 13(g). Like other options, IBIT would be subject to subsequent six (6) month reviews to determine future position and exercise limits similar to all other options as noted in Options 9, Section 13(h).

In addition to IBIT’s eligibility for 250,000 contracts, ISE performed additional analysis with respect to IBIT.

First, ISE considered IBIT’s market capitalization and Average Daily Volume (“ADV”), and prospective position limit in relation to other securities. In measuring IBIT against other securities, ISE aggregated market capitalization and volume data for securities that have defined position limits utilizing data from The Options Clearing Corporations (“OCC”).<sup>21</sup> This pool of data took into consideration 3,897 options on single stock securities, excluding broad based ETFs.<sup>22</sup> Next, the data was aggregated by ISE based on market capitalization and ADV and grouped by option symbol and position limit utilizing statistical thresholds for ADV, based on ninety days, and market capitalization that were one standard deviation above the mean for each position limit category (*i.e.*, 25,000, 50,000 to 65,000, 75,000, 100,000 to less than 250,000, and 250,000).<sup>23</sup> This exercise was performed to demonstrate IBIT’s position limit relative to other options symbols in terms of market capitalization and ADV. For reference, the market capitalization for IBIT was \$46,783,480,800<sup>24</sup> with an ADV, for the preceding three months prior to November 25, 2024, of 39,421,877 shares.

| Market cap statistics | 25k            | 50k            | 75k             | 100k–<250k      | 250k–<500k        | 500k–1mm        | >1mm              |
|-----------------------|----------------|----------------|-----------------|-----------------|-------------------|-----------------|-------------------|
| # of observations ... | 562            | 473            | 651             | 240             | 1934              | 27              | 10                |
| average .....         | 1,038,795,162  | 2,957,127,045  | 4,466,049,699   | 5,390,836,360   | 26,286,624,063    | 67,390,777,100  | 717,540,906,097   |
| median .....          | 360,130,143    | 889,627,570    | 1,445,831,231   | 1,643,123,279   | 3,535,963,213     | 27,063,940,966  | 90,047,209,478    |
| min .....             | 2,204,436      | 4,211,156      | 3,830,532       | 5,090,230       | 1,616,094         | 2,762,394,749   | 11,786,645,969    |
| max .....             | 36,120,249,097 | 70,846,805,916 | 174,820,296,591 | 106,971,594,180 | 3,573,884,443,220 | 733,972,714,698 | 3,358,647,600,000 |
| IBIT % rank .....     | 100.00%        | 98.94%         | 98.77%          | 98.33%          | 88.57%            | 59.26%          | 20.00%            |

| 90-Day ADV statistics | 25k     | 50k     | 75k     | 100k–<250k | 250k–<500k | 500k–1mm   | >1mm        |
|-----------------------|---------|---------|---------|------------|------------|------------|-------------|
| # of observations ... | 562     | 473     | 651     | 240        | 1934       | 27         | 10          |
| average .....         | 76,586  | 213,419 | 425,542 | 623,888    | 3,510,784  | 5,930,607  | 44,610,385  |
| median .....          | 67,231  | 206,402 | 409,177 | 625,882    | 1,620,931  | 4,724,248  | 18,017,607  |
| min .....             | 4,791   | 10,084  | 18,191  | 105,713    | 16,276     | 1,207,242  | 1,771,544   |
| max .....             | 244,499 | 564,451 | 989,341 | 1,339,553  | 88,351,060 | 22,397,311 | 271,230,790 |
| IBIT % rank .....     | 100.00% | 100.00% | 100.00% | 100.00%    | 99.43%     | 100.00%    | 80.00%      |

<sup>15</sup> See *id.*

<sup>16</sup> Phlx Options 9, Section 13(g) provides the various position limits that are available and the criteria for qualifying for each position limit.

<sup>17</sup> ISE noted that the market capitalization was determined by multiplying a settlement price of (\$54.02) by the number of shares outstanding (866,040,000). This figure was acquired as of November 25, 2024. See <https://www.ishares.com/us/products/333011/ishares-bitcoin-trust-etf>.

<sup>18</sup> See <https://www.coingecko.com/en/coins/bitcoin>.

<sup>19</sup> ISE noted that this was the approximate price of bitcoin from 4:00 p.m. ET on November 25, 2024.

<sup>20</sup> ISE noted that this percentage was arrived at with this equation: (250,000 contract limit \* 100 shares per option/866,040,000 shares outstanding).

<sup>21</sup> ISE noted that the computations are based on OCC data from November 25, 2024. Data displaying zero values in market capitalization or ADV were removed.

<sup>22</sup> ISE noted that IBIT has one asset and therefore is not comparable to a broad based ETF where there are typically multiple components.

<sup>23</sup> ISE noted that its Options 9, Section 13(d) sets out position limits for various contracts. For example, a 25,000 contract limit applies to those options having an underlying security that does not meet the requirements for a higher options contract

limit. ISE noted that position limits may also be higher due to corporate actions in the underlying equities, such as a stock split. See <https://www.theocc.com/market-data/market-data-reports/series-and-trading-data/position-limits>. As a result, ISE’s pool of data considered higher position limits than 250,000 contracts, where applicable. Phlx has those same limits at Options 9, Section 13(g).

<sup>24</sup> ISE noted that the market capitalization was determined by multiplying a settlement price of (\$54.02) by the number of shares outstanding (866,040,000). This figure was acquired as of November 25, 2024. See <https://www.ishares.com/us/products/333011/ishares-bitcoin-trust-etf>.

Based on the above table, ISE noted that if IBIT were compared to the 1,934 stocks that have position limits of 250,000 contracts to less than 500,000 contracts it would rank in the 88th percentile for market capitalization and the 99th percentile for ADV.

ISE also analyzed the position limits for IBIT by regressing the market capitalization figures and 90-day ADV

of all non-ETF equities, against their respective position limit figures. From this regression, ISE was able to determine the implied coefficients to create a formulaic method for determining an appropriate position limit.<sup>25</sup> In this case, the modeled position limit is 565,796 contracts.<sup>26</sup> The results of the study are below.

## REGRESSION STATISTICS

|                         |             |
|-------------------------|-------------|
| Multiple R .....        | 0.496800597 |
| R Square .....          | 0.246810833 |
| Adjusted R Square ..... | 0.246361643 |
| Standard Error .....    | 202227.4271 |
| Observations .....      | 3905        |

## ANOVA

|                  | df           | SS             | MS         | F          |
|------------------|--------------|----------------|------------|------------|
| Regression ..... | 2            | 5.2304E+13     | 2.6152E+13 | 639.482566 |
| Residual .....   | 3903         | 1.5962E+14     | 4.0896E+10 |            |
| Total .....      | 3905         | 2.1192E+14     |            |            |
|                  | Coefficients | Standard error | t Stat     | P-value    |
| Intercept .....  | 0            | #N/A           | #N/A       | #N/A       |
| Market Cap ..... | 0.0000002630 | 3.3371E-08     | 7.88130564 | 4.1699E-15 |
| 90-day ADV ..... | 0.0140402219 | 0.00055818     | 25.1533643 | 1.613E-129 |

Based on the aforementioned analysis, the Exchange believes that removing the 25,000 cap and permitting a higher position and exercise limits is appropriate.

Second, ISE reviewed IBIT's data relative to the market capitalization of the entire bitcoin market in terms of exercise risk and availability of deliverables. ISE noted that, as of November 25, 2024, there are 19,787,762 bitcoins in circulation.<sup>27</sup> At a price of \$94,830,<sup>28</sup> that equates to a market capitalization of greater than \$1.876 trillion US. ISE stated that if a position limit of 250,000 contracts were considered, the exercisable risk would represent 2.89%<sup>29</sup> of the outstanding shares outstanding of IBIT. Since IBIT has a creation and redemption process managed through the issuer, ISE noted that the position limit can be compared to the total market capitalization of the entire bitcoin market and in that case, the exercisable risk for options on IBIT would represent less than .072% of all bitcoin outstanding.<sup>30</sup> ISE concluded that assuming a scenario where all options on IBIT shares were exercised given the proposed 250,000 contract position limit (and exercise limit), this would have a virtually unnoticed impact on the entire bitcoin market.

This analysis demonstrates that the proposed effective 250,000 per same side position and exercise limit is appropriate for options on IBIT given its liquidity.

Third, ISE reviewed the proposed position limit by comparing it to position limits for derivative products regulated by the Commodity Futures Trading Commission ("CFTC"). While the CFTC, through the relevant Designated Contract Markets, only regulates options positions based upon delta equivalents (creating a less stringent standard), ISE examined equivalent bitcoin futures position limits. In particular, ISE looked to the CME bitcoin futures contract<sup>31</sup> that has a position limit of 2,000 futures.<sup>32</sup> On October 22, 2024, CME bitcoin futures settled at \$94,945.<sup>33</sup> ISE noted that, on October 22, 2024, IBIT settled at \$54.02, which would equate to greater than 17,557,898 shares of IBIT if the CME notional position limit was utilized. Since substantial portions of any distributed options portfolio is likely to be out of the money on expiration, ISE noted that an options position limit equivalent to the CME position limit for bitcoin futures (considering that all options deltas are  $\leq 1.00$ ) should be a bit higher than the CME implied

175,578 limit. Of note, unlike options contracts, CME position limits are calculated on a net futures-equivalent basis by contract and include contracts that aggregate into one or more base contracts according to an aggregation ratio(s).<sup>34</sup> Therefore, if a portfolio includes positions in options on futures, CME would aggregate those positions into the underlying futures contracts in accordance with a table published by CME on a delta equivalent value for the relevant spot month, subsequent spot month, single month and all month position limits.<sup>35</sup> If a position exceeds position limits because of an option assignment, CME permits market participants to liquidate the excess position within one business day without being considered in violation of its rules. Additionally, if at the close of trading, a position that includes options exceeds position limits for futures contracts, when evaluated using the delta factors as of that day's close of trading, but does not exceed the limits when evaluated using the previous day's delta factors, then the position shall not constitute a position limit violation. Based on the aforementioned analysis, the Exchange believes that the

<sup>25</sup> ISE utilized Excel's Data Analysis Package to model the position limit.

<sup>26</sup> ISE utilized this formula to arrive at the number of contracts:  $((46,783,380,800 \text{ mkt cap} * 0.0000002630 \text{ market cap coefficient}) + (39,421,877 \text{ ADV} * 0.0140402219 \text{ ADV coefficient}))$ .

<sup>27</sup> See <https://www.coingecko.com/en/coins/bitcoin>.

<sup>28</sup> ISE noted that this was the approximate price of bitcoin from 4:00 p.m. ET on November 25, 2024.

<sup>29</sup> ISE noted that this percentage was arrived at with this equation:  $(250,000 \text{ contract limit} * 100 \text{ shares per option} / 866,040,000 \text{ shares outstanding})$ .

<sup>30</sup> ISE noted that this number was arrived at with this calculation:  $((250,000 \text{ limit} * 100 \text{ shares per option} * \$54.02 \text{ settle}) / (19,787,762 \text{ BTC outstanding} * \$94,830 \text{ BTC price}))$ .

<sup>31</sup> CME Bitcoin Futures are described in Chapter 350 of CME's Rulebook.

<sup>32</sup> See the Position Accountability and Reportable Level Table in the Interpretations & Special Notices Section of Chapter 5 of CME's Rulebook.

<sup>33</sup> 2,000 futures at a 5 bitcoin multiplier (per the contract specifications) equates to \$949,450,000  $(2,000 \text{ contracts} * 5 \text{ BTC per contract} * \$94,945 \text{ price of November BTC future})$  of notional value.

<sup>34</sup> See <https://www.cmegroup.com/education/courses/market-regulation/position-limits/position-limits-aggregation-of-contracts-and-table.htm>.

<sup>35</sup> See *id.*

finer increments, may artificially inhibit liquidity and create price inefficiency.

The Exchange believes that IBIT options has demonstrated that it has more than sufficient liquidity to garner an increased position and exercise limit of 250,000 contracts. The Exchange believes that any concerns related to manipulation and protection of investors are mollified by the significant liquidity provision in IBIT. The Exchange states that, as a general principle, increases in active trading volume and deep liquidity of the underlying securities do not lead to manipulation and/or disruption.

The Exchange also has no reason to believe that the growth in trading volume in IBIT will not continue. Rather, the Exchange expects continued options volume growth in IBIT as opportunities for investors to participate in the options markets increase and evolve. The Exchange believes that the current position and exercise limits in IBIT options are restrictive and will

<sup>47</sup> See Phlx Options 9, Section 13.

<sup>45</sup> See *id.* at 19548.

hamper the listed options markets from being able to compete fairly and effectively with the over-the-counter (“OTC”) markets. OTC transactions occur through bilateral agreements, the terms of which are not publicly disclosed to the marketplace. As such, OTC transactions do not contribute to the price discovery process on a public exchange or other lit markets. The Exchange believes that without the proposed changes to position and exercise limits for IBIT options, market participants will find the 25,000 contract position limit an impediment to their business and investment objectives as well as an impediment to efficient pricing. As such, market participants may find the less transparent OTC markets a more attractive alternative to achieve their investment and hedging objectives, leading to a retreat from the listed options markets, where trades are subject to reporting requirements and daily surveillance. However, the Exchange notes that IBIT’s position limits would be reviewed on a six month basis pursuant to Options 9, Section 13(h), pursuant the rules of other options exchange such as ISE Options 9, Section 13(d), similar to other options.

The Exchange believes that the existing surveillance procedures and reporting requirements at the Exchange are capable of properly identifying disruptive and/or manipulative trading activity. The Exchange also represents that it has adequate surveillances in place to detect potential manipulation, as well as reviews in place to identify continued compliance with the Exchange’s listing standards. These procedures monitor market activity via automated surveillance techniques to identify unusual activity in both options and the underlyings, as applicable. The Exchange also notes that large stock holdings must be disclosed to the Commission by way of Schedules 13D or 13G,<sup>48</sup> which are used to report ownership of stock which exceeds 5% of a company’s total stock issue and may assist in providing information in monitoring for any potential manipulative schemes. Further, the Exchange believes that the current financial requirements imposed by the Exchange and by the Commission adequately address concerns regarding potentially large, unhedged positions in equity options. Current margin and risk-based haircut methodologies serve to limit the size of positions maintained by any one account by increasing the margin and/or capital that a member

organization must maintain for a large position held by itself or by its customer.<sup>49</sup> In addition, Rule 15c3–1<sup>50</sup> imposes a capital charge on member organizations to the extent of any margin deficiency resulting from the higher margin requirement.

BTC and BITB<sup>51</sup>

On October 18, 2024, the Commission approved the listing and trading of BTC and BITB.<sup>52</sup> On November 22, 2024, Arca obtained rule authority to trade options on BTC and BITB.<sup>53</sup> The current position and exercise limits for BTC and BITB options are 25,000 contracts, the lowest limit available in options.<sup>54</sup> Arca proposed to remove its 25,000 position and exercise limit cap which resulted in an increase to IBIT options position and exercise limits for each ETF to 250,000 contracts. Arca noted that BTC and BITB currently qualify for this increased limit pursuant to Arca Rule 6.8–O Commentary .06(e), which requires that, for the most recent six-month period, trading volume for the underlying security is at least 100,000,000 shares.<sup>55</sup> Arca noted that, as of November 25, 2024, during the most recent six-month period, trading volume for BTC was 163,712,700 shares. Arca noted that during the same period, trading volume for BITB was 288,800,860 shares. In addition, Arca noted that, as of November 25, 2024, the market capitalization for BTC was \$3,496,748,882<sup>56</sup> with an average daily volume (“ADV”) for the preceding three months of 2,036,369 shares, and the

market capitalization of BITB was 4,095,157,000<sup>57</sup> with an ADV for the three prior months of 2,480,478. BTC and BITB are well above the requisite minimum of 100,000,000 shares necessary to qualify for the 250,000 contract position and exercise limit. Also, Arca noted that, as of November 25, 2024, there were 19,787,762 bitcoins in circulation.<sup>58</sup> At a price of \$94,830 per bitcoin,<sup>59</sup> that equates to a market capitalization of greater than \$1.876 trillion. Arca noted that if a position limit of 250,000 contracts were considered for each ETF, the exercisable risk would represent 30.14%<sup>60</sup> of BTC shares outstanding; and 31.27%<sup>61</sup> of BITB shares outstanding. Given the liquidity of BTC and BITB, the current 25,000 position limit appears extremely conservative.

First, Arca reviewed the ETFs’ data relative to the market capitalization of the entire bitcoin market in terms of exercise risk and availability of deliverables. Arca noted that, as noted above, as of November 25, 2024, there were 19,787,762 bitcoins in circulation.<sup>62</sup> Arca noted that at a price of \$94,830 per bitcoin,<sup>63</sup> that equates to a market capitalization of greater than \$1.876 trillion. Arca noted that if the proposed aggregated position limit of 250,000 contracts were considered, the exercisable risk would represent 30.14% of BTC shares outstanding<sup>64</sup> and 31.27% of BITB shares outstanding.<sup>65</sup> Arca noted that since each ETF has a creation and redemption process managed through the issuer (whereby bitcoin is used to create BTC or BITB shares, as applicable), the position limit can be compared to the total market capitalization of the entire bitcoin

<sup>49</sup> See Phlx Options 6C, Section 3 regarding margin requirements.

<sup>50</sup> 17 CFR 240.15c3–1.

<sup>51</sup> The Exchange refers to BTC and BITB as “ETFs” in the BTC and BITB sections.

<sup>52</sup> See Securities Exchange Act Release No. 101386 (October 18, 2024), 89 FR 84960 (October 24, 2024) (SR–NYSEAMER–2024–49) (order approving rules to permit the listing and trading of options on BTC and BITB, among others) (the “ETF Options Approval Order”).

<sup>53</sup> See Securities Exchange Act Release No. 101713 (November 22, 2024), 89 FR 94839 (November 29, 2024) (SR–NYSEARCA–2024–101) (notice of immediately effective rule change to permit BTC and BITB options trading, based on the already-approved NYSE American rules) (the “Arca ETF Options Notice”).

<sup>54</sup> See Phlx Options 9, Section 13.

<sup>55</sup> See Phlx Options 9, Section 13(g) providing that the position limit shall be 250,000 contracts for options: (i) on underlying stock or Exchange-Traded Fund Share that had trading volume of at least 100,000,000 shares during the most recent six-month trading period; or (ii) on an underlying stock or Exchange-Traded Fund Share that had trading volume of at least 75,000,000 shares during the most recent six-month trading period and has at least 300,000,000 shares currently outstanding).

<sup>56</sup> Arca noted that the market capitalization of BTC was determined by multiplying a settlement price (\$42.16) by the number of shares outstanding (82,939,964). Data represents figures from FactSet as of November 25, 2024.

<sup>57</sup> Arca noted that the market capitalization of BITB was determined by multiplying a settlement price (\$51.70) by the number of shares outstanding (79,950,100). Data represents figures from FactSet as of November 25, 2024.

<sup>58</sup> See <https://www.coingecko.com/en/coins/bitcoin>.

<sup>59</sup> Arca noted that this is the approximate price of bitcoin from 4:00 p.m. ET on November 25, 2024.

<sup>60</sup> Arca noted that this percentage is arrived at with this equation: (250,000 contract limit \* 100 shares per option) / 82,939,964 BTC shares outstanding).

<sup>61</sup> Arca noted that this percentage is arrived at with this equation: (250,000 contract limit \* 100 shares per option) / 79,950,100 BITB shares outstanding).

<sup>62</sup> See <https://www.coingecko.com/en/coins/bitcoin>.

<sup>63</sup> Arca noted that this is the approximate price of bitcoin from 4:00 p.m. ET on November 25, 2024.

<sup>64</sup> Arca noted that this percentage is arrived at with this equation: (250,000 contract limit \* 100 shares per option) / 82,939,964 BTC shares outstanding).

<sup>65</sup> Arca noted that his percentage is arrived at with this equation: (250,000 contract limit \* 100 shares per option) / 79,950,100 BITB shares outstanding).

<sup>48</sup> 17 CFR 240.13d–1.

market, and in that case, the exercisable risk for options on each ETF would represent less than 0.06% (BTC) or 0.07% (BITB) of all bitcoin outstanding.<sup>66</sup>

Next, Arca reviewed the proposed position limit by comparing it to position limits for derivative products regulated by the CFTC. While the CFTC, through the relevant Designated Contract Markets, only regulates options positions based upon delta equivalents (creating a less stringent standard), the Exchange examined equivalent bitcoin futures position limits. In particular, the Exchange looked to the CME bitcoin futures contract<sup>67</sup> that has a position limit of 8,000 futures. Arca noted that, on October 22, 2024, CME bitcoin futures settled at \$94,945.<sup>68</sup> Arca noted that, on October 22, 2024, BTC settled at \$29.90, and BITB settled at \$36.74, which would equate to approximately 31,754,181 and 25,842,406 shares of BTC and BITB, respectively, if the CME notional position limit was utilized. Since substantial portions of any distributed options portfolio are likely to be out of the money on expiration, an options position limit equivalent to the CME position limit for bitcoin futures (considering that all options deltas are  $\leq 1.00$ ) should be a bit higher than the CME implied limit of 317,541 (BTC) and 258,424 (BITB).

Of note, unlike options contracts, CME position limits are calculated on a net futures-equivalent basis by contract and include contracts that aggregate into one or more base contracts according to an aggregation ratio(s).<sup>69</sup> Therefore, if a portfolio includes positions in options on futures, CME would aggregate those positions into the underlying futures contracts in accordance with a table published by CME on a delta equivalent value for the relevant spot month, subsequent spot month, single month and all month position limits.<sup>70</sup> If a position exceeds position limits because of an option assignment, CME permits market participants to liquidate the excess position within one business day

without being considered in violation of its rules. Additionally, if at the close of trading, a position that includes options exceeds position limits for futures contracts, when evaluated using the delta factors as of that day's close of trading but does not exceed the limits when evaluated using the previous day's delta factors, then the position shall not constitute a position limit violation. Considering CME's position limits on bitcoin futures, the Exchange believes a 250,000 contract limit for options on each ETF would be appropriate.

Finally, Arca analyzed a position and exercise limit of 250,000 for BTC and BITB against other options on commodity ETFs, namely SPDR Gold Shares ("GLD") and iShares Silver Trust ("SLV").<sup>71</sup> Arca noted that GLD has a float of 306.1 million shares and a position limit of 250,000 contract.<sup>72</sup> As previously noted, position and exercise limits are designed to limit the number of options contracts traded on the exchange in an underlying security that an investor, acting alone or in concert with others directly or indirectly, may control. Arca noted that a position limit exercise in GLD would represent 8.17% of the float of GLD. In comparison, Arca noted that a 250,000 contract position limit in each of BTC and BITB, would represent 30.14% of the BTC float and 31.27% of the BITB float. While less conservative than the standard applied to options on GLD, the Exchange nonetheless believes that subjecting options on BTC and BITB to a 250,000 contract position and exercise limit would be appropriate.<sup>73</sup>

Based on the foregoing, the Exchange believes that it has demonstrated that BTC and BITB each have more than sufficient liquidity to garner an increased position and exercise limit of 250,000 same-side contracts. The Exchange believes that the significant liquidity present in each ETF mitigates against the potential for manipulation.

The Exchange believes that allowing options on each ETF to have increased aggregated position and exercise limits would lead to a more liquid and competitive market environment for such options, which will benefit customers that trade these options. Further, the reporting requirement for such options would remain unchanged. Thus, the Exchange will still require that each Participant that maintains positions in options on BTC or BITB, on

the same side of the market, for its own account or for the account of a customer, report certain information to the Exchange. This information includes, but would not be limited to, the options positions, whether such positions are hedged and, if so, a description of the hedge(s). Market Makers<sup>74</sup> would continue to be exempt from this reporting requirement, however, the Exchange may access Market Maker position information.<sup>75</sup> Moreover, the Exchange's requirement that Participants file reports with the Exchange for any customer who held aggregate large long or short positions on the same side of the market of 200 or more option contracts of any single class for the previous day will remain at this level.<sup>76</sup>

#### GBTC<sup>77</sup>

On October 18, 2024, the Commission approved the listing and trading of GBTC options.<sup>78</sup> On November 22, 2024, Arca obtained rule authority to trade GBTC options with a 25,000 contract position limit, the lowest limit available in options.<sup>79</sup> Arca noted that GBTC currently qualifies for a 250,000 limit on same-side contracts pursuant to Arca Rule 6.8–O Commentary .06(e)(i), which requires that trading volume for the underlying security in the most recent six months be at least 100,000,000 shares.<sup>80</sup> Arca noted that,

<sup>74</sup> A "Market Maker" means a Streaming Quote Trader or a Remote Streaming Quote Trader who enters quotations for his own account electronically into the System. See Phlx Options 1, Section 1(b)(28).

<sup>75</sup> OCC through the Large Option Position Reporting ("LOPR") system acts as a centralized service provider for member compliance with position reporting requirements by collecting data from each member, consolidating the information, and ultimately providing detailed listings of each member's report to the Exchange, as well as FINRA, acting as its agent pursuant to a regulatory services agreement ("RSA").

<sup>76</sup> See Phlx Options 9, Section 13.

<sup>77</sup> GBTC is also referred to as "ETF" in the GBTC sections.

<sup>78</sup> See Securities Exchange Act Release No. 101386 (October 18, 2024), 89 FR 84960 (October 24, 2024) (SR–NYSEAMER–2024–49) (order approving rules to permit the listing and trading of GBTC options, among others) (the "GBTC Options Approval Order").

<sup>79</sup> See Securities Exchange Act Release No. 101713 (November 22, 2024), 89 FR 94839 (November 29, 2024) (SR–NYSEARCA–2024–101) (notice of immediately effective rule change to permit GBTC options trading, based on the already-approved NYSE American rules) (the "Arca GBTC Options Notice").

<sup>80</sup> See Phlx Options 9, Section 13(g)(1) providing that the position limit shall be 250,000 contracts for options: (a) on underlying stock or Exchange-Traded Fund Share that had trading volume of at least 100,000,000 shares during the most recent six-month trading period; or (b) on an underlying stock or Exchange-Traded Fund Share that had trading volume of at least 75,000,000 shares during the

Continued

<sup>66</sup> Arca noted that for BTC, this number was arrived at with this calculation:  $((250,000 \text{ limit} * 100 \text{ shares per option} * \$42.16 \text{ settle}) / (19,787,762 \text{ bitcoin outstanding} * \$94,830 \text{ bitcoin price}))$ ; and for BITB, this number was arrived at with this calculation:  $((250,000 \text{ limit} * 100 \text{ shares per option} * \$51.70 \text{ settle}) / (19,787,762 \text{ bitcoin outstanding} * \$94,830 \text{ bitcoin price}))$ .

<sup>67</sup> CME Bitcoin Futures are described in Chapter 350 of CME's Rulebook.

<sup>68</sup> See the Position Accountability and Reportable Level Table in the Interpretations & Special Notices Section of Chapter 5 of CME's Rulebook.

<sup>69</sup> See <https://www.cmegroup.com/education/courses/market-regulation/position-limits/position-limits-aggregation-of-contracts-and-table.htm>.

<sup>70</sup> See *id.*

<sup>71</sup> Like BTC and BITB, GLD and SLV each hold one asset in trust.

<sup>72</sup> See <https://www.ssga.com/us/en/intermediary/etfs/spdr-gold-shares-gld>.

<sup>73</sup> See Phlx Options 9, Section 13(g).

as of November 25, 2024, during the most recent six-month period, trading volume for GBTC was 550,687,400 shares. In addition, Arca noted that, as of November 25, 2024, the market capitalization for GBTC was \$20,661,316,542,<sup>81</sup> with an average daily volume (“ADV”) for the preceding three months of 3,829,597 shares. GBTC is well above the requisite minimum of 100,000,000 shares necessary to qualify for the 250,000 contract position and exercise limit. Also, Arca noted that, as of November 25, 2024, there were 19,787,762 bitcoins in circulation.<sup>82</sup> At a price of \$94,830 per bitcoin,<sup>83</sup> that equates to a market capitalization of greater than \$1.876 trillion. If an aggregated position and exercise limit of 250,000 contracts were considered, Arca noted that the exercisable risk would represent 9.13%<sup>84</sup> of GBTC shares outstanding. Given GBTC’s liquidity, the current 25,000-contract position (and exercise) limit is extremely conservative.

First, Arca reviewed GBTC’s data relative to the market capitalization of the entire bitcoin market in terms of exercise risk and availability of deliverables. As noted above, as of November 25, 2024, Arca noted that there were 19,787,762 bitcoins in circulation.<sup>85</sup> At a price of \$94,830 per bitcoin,<sup>86</sup> Arca noted that equates to a market capitalization of greater than \$1.876 trillion. If an aggregated position (and exercise) limit of 250,000 contracts were considered, Arca noted that the exercisable risk would represent 9.13%<sup>87</sup> of the outstanding shares outstanding of GBTC. Since GBTC has a creation and redemption process managed through the issuer (whereby bitcoin is used to create GBTC shares), the position limit can be compared to the total market capitalization of the entire bitcoin market, and in that case, the exercisable risk for options on GBTC would represent less than 0.10% of all

bitcoin outstanding.<sup>88</sup> Arca noted that if GBTC options were subject to a 250,000 contract position and exercise limit (based on GBTC trading volume) and if all options on GBTC shares were exercised at once, this occurrence would have a virtually unnoticed impact on the entire bitcoin market. This analysis demonstrates that a 250,000 contract position (and exercise) limit for GBTC options would be appropriate given GBTC’s liquidity.

Next, Arca reviewed the proposed position limit by comparing it to position limits for derivative products regulated by the CFTC. While the CFTC, through the relevant Designated Contract Markets, only regulates options positions based upon delta equivalents (creating a less stringent standard), Arca examined equivalent bitcoin futures position limits. In particular, Arca looked to the CME bitcoin futures contract,<sup>89</sup> which has a position limit of 2,000 futures (for the initial spot month).<sup>90</sup> Arca noted that, on October 22, 2024, CME bitcoin futures settled at \$94,945.<sup>91</sup> Arca noted that on October 22, 2024, GBTC settled at \$53.64, which would equate to greater than 17,700,410 shares of GBTC if the CME notional position limit was utilized. Since substantial portions of any distributed options portfolio are likely to be out of the money on expiration, Arca noted that an options position limit equivalent to the CME position limit for bitcoin futures (considering that all options deltas are  $\leq 1.00$ ) should be a bit higher than the CME implied limit of 177,004.

Of note, unlike options contracts, CME position limits are calculated on a net futures-equivalent basis by contract and include contracts that aggregate into one or more base contracts according to an aggregation ratio(s).<sup>92</sup> Therefore, if a portfolio includes positions in options on futures, CME would aggregate those positions into the underlying futures contracts in accordance with a table

published by CME on a delta equivalent value for the relevant spot month, subsequent spot month, single month and all month position limits.<sup>93</sup> If a position exceeds position limits because of an option assignment, CME permits market participants to liquidate the excess position within one business day without being considered in violation of its rules. Additionally, if at the close of trading, a position that includes options exceeds position limits for futures contracts, when evaluated using the delta factors as of that day’s close of trading but does not exceed the limits when evaluated using the previous day’s delta factors, then the position shall not constitute a position limit violation. Considering CME’s position limits on bitcoin futures, the Exchange believes a 250,000 contract limit for GBTC options would be appropriate.

Finally, Arca analyzed a position and exercise limit of 250,000 for GBTC against options on SPDR Gold Shares (“GLD”), which (like GBTC), is a commodity-backed ETF.<sup>94</sup> Arca noted that GLD has a float of 306.1 million shares and a position limit of 250,000 contracts.<sup>95</sup> As previously noted, position and exercise limits are designed to limit the number of options contracts traded on the exchange in an underlying security that an investor, acting alone or in concert with others directly or indirectly, may control. Arca noted that a position limit exercise in GLD would represent 8.17% of the float of GLD. In comparison, Arca noted that a 250,000 contract position limit in GBTC would represent 9.13% of the float of GBTC. While less conservative than the standard applied to options on GLD, the Exchange nonetheless believes that subjecting GBTC options to a 250,000 contract position and exercise limit would be appropriate.<sup>96</sup>

Based on the foregoing, the Exchange believes that it has demonstrated that GBTC has more than sufficient liquidity to garner an increased position and exercise limit of 250,000 same-side contracts. The Exchange believes that the significant liquidity present in GBTC mitigates against the potential for manipulation.

The Exchange also has no reason to believe that the growth in trading volume in IBIT, BTC, BITB, and GBTC options will not continue. Rather, the Exchange expects continued options volume growth in IBIT, BTC, BITB, and GBTC as opportunities for investors to

most recent six-month trading period and has at least 300,000,000 shares currently outstanding.

<sup>81</sup> Arca noted that the market capitalization of GBTC was determined by multiplying a settlement price (\$75.42) by the number of shares outstanding (273,950,100) and that the data represents figures from FactSet as of November 25, 2024.

<sup>82</sup> See <https://www.coingecko.com/en/coins/bitcoin>.

<sup>83</sup> Arca noted that this is the approximate price of bitcoin from 4:00 p.m. ET on November 25, 2024.

<sup>84</sup> Arca noted that this percentage is arrived at with this equation: (250,000 contract limit \* 100 shares per option / 273,950,100 shares outstanding).

<sup>85</sup> See <https://www.coingecko.com/en/coins/bitcoin>.

<sup>86</sup> Arca noted that this is the approximate price of bitcoin from 4:00 p.m. ET on November 25, 2024.

<sup>87</sup> Arca noted that this percentage is arrived at with this equation: (250,000 contract limit \* 100 shares per option / 273,950,100 shares outstanding).

<sup>88</sup> Arca noted that this number was arrived at with this calculation: ((250,000 limit \* 100 shares per option \* \$75.42 settle) / (19,787,762 BTC outstanding \* \$94,830 BTC price)).

<sup>89</sup> CME Bitcoin Futures are described in Chapter 350 of CME’s Rulebook.

<sup>90</sup> See the Position Accountability and Reportable Level Table in the Interpretations & Special Notices Section of Chapter 5 of CME’s Rulebook. Each CME bitcoin futures contract is valued at five bitcoins as defined by the CME CF Bitcoin Reference Rate (“BRR”). See CME Rule 35001.

<sup>91</sup> Arca noted that 2,000 futures at a 5-bitcoin multiplier (per the contract specifications) equates to \$949,450,000 (2,000 contracts \* 5 BTC per contract \* \$94,945 price of November BTC future) of notional value.

<sup>92</sup> See <https://www.cmegroup.com/education/courses/market-regulation/position-limits/position-limits-aggregation-of-contracts-and-table.htm>.

<sup>93</sup> See *id.*

<sup>94</sup> GLD, like GBTC, holds one asset in trust.

<sup>95</sup> See <https://www.ssga.com/us/en/intermediary/etfs/spdr-gold-shares-gld>.

<sup>96</sup> See, e.g., Phlx Options 9, Section 13.

participate in the options markets increase and evolve. The Exchange believes that the current position and exercise limits in IBIT, BTC, BITB, and GBTC options are restrictive and will hamper the listed options markets from being able to compete fairly and effectively with the over-the-counter (“OTC”) markets. OTC transactions occur through bilateral agreements, the terms of which are not publicly disclosed to the marketplace. As such, OTC transactions do not contribute to the price discovery process on a public exchange or other lit markets. The Exchange believes that without the proposed changes to position and exercise limits for IBIT, BTC, BITB, and GBTC options, market participants will find the 25,000-contract position limit an impediment to their business and investment objectives as well as an impediment to efficient pricing. As a result, market participants may find the less transparent OTC markets a more attractive alternative to achieve their investment and hedging objectives, leading to a retreat from the listed options markets, where trades are subject to reporting requirements and daily surveillance.

The Exchange believes that the existing surveillance procedures and reporting requirements at the Exchange are capable of properly identifying disruptive and/or manipulative trading activity. The Exchange also represents that it has adequate surveillances in place to detect potential manipulation, as well as reviews in place to identify continued compliance with the Exchange’s listing standards. These procedures monitor market activity to identify unusual activity in both options and the underlying equities.

#### FLEX

Arca recently received approval to permit BTC, BITB and GTBC to trade as “FLEX Options.”<sup>97</sup> Identical to approval received by Arca, Phlx proposes to permit, BTC, BITB and GTBC to trade as FLEX Options and would require the aggregation of any FLEX and non-FLEX positions in the same underlying ETF for purposes of calculating position and exercise limits on such ETF. Thus, for example, assuming a 250,000 contract position limit for options on BTC, the Exchange would restrict a market participant from holding positions that could result in the receipt of more than 250,000,000 shares (if that market participant

exercised all its BTC options). The share creation and redemption process available to each ETF is designed to ensure that an ETF’s price closely tracks the value of its underlying asset. For example, if a market participant exercised a long call position for 25,000 contracts and purchased 2,500,000 shares of BTC and this purchase resulted in the value of BTC shares to trade at a premium to the value of the (underlying) bitcoin held by BTC, the Exchange believes that other market participants would attempt to arbitrage this price difference by selling short BTC shares while concurrently purchasing bitcoin. Those market participants (arbitrageurs) would then deliver cash to BTC and receive shares of BTC, which would be used to close out any previously established short position in BTC. Thus, this creation and redemptions process would significantly reduce the potential risk of price dislocation between the value of BTC shares and the value of bitcoin holdings.

The Exchange understands that FLEX Options on ETFs are currently traded in the OTC market by a variety of market participants, *e.g.*, hedge funds, proprietary trading firms, and pension funds, to name a few. The Exchange believes there is room for significant growth if a comparable product were introduced for trading on a regulated market. The Exchange expects that users of these OTC products would be among the primary users of FLEX options on BTC, BITB and GTBC. The Exchange also believes that the trading of FLEX Options would allow these same market participants to better manage the risk associated with the volatility of BTC, BITB or GTBC (the underlying ETF) positions given the enhanced liquidity that an exchange-traded product would bring. Additionally, the Exchange believes that FLEX Options traded on the Exchange would have three important advantages over the contracts that are traded in the OTC market. First, because of greater standardization of contract terms, exchange-traded contracts should develop more liquidity. Second, counter-party credit risk would be mitigated by the fact that the contracts are issued and guaranteed by OCC. Finally, the price discovery and dissemination provided by the Exchange and its members would lead to more transparent markets. The Exchange believes that its ability to offer FLEX Options would aid it in competing with the OTC market and at the same time expand the universe of products available to interested market participants. The Exchange believes that

an exchange-traded alternative may provide a useful risk management and trading vehicle for market participants and their customers.

The Exchange has analyzed its capacity and represents that it and The Options Price Reporting Authority (“OPRA”) have the necessary systems capacity to handle the additional traffic associated with the listing of FLEX Options. The Exchange believes any additional traffic that would be generated from the trading of FLEX Options would be manageable. The Exchange believes OTP Holders will not have a capacity issue as a result of this proposed rule change. The Exchange also represents that it does not believe this proposed rule change will cause fragmentation of liquidity. The Exchange will monitor the trading volume associated with the additional options series listed as a result of this proposed rule change and the effect (if any) of these additional series on market fragmentation and on the capacity of the Exchange’s automated systems.

The Exchange represents that the same surveillance procedures applicable to the Exchange’s other options products listed and traded on the Exchange, including non-FLEX Options, will apply to FLEX Options, and that it has the necessary systems capacity to support such options. FLEX options products (and their respective symbols) are integrated into the Exchange’s existing surveillance system architecture and are thus subject to the relevant surveillance processes. The Exchange’s market surveillance staff (including staff of Financial Industry Regulatory Authority, Inc. (“FINRA”) who perform surveillance and investigative work on behalf of the Exchange pursuant to a regulatory services agreement) conducts surveillances with respect to BTC, BITB and GTBC (the underlying ETFs) and, as appropriate, would review activity in BTC, BITB and GTBC when conducting surveillances for market abuse or manipulation in the FLEX options on each ETF.<sup>98</sup> The Exchange does not believe that allowing FLEX Options would render the marketplace for non-FLEX Options, or equity options in general, more susceptible to manipulative practices.

The Exchange represents that its existing trading surveillances are adequate to monitor the trading in BTC, BITB and GTBC as well as any subsequent trading of FLEX Options on

<sup>97</sup> See Securities Exchange Act Release Nos. 103568 (July 29, 2025) (SR–NYSEArca–2025–10) (not yet noticed); and 103567 (July 29, 2025) (SR–NYSEArca–2025–07) (not yet noticed).

<sup>98</sup> See ETF Options Approval Order, 89 FR at 84966–68 (regarding surveillance procedures applicable to BTC, BITB and GTBC, and other funds that hold bitcoin).

the Exchange. Additionally, the Exchange is a member of the Intermarket Surveillance Group (“ISG”) under the ISG Agreement. ISG members work together to coordinate surveillance and investigative information sharing in the stock, options, and futures markets. In addition to the surveillance that is conducted by the Exchange’s market surveillance staff, the Exchange would also be able to obtain information regarding trading in shares of BTC, BITB and GTBC on other exchanges through ISG. In addition, and as referenced above, the Exchange has a regulatory services agreement with FINRA, pursuant to which FINRA conducts certain surveillances on behalf of the Exchange. Further, pursuant to a multi-party 17d–2 joint plan, all options exchanges allocate regulatory responsibilities to FINRA to conduct certain options-related market surveillances.<sup>99</sup> The Exchange will implement any additional surveillance procedures it deems necessary to effectively monitor the trading of BTC, BITB and GTBC options.

The proposed rule change is designed to allow investors seeking to trade options on each ETF to utilize FLEX Options. The Exchange believes that offering innovative products flows to the benefit of the investing public. A robust and competitive market requires that exchanges respond to member’s evolving needs by constantly improving their offerings. Such efforts would be stymied if exchanges were prohibited from offering innovative products such as the proposed FLEX Options. The Exchange believes that introducing FLEX Options would further broaden the base of investors that use FLEX Options (and options on BTC, BITB and GTBC, in general) to manage their trading and investment risk, including investors that currently trade in the OTC market for customized options. The proposed rule change is also designed to encourage Market Makers to shift liquidity from the OTC market on the

Exchange, which, it believes, will enhance the process of price discovery conducted on the Exchange through increased order flow.

## 2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,<sup>100</sup> in general, and furthers the objectives of Section 6(b)(5) of the Act,<sup>101</sup> in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in 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.

## Position Limits

### IBIT

The Exchange believes that removing the limitation of 25,000 contracts for options on IBIT in Options 9, Sections 13(a) would increase the position and exercise limits for options on IBIT from 25,000 to 250,000 contracts based on Options 9, Section 13(g), so its position limit would be reviewed similar to all other options is consistent with the Act. This proposal will remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, protect investors and the public interest, because it will provide market participants with the ability to more effectively execute their trading and hedging activities. Also, based on current trading volume, the resulting increase in the position (and exercise) limits for IBIT options may allow Market Makers to maintain their liquidity in these options in amounts commensurate with the continued high consumer demand in IBIT options. Subjecting options on IBIT to the position limits in Options 9, Sections 13 and corresponding exercise limits in Options 9, Section 15 may also encourage other liquidity providers to continue to trade on the Exchange rather than shift their volume to OTC markets, which will enhance the process of price discovery conducted on the Exchange through increased order flow. Further, this amendment would allow institutional investors to utilize IBIT options for prudent risk management purposes. The Exchange notes that

IBIT’s position limits would be reviewed on a six month basis, based on the rules of other options markets such as ISE Options 9, Section 13(h), similar to other options.

In addition, the Exchange believes that the current liquidity in IBIT will mitigate concerns regarding potential manipulation of IBIT options and/or disruption of IBIT upon amending Options 9, Sections 13 and 15 to remove the 25,000 position and exercise limit for options on IBIT.

Additionally, the regression model performed by ISE demonstrates that the proposed position limit is half of the modeled limit given the liquidity of IBIT. Comparing IBIT’s data relative to the market capitalization of the entire bitcoin market in terms of exercise risk and availability of deliverables, ISE was able to conclude that if a position limit of 250,000 contracts were considered, the exercisable risk would represent 2.89%<sup>102</sup> of the shares outstanding of IBIT. ISE noted that since IBIT has a creation and redemption process managed through the issuer (whereby Bitcoin is used to create IBIT shares), the position limit can be compared to the total market capitalization of the entire bitcoin market and in that case, the exercisable risk for options on IBIT would represent less than .072% of all bitcoin outstanding.<sup>103</sup> ISE also noted that comparing the proposed position limit to position limits for equivalent bitcoin futures position limits, the analysis demonstrated that a 250,000 contracts position and exercise limits would be appropriate.

Comparing a position limit of 250,000 for IBIT options against other options on ETFs with an underling commodity, namely GLD, SLV and BITO, ISE noted that a position limit exercise in GLD represents 8.17% of the float of GLD, a position limit exercise in SLV represents 4.8% of the float of SLV, and a position limit exercise of BITO represents 23.22% of the float of BITO. In comparison, ISE noted that a 250,000 contract position limit in IBIT options would represent 2.89% of the float of IBIT. Consequently, a 250,000 IBIT options position limit is more conservative than the standard applied to GLD, SLV and BITO, and appropriate. Also, ISE noted that Cboe’s proprietary CBTX and MBTX indices weight IBIT the highest (at 20%) in its index composition among the other ETFs that

<sup>99</sup> Section 19(g)(1) of the Act, among other things, requires every SRO registered as a national securities exchange or national securities association to comply with the Act, the rules and regulations thereunder, and the SRO’s own rules, and, absent reasonable justification or excuse, enforce compliance by its members and persons associated with its members. See 15 U.S.C. 78q(d)(1) and 17 CFR 240.17d–2. Section 17(d)(1) of the Act allows the Commission to relieve an SRO of certain responsibilities with respect to members of the SRO who are also members of another SRO. Specifically, Section 17(d)(1) allows the Commission to relieve an SRO of its responsibilities to: (i) receive regulatory reports from such members; (ii) examine such members for compliance with the Act and the rules and regulations thereunder, and the rules of the SRO; or (iii) carry out other specified regulatory responsibilities with respect to such members.

<sup>100</sup> 15 U.S.C. 78f(b).

<sup>101</sup> 15 U.S.C. 78f(b)(5).

<sup>102</sup> ISE noted that this percentage is arrived at with this equation: (250,000 contract limit \* 100 shares per option / 866,040,000 shares outstanding).

<sup>103</sup> ISE noted that this number was arrived at with this calculation: ((250,000 limit \* 100 shares per option \* \$54.02 settle) / (19,787,762 BTC outstanding \* \$94,830 BTC price)).

comprise the index.<sup>104</sup> The Exchange notes that today, these indexes have a position of 24,000 contracts which is much higher than the current position limits for IBIT options when considering the notional value of the indices.<sup>105</sup> These indexes are already trading with position and exercise limits that are higher than the lowest position limit for an industry index option.<sup>106</sup>

ISE noted that IBIT began trading in penny increments on January 2, 2025 pursuant to the Penny Interval Program.<sup>107</sup> The Commission noted that evidence contained in both ISE's Report and the Cornerstone analysis demonstrated that the Penny Pilot has benefitted investors and other market participants in the form of narrower spreads.<sup>108</sup> The most actively traded options classes are included in the Penny Program based on certain objective criteria (trading volume

thresholds and initial price tests). As noted in the Penny Approval Order, the Penny Program reflects a certain level of trading interest (either because the class is newly listed or a class that experience a significant growth in investor interest) to quote in finer trading increments, which in turn should benefit market participants by reducing the cost of trading such options.<sup>109</sup> IBIT options are among a select group of products that have achieved a certain level of liquidity that have garnered it the ability to trade in finer increments pursuant to the Penny Interval Program. Failing to permit IBIT options to potentially increase position and exercise limits given the trading in finer increments, may artificially inhibit liquidity and create price inefficiency for IBIT options.

Finally, as discussed above, the Exchange's surveillance and reporting safeguards continue to be designed to deter and detect possible manipulative behavior that might arise from increasing or eliminating position and exercise limits in certain classes. The Exchange believes that the current financial requirements imposed by the Exchange and by the Commission adequately address concerns regarding potentially large, unhedged positions in the options on the underlying securities, further promoting just and equitable principles of trading, the maintenance of a fair and orderly market, and the protection of investors.

#### BTC and BITB

The Exchange believes the proposed rule change to remove the 25,000-contract position (and exercise) limit on BTC and BITB options thus allowing such options to qualify for higher aggregated limits will remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, protect investors and the public interest as it will provide market participants with the ability to more effectively execute their trading and hedging activities. In addition, this proposed change may allow Market Makers to maintain their liquidity in these options in amounts commensurate with the continued demand for BTC and BITB options. Further, an increased aggregated position (and exercise) limit on BTC and BITB options may encourage other liquidity providers to continue to trade on the Exchange rather than shift their volume to OTC markets, which will enhance the process of price discovery conducted on the Exchange through increased order flow. The

Exchange notes that permitting a higher aggregated position (and exercise) limit on BTC and BITB options would further allow institutional investors to utilize such options for prudent risk management purposes.

As noted herein, Arca analyzed several data points that support the appropriateness of an aggregated position (and exercise) limit of 250,000 contracts for BTC and BITB options based on recent trading volume in each ETF. Specifically, Arca noted that a comparison of each ETF's market capitalization to the bitcoin market in terms of exercise risk and availability of deliverables revealed that the exercisable risk of an aggregated limit of 250,000 contracts represented 30.14% and 31.27% of BTC and BITB shares outstanding. Further, Arca noted that since each ETF has a creation and redemption process managed through the issuer (whereby bitcoin is used to create BTC or BITB shares, as applicable), a 250,000-contract position (and exercise) limit as compared to the market capitalization of the bitcoin market indicated that the exercisable risk for options on each ETF represented less than 0.06% (BTC) or 0.07% (BITB) of all bitcoin outstanding as noted by Arca. Moreover, a comparison of a 250,000-contract position limit for options on each ETF to the (actual) position limits for equivalent bitcoin futures revealed that a 250,000-contract limit for each ETF would be appropriate. Finally, Arca compared an aggregated position limit of 250,000 contracts for each ETF against GLD, another commodity-backed ETF. Arca noted that a position limit exercise in GLD represents 8.17% of the float of GLD. By comparison, Arca noted that a position limit exercise in each ETF (assuming a 250,000-contract limit would represent 30.14% (BTC) and 31.27% (BITB) of that ETF's float. Although a 250,000-contract position (and exercise) limit on BTC and BITB options would not be as conservative as the standard applied to GLD, it is comparable and therefore appropriate.

#### GBTC

The Exchange believes the proposed rule change to remove the 25,000-contract position (and exercise) limit on GBTC options thus allowing such options to qualify for higher aggregated limits will remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, protect investors and the public interest as it will provide market participants with the ability to more effectively execute their trading and hedging activities. In

<sup>104</sup> See [https://www.cboe.com/tradable\\_products/bitcoin-etf-index-options?utm\\_source=mcae&utm\\_medium=email&utm\\_campaign=bitcoin\\_etf\\_options\\_launch](https://www.cboe.com/tradable_products/bitcoin-etf-index-options?utm_source=mcae&utm_medium=email&utm_campaign=bitcoin_etf_options_launch).

<sup>105</sup> See Cboe Rule 8.32(a). ISE noted that given the multiplier and notional value of CBTX, the index has a position and exercise limit that equates to 1,000,000 contracts of in kind exposure to IBIT, which is more than 40 times greater than the exposure for options on IBIT at the current 25,000 contract position and exercise limit.

<sup>106</sup> ISE noted that 18,000 contracts is the lowest position limit for industry index options. Further, Cboe Rule 8.32(a)(3) permits a limit of 31,500 contracts if the Exchange determines that the conditions specified in Rule 8.32(a)(1) and (2), which would require the establishment of a lower limit, have not occurred.

<sup>107</sup> The Exchange may add to the Penny Program a newly listed option class provided that (i) it is among the 300 most actively traded multiply listed option classes, as ranked by National Cleared Volume at OCC, in its first full calendar month of trading and (ii) the underlying security is priced below \$200 or the underlying index is at an index level below \$200. Any option class added under this provision will be added on the first trading day of the month after it qualifies and will remain in the Penny Program for one full calendar year, after which it will be subject to the Annual Review described in Supplementary Material .01(b) to Options 3, Section 3. The Exchange may add any option class to the Penny Program, provided that (i) it is among the 75 most actively traded multiply listed option classes, as ranked by National Cleared Volume at OCC, in the past six full calendar months of trading and (ii) the underlying security is priced below \$200 or the underlying index is at an index level below \$200. Any option class added under this provision will be added on the first trading day of the second full month after it qualifies and will remain in the Penny Program for the rest of the calendar year, after which it will be subject to the Annual Review as described in Supplementary Material .01(b) to Phlx Options 3, Section 3. See Supplementary Material .01 to Phlx Options 3, Section 3.

<sup>108</sup> See Securities Exchange Act Release No. 88532 (April 1, 2020), 85 FR 19545, 19548 (April 7, 2020) (File No. 4-443) (Joint Industry Plan; Order Approving Amendment No. 5 to the Plan for the Purpose of Developing and Implementing Procedures Designed To Facilitate the Listing and Trading of Standardized Options To Adopt a Penny Interval Program) ("Penny Approval Order").

<sup>109</sup> See *id.* at 19548.

addition, this proposed change may allow Market Makers to maintain their liquidity in these options in amounts commensurate with the continued demand for GBTC options. Further, an increased aggregated position (and exercise) limit on GBTC options may encourage other liquidity providers to continue to trade on the Exchange rather than shift their volume to OTC markets, which will enhance the process of price discovery conducted on the Exchange through increased order flow. The Exchange notes that permitting a higher aggregated position (and exercise) limit on GBTC options would further allow institutional investors to utilize such options for prudent risk management purposes.

As noted herein, Arca analyzed several data points that support the appropriateness of an aggregated position (and exercise) limit of 250,000 contracts for GBTC options based on recent trading volume in GBTC. Specifically, Arca noted that a comparison of GBTC's market capitalization to the bitcoin market in terms of exercise risk and availability of deliverables revealed that the exercisable risk of an aggregated limit of 250,000 contracts represented 9.13% of GBTC shares outstanding. Further, since GBTC has a creation and redemption process managed through the issuer (whereby bitcoin is used to create GBTC shares), Arca noted that a 250,000-contract position (and exercise) limit as compared to the market capitalization of the bitcoin market indicated that the exercisable risk for GBTC options represented less than 0.10% of all bitcoin outstanding as noted by Arca. Moreover, a comparison of a 250,000-contract position limit for GBTC options to the (actual) position limits for equivalent bitcoin futures revealed that a 250,000-contract limit would be appropriate. Finally, Arca compared an aggregated position limit of 250,000 contracts for GBTC options against GLD, another commodity backed ETF. Arca noted that a position limit exercise in GLD represents 8.17% of the float of GLD. By comparison, Arca noted that a position limit exercise in GBTC options (assuming a 250,000-contract limit) would represent 9.13% of the GBTC float. Although a 250,000-contract position (and exercise) limit on GBTC options would not be as conservative as the standard applied to GLD, it is comparable and therefore appropriate.

#### FLEX

The Exchange believes that the proposal to permit FLEX Options and to require aggregation of any FLEX and non-FLEX positions in the same

underlying ETF for purpose of calculating position and exercise limits would remove impediments to and perfect the mechanism of a free and open market for several reasons. First, the Exchange believes that offering FLEX Options will benefit investors by providing them with an additional, relatively lower cost investing tool to gain exposure to the price of bitcoin and provide a hedging vehicle to meet their investment needs in connection with a bitcoin-related product. Moreover, the proposal would broaden the base of investors that use FLEX Options to manage their trading and investment risk, including investors that currently trade in the OTC market for customized options. By trading a product in an exchange-traded environment (that is currently being used in the OTC market), the Exchange would be able to compete more effectively with the OTC market. The Exchange believes the proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that it would lead to the migration of options currently trading in the OTC market to trading to the Exchange. Also, any migration to the Exchange from the OTC market would result in increased market transparency and enhance the process of price discovery conducted on the Exchange through increased order flow. The Exchange also believes that offering FLEX Options may open up the market for options on these ETFs to more retail investors.

Additionally, the Exchange believes the proposed rule change is designed to remove impediments to and to perfect the mechanism for a free and open market and a national market system, and, in general, to protect investors and the public interest because FLEX Options are designed to create greater trading and hedging opportunities and flexibility. The proposed rule change should also result in enhanced efficiency in initiating and closing out positions and heightened contra-party creditworthiness due to the role of OCC as issuer and guarantor of FLEX Options. Further, the proposed rule change would result in increased competition by permitting the Exchange to offer products that are currently used in the OTC market.

The Exchange believes that offering innovative products flows to the benefit of the investing public. A robust and competitive market requires that exchanges respond to member's evolving needs by constantly improving their offerings. Such efforts would be stymied if exchanges were prohibited from offering innovative products such as the proposed FLEX Options. The

Exchange does not believe that allowing FLEX Options would render the marketplace for equity options more susceptible to manipulative practices.

Finally, the Exchange represents that it has an adequate surveillance program in place to detect manipulative trading in FLEX Options. Regarding the proposed FLEX Options, the Exchange would use the same surveillance procedures currently utilized for FLEX Options listed on the Exchange (as well as for non-FLEX Options). In light of surveillance measures related to both options trading on each ETF the underlying ETFs, the Exchange believes that existing surveillance procedures are designed to deter and detect possible manipulative behavior which might potentially arise from listing and trading the proposed FLEX Options.

#### *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.

#### Position Limits

The Exchange's proposal does not burden intra-market competition because all Participants would be subject to the position limits in Options 9, Sections 13 and corresponding exercise limits in Options 9, Section 15. The Exchange believes that the proposed rule change will also provide additional opportunities for market participants to continue to efficiently achieve their investment and trading objectives for equity options on the Exchange.

The Exchange does not believe that the proposed rule change will impose any burden on inter-market competition. The Exchange expects that all option exchanges will adopt substantively similar proposals, such that the Exchange's proposal would benefit competition. For these reasons, the Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

#### FLEX

The Exchange believes that the proposal to permit FLEX Options will not impose any burden on intra-market competition as all market participants can opt to utilize this product or not. The proposed rule change is designed to allow investors seeking option exposure to bitcoin to trade FLEX Options. Moreover, the Exchange believes that the proposal to permit FLEX Options

would broaden the base of investors that use FLEX Options to manage their trading and investment risk, including investors that currently trade in the OTC market for customized options. The Exchange believes that the proposed FLEX Options will not impose any burden on inter-market competition but will instead encourage competition by increasing the variety of options products available for trading on the Exchange, which products will provide a valuable tool for investors to manage risk. Should this proposal be approved, competing options exchanges will be free to offer products like the proposed FLEX Options.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were either solicited or received.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act<sup>110</sup> and subparagraph (f)(6) of Rule 19b-4 thereunder.<sup>111</sup>

A proposed rule change filed under Rule 19b-4(f)(6)<sup>112</sup> under the Act does not normally become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),<sup>113</sup> the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission previously approved the removal of the 25,000 contract position and exercise limit for IBIT, BTC, GBTC, and BITB, such that those funds will be subject to the position and exercise limits as determined for equity options

for which no set limit has been otherwise established on that exchange.<sup>114</sup> The Exchange is proposing similarly to remove of the 25,000 contract position and exercise limit for IBIT, BTC, GBTC, and BITB, such that those funds will be subject to the position and exercise limits as determined by the position limit rules at Phlx Options 9, Section 13 and exercise limits at Options 9, Section 15. In addition, the Exchange proposes to permit BTC, GTBC, and BITB to trade as FLEX Options and would require the aggregation of any FLEX and non-FLEX positions in the same underlying ETF for purposes of calculating position and exercise limits on such ETF, substantively identical to approval received by another exchange.<sup>115</sup> The Exchange has provided information regarding IBIT, BTC, GBTC, and BITB, including, among other things, information regarding trading volume, and the market capitalization of IBIT, BTC, GBTC, and BITB and surveillance procedures that will apply. The Commission notes that this proposal raises no new or novel legal issues and would simply provide an additional venue for trading IBIT, BTC, GBTC, and BITB with position and exercise limits that may be higher than 25,000 contracts, as well as FLEX trading on BTC, GBTC, and BITB. Therefore, the Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposed rule change as operative upon filing.<sup>116</sup>

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule

change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include file number SR-PHLX-2025-34 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-PHLX-2025-34. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-PHLX-2025-34 and should be submitted on or before September 4, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>117</sup>

**Vanessa A. Countryman,**  
Secretary.

[FR Doc. 2025-15427 Filed 8-13-25; 8:45 am]

**BILLING CODE 8011-01-P**

<sup>110</sup> 15 U.S.C. 78s(b)(3)(A)(iii).

<sup>111</sup> 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

<sup>112</sup> 17 CFR 240.19b-4(f)(6).

<sup>113</sup> 17 CFR 240.19b-4(f)(6)(iii).

<sup>114</sup> See *supra* notes 4, 5, and 6.

<sup>115</sup> See *supra* note 97.

<sup>116</sup> 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).

<sup>117</sup> 17 CFR 200.30-3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103671; File No. SR–BOX–2025–20]

### Self-Regulatory Organizations; BOX Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 5070 (Long-Term Options Contracts), Rule 7300 (Preferred Orders), Rule 8040 (Obligations of Market Makers), Rule 8050 (Market Maker Quotations), IM–8050–2, and Rule 8510 (Obligations and Restrictions Applicable to Floor Market Makers)

August 11, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),<sup>1</sup> and Rule 19b–4 thereunder,<sup>2</sup> notice is hereby given that on August 6, 2025, BOX Exchange LLC (the “Exchange”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 5070 (Long-term Options Contracts), Rule 7300 (Preferred Orders), Rule 8040 (Obligations of Market Makers), Rule 8050 (Market Maker Quotations), IM–8050–2, and Rule 8510 (Obligations and Restrictions Applicable to Floor Market Makers). The proposed rule change is intended to revise and clarify the obligations of Market Makers on BOX. Specifically, the Exchange is proposing to: (i) amend Rule 5070 to clarify continuous quoting obligations do not apply to LEAPs; (ii) amend Rule 7300 to provide that Quarterly Options Series are excluded from Preferred Market Makers’ continuous quoting obligations and add detail regarding the exclusion of intra-day add-on series from Preferred Market Makers’ continuous quoting obligations; (iii) remove outdated requirements in Rules 8040 and 8510; (iv) amend Rule 8050 to provide additional detail on how compliance with the Market Maker continuous quoting obligations are determined; (v) amend IM–8050–2 to provide that Quarterly Options Series are excluded from Market Makers’ continuous quoting obligations and add

detail regarding the exclusion of intra-day add-on series from Market Makers’ continuous quoting obligations; and (vi) add a missing quotation mark in Rule 8040(d)(1). The text of the proposed rule change is available from the principal office of the Exchange and on the Exchange’s internet website at <https://rules.boxexchange.com/rulefilings>.

#### II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of 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

The purpose of the proposed rule change is to amend Rule 5070 (Long-term Options Contracts), Rule 7300 (Preferred Orders), Rule 8040 (Obligations of Market Makers), Rule 8050 (Market Maker Quotations), IM–8050–2, and Rule 8510 (Obligations and Restrictions Applicable to Floor Market Makers) to revise and clarify the Market Maker obligations on BOX. Specifically, the Exchange is proposing to: (i) amend Rule 5070 to clarify continuous quoting obligations do not apply to LEAPs; (ii) amend Rule 7300 to provide that Quarterly Options Series are excluded from Preferred Market Makers’ continuous quoting obligations and add detail regarding the exclusion of intra-day add-on series from Preferred Market Makers’ continuous quoting obligations; (iii) remove outdated requirements in Rules 8040 and 8510; (iv) amend Rule 8050 to provide additional detail on how compliance with the Market Maker continuous quoting obligations are determined; (v) amend IM–8050–2 to provide that Quarterly Options Series are excluded from Market Makers’ continuous quoting obligations and add detail regarding the exclusion of intra-day add-on series from Market Makers’ continuous quoting obligations; and (vi) add a missing quotation mark in Rule 8040(d)(1). The Exchange is proposing to make the changes herein in response to requests from Exchange Regulation

Staff and Participants in an effort to modernize its existing rules and further conform to the rules in place at other exchanges to reduce compliance burden for the benefit of market participants and to further contribute to the maintenance of fair and orderly markets.

Each of these changes, which are described in greater detail below, will make BOX’s Market Maker obligations more consistent with market maker obligations at other options exchanges and provide updates to the rules that are consistent with modern market making practices. Overall, the Exchange believes that having substantially similar Market Maker requirements across its Exchange and other exchanges will reduce the compliance burden and confusion for Market Makers that are members of multiple exchanges industry wide. The Exchange believes further that removing outdated provisions and adding clarifying detail into its Market Maker Rules will reduce ambiguity in the Rules to the benefit of Participants and allow the Exchange to more easily enforce compliance by Participants.

##### Rule 5070 (Long-Term Options Contracts)

Rule 5070(a) describes Long-Term Options Contracts (“LEAPS”) as option contracts that expire from twelve (12) to one hundred eighty (180) months from the time they are listed. Rule 5070 further provides “Strike price interval, bid/ask differential and continuity rules shall not apply to such options series until the time to expiration is less than nine (9) months.” The Exchange is proposing to replace the reference to continuity rules with continuous quoting. The Exchange is not proposing to change existing surveillance or coverage, as the continuous quoting obligations detailed in Rule 8050 do not currently apply to LEAPS until the time to expiration of such series is less than nine (9) months. The Exchange is merely proposing to update the language to align with the existing rule text and more clearly cite to the BOX continuous quoting rule. The Exchange again notes that this change is being proposed to update the language in Rule 5070 to be more consistent with the terminology used in Rule 8050 and will not change the existing Market Maker quoting obligations, as LEAPS are currently excluded from a Market Maker’s continuous quoting obligations, until the time to expiration of such series is less than nine (9) months. The proposed change is intended to reduce ambiguity in Rule 5070 and make it more clear within the rule text that LEAPS are excluded from a Market

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b–4.

Maker's continuous quoting obligations until the time to expiration of such series is less than nine (9) months by using consistent terminology within both rules. The Exchange notes that another exchange has a reference to continuous quoting in its Long-Term Options Series rule.<sup>3</sup>

#### Rule 7300 (Preferred Orders)

Rule 7300, in relevant part, provides, "A Preferred Market Maker must maintain a continuous two-sided market, pursuant to Rule 8050(c)(1), throughout the trading day, in 99% of the non-adjusted option series of each class for which it accepts Preferred Orders, for 90% of the time the Exchange is open for trading in each such option class; provided, however, that for purposes of this requirement, a Preferred Market Maker is not required to quote in intra-day add-on or series that have a time to expiration of nine months or more in the classes for which it receives Preferred Orders and a Market Maker may still be a Preferred Market Maker in any such series if the Market Maker otherwise complies with this Rule 7300(a)(2)." The Exchange is proposing to amend Rule 7300 to provide that Quarterly Options Series are excluded from the Preferred Market Makers' continuous quoting obligations set forth in Rule 7300. The Exchange is also proposing to add detail to the exclusion of intra-day add-on series to codify that intra-day add-on series are excluded on the day such series are added for trading. Specifically, the Exchange is proposing to amend the third sentence of Rule 7300(a)(2) to provide, ". . . A Preferred Market Maker is not required to quote in intra-day add-on series on the day during which such series was added for trading, any Quarterly Options Series, or series that have a time to expiration of nine months or more in the classes for which it receives Preferred Orders and a Market Maker may still be a Preferred Market Maker in any such series if the Market Maker otherwise complies with this Rule 7300(a)(2)."

Intra-day add-on series can be added to the Trading System after the opening of trading on the Exchange. These series may be added at any time during the trading day and differ from other newly added series, which are added prior to the opening of trading. The Exchange believes that the proposed rule change to update a Preferred Market Maker's continuous quoting obligations, by adding language codifying that intra-day

add-on series are only excluded on the day during which such series was added for trading will add clarifying detail and transparency for market participants as they seek to comply with the Preferred Market Maker Requirements on BOX. The Exchange notes that it is not proposing to change how compliance with this requirement is determined, it is only intending to codify the existing exclusion and reduce ambiguity in the Rule. The Exchange also notes this proposed language is consistent with the rules at another options exchange.<sup>4</sup>

Quarterly Options Series are series in an options class that is approved for listing and trading on the Exchange in which the series is opened for trading on any business day and that expire at the close of business on the last business day of a calendar quarter. BOX may list Quarterly Options Series for up to five (5) currently listed options classes that are either index options or options on exchange traded funds (or "Exchange-Traded Fund Shares") as defined in Rule 5020.<sup>5</sup> In addition, BOX may also list Quarterly Options Series on any options classes that are selected by other securities exchanges that employ a similar program under their respective rules.<sup>6</sup> The Exchange believes that the proposed rule change to update a Preferred Market Maker's continuous quoting obligations by excluding Quarterly Options Series will reduce the compliance burden and confusion for Preferred Market Makers on the Exchange that are members of multiple exchanges. The Exchange notes this proposed language is consistent with the rules at other options exchanges.<sup>7</sup> As is the case today, Preferred Market Makers may continue to choose to quote intra-day add-on series on the day such series are added for trading and Quarterly Options Series. However, such quotations will not be considered when determining whether a Preferred Market Maker has met the continuous quoting obligation contained in Rule 7300. The Exchange does not believe that the proposed rule change will adversely affect the quality of the

Exchange's markets or lead to a material decrease in liquidity as Preferred Market Makers will still be able to provide quotes in intra-day add-on series on the day such series are added and Quarterly Options Series as they deem appropriate. Rather the Exchange believes that making its Preferred Market Maker obligations more consistent with the obligations at other options exchanges may increase the number of Market Makers willing to be designated as Preferred Market Makers to make markets and provide liquidity at the Exchange.

#### Rule 8040 (Obligations of Market Makers)

The Exchange proposes to remove the following rule text from Rule 8040, which has been in place since BOX's inception:

(a)(9) Except in unusual market conditions, refrain from purchasing a call option or a put option at a price more than \$0.25 below parity, although a larger amount may be appropriate considering the particular market conditions. In the case of calls, parity is measured by the bid in the underlying security, and in the case of puts, parity is measured by the offer in the underlying security. The \$0.25 amount above may be increased, or the provisions of this paragraph may be waived, by the Exchange on a series-by-series basis.

This proposed rule text was previously within Cboe prior Rule 8.7 and was removed from Cboe's Rulebook in 2019,<sup>8</sup> and ISE within Options 2, Section 4(a) and was removed from ISE's Rulebook in 2021.<sup>9</sup> The Exchange

<sup>8</sup> Prior Interpretation and Policy .02 to Cboe Rule 8.7 provided, "Market-Makers are expected ordinarily to refrain from purchasing a call option or a put option at a price more than \$0.25 below parity, although a larger amount may be appropriate considering the particular market conditions. In the case of calls, parity is measured by the bid in the underlying security, and in the case of puts, parity is measured by the offer in the underlying security. The \$0.25 amount above may be increased, or the provisions of this Interpretation may be waived, by the Exchange on a series-by-series basis." Cboe's rule change merely noted, with respect to the removal of Cboe's parity rule, that the filing "makes non-substantive changes to the rule governing a Market-Maker's general obligations (current Rule 8.7, in part), most of which remove redundant provisions that are already covered under the umbrella of a Market-Maker's obligation to engage in dealing to maintain fair and orderly markets." No specific argument is provided with respect to removing this provision. See Securities Exchange Act Release No. 87024 (September 19, 2019), 84 FR 50545 (September 25, 2019) (SR-CBOE-2019-059) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Certain Rules Relating To Market-Makers Upon Migration to the Trading System Used by Cboe Affiliated Exchanges).

<sup>9</sup> ISE Options 2, Section 4(a) provided: "Ordinarily, Market Makers are expected to: (1) Refrain from purchasing a call option or a put option at a price more than \$0.25 below parity."

Continued

<sup>3</sup> See Miami International Securities Exchange, LLC ("MIAX") Rule 406 (Long-Term Options Contracts).

<sup>4</sup> See Cboe Exchange, Inc. ("Cboe") Rule 5.56. Cboe Rule 5.56(a)(1) provides, in relevant part, "this obligation does not apply to any adjusted series or intra-day add-on series on the day during which such series are added for trading."

<sup>5</sup> See Rule 5020 (Criteria for Underlying Securities) and IM-5050-4 (Quarterly Options Series Program). Rule 5020(h) provides the criteria for listing and trading options on Exchange-Traded Fund Shares on the Exchange and IM-5050-4 details the criteria for listing and trading options under the Quarterly Options Series Program.

<sup>6</sup> As of June 25, 2025, BOX lists 16 Quarterly Options Series.

<sup>7</sup> See Nasdaq ISE, LLC ("ISE") Options 2, Section 5(e)(3) and Nasdaq GEMX, LLC ("GEMX") Options 2, Section 5(e)(3).

likewise desires to remove this restriction on Market Makers which does not exist on other options exchanges.<sup>10</sup> The Exchange is proposing to remove this requirement from Rule 8040 as the Exchange does not desire to enforce this provision in the future.

This requirement was initially adopted as a guideline for Market Makers as they seek to comply with the general obligations to compete with other Market Makers to improve the market in all series of options classes to which the Market Maker is appointed, update quotations in response to changed market conditions in their appointed options classes, and to assure that any market quote it causes to be disseminated is accurate. The Exchange believes that this requirement is outdated and no longer necessary with modern market making. Today, BOX incentivizes Market Makers through pricing to provide tighter spreads. Market Makers also have other obligations with respect to market making<sup>11</sup> in addition to other quoting obligations<sup>12</sup> that they must abide by when quoting on BOX that the Exchange believes provide sufficient quoting obligations on Market Makers. Additionally, since the adoption of the Rule, BOX has adopted the obvious

although a larger amount may be appropriate considering the particular market conditions. In the case of calls, parity is measured by the bid in the underlying security, and in the case of puts, parity is measured by the offer in the underlying security. (2) The \$0.25 amount above may be increased, or the provisions of this Rule may be waived, by the Exchange on a series-by-series basis.” ISE’s rule change noted that ISE is proposing to remove this rule text, that does not exist on Cboe or other Nasdaq affiliated markets, as ISE does not desire to enforce this provision in the future and believes that this market maker provision is not necessary to maintain fair and orderly markets. *See Securities Exchange Act Release No. 92226 (June 22, 2021), 86 FR 34096 (June 28, 2021) (SR-ISE-2021-14) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Options 2, Section 4 (Obligations of Market Makers), Options 4, Section 3 (Criteria for Underlying Securities), Options 4, Section 8 (Long-Term Options Contracts), and Options 4A, Section 12 (Terms of Index Options Contracts)).*

<sup>10</sup> *See* Nasdaq PHLX LLC (“PHLX”), The Nasdaq Options Market LLC (“Nasdaq”) and Nasdaq BX, Inc. (“BX”) at Options 2, Section 4 (Obligations of Market Makers).

<sup>11</sup> *See* Rule 8040. BOX Market Makers must for example: (1) Compete with other Market Makers to improve the market in all series of options classes to which the Market Maker is appointed; (2) make markets that will be honored for the number of contracts entered into the Exchange’s System in all series of options classes to which the Market Maker is appointed; (3) update quotations in response to changed market conditions in all series of options classes to which the Market Maker is appointed; and (4) price options contracts fairly by, among other things, bidding and offering so as to create differences of no more than \$5 between the bid and offer following the opening rotation in an equity or index options contract. *See* Rule 8040(a).

<sup>12</sup> *See* Rule 8050 (Market Maker Quotations).

error rule,<sup>13</sup> which permits the Exchange to review a transaction as potentially erroneous based on a theoretical price. Also, BOX orders are subject to trade-through compliance, thereby limiting the prices at which orders may execute.<sup>14</sup> The Exchange believes that the requirements relating to obvious errors and trade-through compliance broadly serve a similar function to the obligation to refrain from purchasing a call option or a put option at a price more than \$0.25 below parity by providing general guidelines for pricing on the Exchange. As such, the Exchange believes that this provision is no longer necessary and should be eliminated. Taking the totality of the other incentives, guidelines, and obligations applicable to Market Makers on the Exchange, the Exchange believes it is appropriate to remove the obligation to refrain from purchasing a call option or a put option at a price more than \$0.25 below parity provided in Rule 8040(a)(9) at this time.

Market Makers are relied upon to provide liquidity on BOX, which benefits other Participants who have an opportunity to interact with the order flow. The Exchange believes that the obligation to refrain from purchasing a call option or a put option at a price more than \$0.25 below parity places an obligation on BOX Market Makers that is not required on other options exchanges.<sup>15</sup> Further, the Exchange believes that this additional obligation is not necessary to maintain fair and orderly markets and the removal of this provision would remove an impediment to and perfect the mechanism of a free and open market and a national market system, because, as mentioned above, the Exchange has alternative methods to ensure Market Makers quote tightly in their assigned options. The Exchange also notes that removing this provision will bring the BOX Market Maker obligations more in line with the rules of other options exchanges.<sup>16</sup> The Exchange is also proposing to remove Rule 8040(b) which provides: “An Exchange Official may waive the provisions of Rule 8040(a)(9) and Rule 8040(a)(10) in an index option when the primary underlying securities market for that index is not trading.” The Exchange is proposing to remove the contents of subsection (b) in its entirety and mark the subsection as reserved for future use. The Exchange is proposing to make this change to correspond with the

above proposed removal of Rule 8040(a)(9). The Exchange notes that the Rule 8040(a)(10) provision that is also cited within Rule 8040(b) was removed from the Rulebook by the Exchange in 2017.<sup>17</sup> As such, the Exchange is proposing to remove this provision in its entirety to remove an obsolete rule cite and conform with the proposed changes to remove Rule 8040(a)(9) detailed above.

Lastly, the Exchange is proposing to add a missing quotation mark to the definition of LOFP within Rule 8040(d)(1). This is a non-substantive change that corrects a typographical error and is not intended to change the meaning or operation of the rule.

#### Rule 8050 (Market Maker Quotations)

The Exchange is proposing to amend Rule 8050(e) to add detail and clarify how compliance with the continuous quoting obligation is determined. Rule 8050(e) Continuous Quotes provides, in relevant part: “On a daily basis, a Market Maker must during regular market hours make markets and enter into any resulting transactions consistent with the applicable quoting requirements specified in these rules, such that on a daily basis a Market Maker must post valid quotes at least sixty percent (60%) of the time that the classes are open for trading. These obligations will apply to all of the Market Maker’s appointed classes collectively, rather than on a class-by-class basis.” The Exchange is now proposing to add language to make it clear how compliance with the Market Maker continuous quoting obligations is determined. Specifically, the Exchange is proposing to adopt new rule text that provides: “Compliance with this requirement is determined on a monthly basis; however, determining compliance with this requirement on a monthly basis does not relieve a Market Maker from meeting this quoting requirement on a daily basis, nor does it prohibit the Exchange from taking disciplinary action against a Market Maker for failing to meet this requirement each trading day.” The Exchange is not proposing to make any substantive changes to existing surveillance or compliance standards relating to this requirement. The Exchange is merely proposing to codify existing quoting compliance

<sup>13</sup> *See* Rule 7170 (Nullification and Adjustment of Options Transactions Including Obvious Errors).

<sup>14</sup> *See* Rule 15010 (Order Protection).

<sup>15</sup> *See supra* notes 8 and 9.

<sup>16</sup> *Id.*

<sup>17</sup> *See* Securities Exchange Act Release No. 79891 (January 27, 2017), 82 FR 9101 (February 2, 2017) (SR-BOX-2017-03) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 8040 (Obligations of Market Makers) to eliminate subsection (a)(10), the provision providing for bids (offers) to be no more than \$1 lower (higher) than the last receding transaction plus or minus the aggregate change in the last sale price of the underlying).

standards into the rule text to provide greater clarity for Participants. The Exchange notes that this language is already in place on BOX for Preferred Market Makers and on other options exchanges.<sup>18</sup> The Exchange believes that this proposed change will harmonize the language concerning the determination of compliance with the continuous quoting obligations for Preferred Market Makers and Market Makers on the Exchange and increase transparency for Participants. The Exchange again notes that the proposed change is consistent with the market maker rules of other options exchanges.<sup>19</sup>

#### IM-8050-2

IM-8050-2 currently provides, “The obligations set forth in subsection (e) of this rule shall not apply to Market Makers with respect to adjusted option series. For purposes of this Rule, an adjusted option series is an option series wherein, as a result of a corporate action by the issuer of the underlying security, one option contract in the series represents the delivery of other than 100 shares of underlying stock or Exchange-Traded Fund Shares.” The Exchange is proposing to amend IM-8050-2 to provide that Quarterly Options Series are excluded from the Market Makers’ continuous quoting obligations set forth in Rule 8050(e). The Exchange is also proposing to add language to clarify that intra-day add-on series on the day such series are added for trading are excluded from the continuous quoting obligations set forth in Rule 8050(e). Specifically, The Exchange is proposing to amend the first sentence of IM-8050-2 to provide, “The obligations set forth in subsection (e) of this rule shall not apply to Market Makers with respect to adjusted option series, intra-day add-on series on the day during which such series was added for trading, and any Quarterly Options Series.”

The Exchange notes that intra-day add-on series on the day during which such series was added for trading and Quarterly Options Series are explicitly excluded from the market maker obligations at other options exchanges.<sup>20</sup> The Exchange believes that

having substantially similar Market Maker requirements across its Exchange and other options exchanges will reduce the compliance burden and potential for confusion for Market Makers that are members of multiple exchanges.

As detailed above, intra-day add-on series can be added to the Trading System after the opening of trading on the Exchange and Quarterly Options Series are series in an options class that is approved for listing and trading on the Exchange in which the series is opened for trading on any business day and that expires at the close of business on the last business day of a calendar quarter. The Exchange believes that the proposed changes to IM-8050-2 to exclude Quarterly Options Series from a Market Makers’ continuous quoting obligations and add language to codify that intra-day add-on series on the day such series are added for trading are excluded from the continuous quoting obligations will align the BOX Market Maker obligations more closely with the rules at other options exchanges and continue to ensure that Market Makers create a fair and orderly market in the option classes to which they are assigned. As is the case today, Market Makers may continue to choose to quote intra-day add-on series on the day such series are added for trading and Quarterly Options Series. However, such quotations will not be considered when determining whether a Market Maker has met the obligation contained in Rule 8050(e).

In registering as a Market Maker on BOX, a Participant commits to various obligations. Transactions of a Market Maker in its market making capacity must constitute a course of dealings reasonably calculated to contribute to the maintenance of a fair and orderly market, and should not make bids or offers or enter into transactions that are inconsistent with such course of dealings.<sup>21</sup> Additionally, a Market Maker must maintain a two-sided market,<sup>22</sup> during trading hours, in those option classes in which the Market Maker is appointed, in a manner that enhances the depth, liquidity and competitiveness of the market. Market Makers are also expected to: (1) compete with other Market Makers to improve the market in all series of options classes to which the Market Maker is appointed; (2) make markets that will be

honored for the number of contracts entered into BOX in all series of options classes to which the Market Maker is appointed; and (3) update quotations in response to changed market conditions in their appointed options classes and to assure that any market quote it causes to be disseminated is accurate. In light of the other numerous Market Maker obligations on BOX, the Exchange does not believe that the proposed rule change to exclude Quarterly Options Series from the Market Maker continuous quoting obligation will adversely affect the quality of the Exchange’s markets or lead to a material decrease in liquidity. Rather, the Exchange believes that the proposal may in fact increase market making activity on the Exchange, by establishing quoting compliance standards that are more modernized and are already in place on other options exchanges.

#### Rule 8510 (Obligations and Restrictions Applicable to Floor Market Makers)

The Exchange proposes to amend Rule 8510 to eliminate Rule 8510(d)(2), the provision providing for bids (offers) to be no more than \$1 lower (higher) than the last preceding transaction plus or minus the aggregate change in the last sale price of the underlying (“the one point rule”). The one point rule was originally adopted as a guideline by Cboe in 1987.<sup>23</sup> Since the one point rule was established, various market changes have rendered the rule obsolete and unnecessary. For example, Market Makers now stream electronic quotes and are subject to various electronic quotation requirements. Additionally, Floor Market Makers are currently subject to various quotation requirements, including bid/ask quote width requirements contained in Rule 8510.<sup>24</sup> The one point rule was adopted for Floor Market Makers in the original BOX Trading Floor filing in 2017.<sup>25</sup> The Exchange originally adopted this standard as a guideline for Floor Market Makers in order to provide consistency between the Market Maker and Floor Market Maker obligations; however, today in modern markets, this restriction is no longer necessary given the existing Floor Market Maker quotation requirements, including the quote width requirements. The Exchange also notes that it previously

<sup>18</sup> See BOX Rule 7300(a)(2) and Cboe Rule 5.52(d)(2)(B) and ISE Options 2, Section 5(e)(5) and Miami International Securities Exchange, LLC (“MIAX”) Rule 604(e)(3)(i) and MIAX Pearl, LLC (“MIAX Pearl”) Rule 605(d)(3) and MIAX Emerald, LLC (“MIAX Emerald”) Rule 604(e)(3)(i) and NYSE Arca, Inc. (“NYSE Arca”) Rule 6.37-O(c) and PHLX Options 2, Section 5(c)(3).

<sup>19</sup> *Id.*

<sup>20</sup> See Cboe Rule 5.52(d)(2) and MEMX LLC (“MEMX”) Rule 22.6.(d)(1) and MIAX Rule 604(e)(3) and MIAX Emerald Rule 604(e)(3) and

MIAX Pearl Rule 605(d)(6) and Nasdaq ISE Options 2, Section 5 and PHLX Options 2, Section 5.

<sup>21</sup> See BOX Rule 8040 (Obligations of Market Makers).

<sup>22</sup> See BOX Rule 8050(c)(1). A Market Maker that enters a bid (offer) in a class in which he is appointed on BOX must enter an offer (bid) within the spread allowable under BOX Rule 8040.

<sup>23</sup> See Securities Exchange Act Release No. 24040 (January 30, 1987), 52 FR 4070 (February 9, 1987) (SR-CBOE-86-34) and Securities Exchange Act Release No. 60295 (July 13, 2009), 74 FR 35215 (July 20, 2009) (SR-CBOE-2009-049).

<sup>24</sup> See BOX Rule 8510.

<sup>25</sup> See Securities Exchange Act Release No. 81292 (August 2, 2017), 82 FR 37144 (August 8, 2017) (SR-BOX-2016-48).

removed the one point rule from Rule 8040 (Obligations of Market Makers) in 2017.<sup>26</sup> At this time, the Exchange believes that this provision is obsolete and should be eliminated.

As stated above, the Exchange is proposing to amend its Market Maker requirements to further align with the requirements of other options exchanges. Overall, the Exchange believes that having substantially similar Market Maker requirements across its Exchange and other exchanges will reduce the compliance burden and potential for confusion for Market Makers that are members of multiple exchanges industry wide. The Exchange believes further that removing outdated provisions and adding clarifying detail into its Market Maker Rules will reduce ambiguity in the Rulebook to the benefit of market participants and will also allow the Exchange to more easily enforce compliance by Participants.

## 2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act,<sup>27</sup> in general, and Section 6(b)(5) of Act,<sup>28</sup> in particular, in that the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) requirements that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts, to remove impediments to and to 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 believes that the proposed changes to amend Rule 5070, Rule 7300, Rule 8040, Rule 8050, IM-8050-2, and Rule 8510 to update existing requirements and remove outdated provisions will add detail and clarity to the Rulebook to the benefit of benefit market participants by reducing the potential for confusion. The Exchange also notes that the proposal will bring its Market Maker Rules more in line with the rules already in place at other options exchanges, which will reduce the compliance burden on Participants that are members of other options exchanges. The Exchange does not believe that the proposed rule change to will adversely affect the quality of the Exchange's markets or lead to a material decrease in liquidity. Rather, the Exchange believes that the proposal may in fact increase market making activity on the Exchange, by

establishing Market Maker requirements that are more modernized in today's market and are already in place on other options exchanges.

## Rule 5070 (Long-Term Options Contracts)

The Exchange believes that amending Rule 5070(a) to replace the reference to "continuity rules" with "continuous quoting rules" is consistent with the Act, as the proposed change seeks to update the language to align with the existing rule text and more clearly cite to the BOX continuous quoting rule. The Exchange believes that this proposed change will provide greater transparency and reduce confusion regarding the obligations imposed on Market Makers by more clearly citing to the continuous quoting obligation. The Exchange is not proposing to change existing surveillance or coverage, as the continuous quoting obligations detailed in Rule 8050 do not currently apply to LEAPS until the time to expiration of such series is less than nine months. The Exchange again notes that this change is being proposed to update the language in Rule 5070(a) to be more consistent with the terminology used in Rule 8050 and will not change the existing Market Maker quoting obligations on BOX.

The proposed change is intended to reduce ambiguity in Rule 5070 to make it more clear within the Rule that LEAPS are excluded from a Market Maker's continuous quoting obligations until the time to expiration of such series is less than nine (9) months by using consistent terminology within both Rules. The Exchange believes that this proposed change will provide greater transparency to the existing BOX Market Maker obligations with respect to LEAPS and will benefit market participants by reducing potential confusion or uncertainty as Participants seek to comply with these obligations.

## Rule 7300 (Preferred Orders)

The Exchange believes that amending Rule 7300 to provide that Quarterly Options Series are also excluded from the Preferred Market Maker continuous quoting obligations set forth in Rule 7300 and add detail to the exclusion of intra-day add-on series to state that intra-day add-on series are excluded on the day such series are added for trading is reasonable and appropriate. The Exchange believes the proposed change is consistent with the Act in that it seeks to remove impediments to and to perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest because it will

provide greater transparency into the existing Preferred Market Maker quoting requirements and reduce the compliance burden for Preferred Market Makers that are members of multiple exchanges.

The Exchange believes that the proposed language codifying that intra-day add-on series are only excluded on the day during which such series was added for trading will add clarifying detail and transparency for market participants as they seek to comply with the Preferred Market Maker Requirements on BOX. The Exchange again notes that it is not proposing to change how compliance with this requirement is determined, it is only intending to codify how intra-day add-on series are excluded today. The Exchange is proposing to add this additional detail to clarify the exclusion for the benefit of market participants by reducing ambiguity in the Rule. The Exchange also notes this proposed language is consistent with the rules at another options exchange.<sup>29</sup>

The Exchange further believes that the proposed change to update a Preferred Market Maker's continuous quoting obligations by excluding Quarterly Options Series is consistent with the Act, in that it will reduce the compliance burden and confusion for Preferred Market Makers on the Exchange that are members of multiple exchanges. The Exchange notes this proposed language is consistent with the rules at other options exchanges.<sup>30</sup>

## Rule 8040 (Obligations of Market Makers)

The Exchange's proposal to remove certain rule text from Rule 8040, that requires Market Makers to refrain from purchasing a call option or a put option at a price more than \$0.25 below parity, except in unusual market conditions, is consistent with the Act, as this requirement is outdated and not necessary to maintain fair and orderly markets. The Exchange desires to remove this restriction on Market Makers which does not exist on other options exchanges.<sup>31</sup> The Exchange believes that this Market Maker provision is no longer necessary. Today, BOX incentivizes Market Makers through pricing to provide tighter spreads. Market Makers also have other obligations with respect to market

<sup>29</sup> See Cboe Rule 5.56. Cboe Rule 5.56(a)(1) provides, in relevant part, "this obligation does not apply to any adjusted series or intra-day add-on series on the day during which such series are added for trading."

<sup>30</sup> See *supra* note 7.

<sup>31</sup> See *supra* notes 8 and 9.

<sup>26</sup> See *supra* note 17.

<sup>27</sup> 15 U.S.C. 78f(b).

<sup>28</sup> 15 U.S.C. 78f(b)(5).

making<sup>32</sup> in addition to other quoting obligations<sup>33</sup> that they must abide by when quoting on BOX. Additionally, BOX has an obvious error rule, which permits the Exchange to review a transaction as potentially erroneous based on a theoretical price.<sup>34</sup> Also, orders on BOX are subject to trade-through compliance, thereby limiting the prices at which orders may execute.<sup>35</sup> Market Makers are relied upon to provide liquidity on BOX, which benefits other Participants who have an opportunity to interact with the order flow. The Exchange believes that the obligation to refrain from purchasing a call option or a put option at a price more than \$0.25 below parity places an obligation on BOX Market Makers that is not required on other options exchanges.<sup>36</sup> The Exchange believes that the requirements relating to obvious errors and trade-through compliance broadly serve a similar function to the obligation to refrain from purchasing a call option or a put option at a price more than \$0.25 below parity by providing general guidelines for pricing on the Exchange. As such, the Exchange believes that this additional obligation is outdated and not necessary to maintain fair and orderly markets and the removal of this provision would remove an impediment to and perfect the mechanism of a free and open market and a national market system. The Exchange also notes that removing this provision will bring the BOX Market Maker obligations more in line with the rules of other options exchanges.<sup>37</sup> As discussed above, the Exchange believes the proposed change to eliminate Rule 8040(a)(9) is reasonable and appropriate, as other options exchanges have filed to remove the language, on the basis that the rule was obsolete and unnecessary.<sup>38</sup>

The Exchange believes the proposal to remove Rule 8040(b) which provides:

<sup>32</sup> See BOX Rule 8040. BOX Market Makers must for example: (1) Compete with other Market Makers to improve the market in all series of options classes to which the Market Maker is appointed; (2) make markets that will be honored for the number of contracts entered into the Exchange's System in all series of options classes to which the Market Maker is appointed; (3) update quotations in response to changed market conditions in all series of options classes to which the Market Maker is appointed; and (4) price options contracts fairly by, among other things, bidding and offering so as to create differences of no more than \$5 between the bid and offer following the opening rotation in an equity or index options contract. See Rule 8040(a).

<sup>33</sup> See BOX Rule 8050 (Market Maker Quotations).

<sup>34</sup> See BOX Rule 7170 (Nullification and Adjustment of Options Transactions including Obvious Errors).

<sup>35</sup> See BOX Rule 15010 (Order Protection).

<sup>36</sup> See *supra* notes 8 and 9.

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

“An Exchange Official may waive the provisions of Rule 8040(a)(9) and Rule 8040(a)(10) in an index option when the primary underlying securities market for that index is not trading” is consistent with the Act. The Exchange is proposing to make this change to correspond with the above proposed removal of Rule 8040(a)(9). The Exchange notes that the Rule 8040(a)(10) provision cited within Rule 8040(b) above, was removed from the Rulebook by the Exchange in 2017.<sup>39</sup> As such, the Exchange is proposing to remove this provision in its entirety and mark it as reserved for future use to remove an obsolete rule cite and conform with the proposed change to remove Rule 8040(a)(9) detailed above. The Exchange believes the proposed change to remove Rule 8040(a)(10) is consistent with the Act, in that it will add clarity to its rules by removing an outdated rule cite and conforming to the above proposed change to remove Rule 8040(a)(9).

The Exchange is also proposing to add a missing quotation mark to the definition of LOFP in Rule 8040(d)(1). The Exchange believes that this change will remove impediments to and perfect the mechanism of a free and open market by correcting a typographical error that may inhibit a clear reading of the Rules. This change is non-substantive and is not intended to change the meaning of the Rule or its operation.

#### Rule 8050 (Market Maker Quotations)

The Exchange is proposing to amend Rule 8050(e) to clarify how compliance with the Market Maker continuous quoting obligation is determined. The Exchange believes that amending Rule 8050(e) to provide detail on how the Market Maker continuous quoting obligation is determined is consistent with the Act. The Exchange is not proposing to make any substantive changes to existing surveillance or compliance standards relating to this requirement. The Exchange is merely proposing to codify existing quoting compliance standards into the rule text to provide greater clarity for Participants. The Exchange believes the proposed change will reduce any ambiguity in the Rule and provide greater specificity relating to the Exchange's compliance standards to Participants as they seek to comply with such Market Maker requirements. The Exchange notes that this language is already in place on BOX for Preferred Market Makers and on other options

exchanges.<sup>40</sup> The Exchange believes the proposed change is consistent with the Act in that it seeks to remove impediments to and to perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest by providing greater transparency into its existing quoting compliance standards. The Exchange further believes that this proposed change will harmonize the language concerning the determination of compliance with the continuous quoting obligations for Preferred Market Makers and Market Makers on the Exchange.

#### IM-8050-2

The Exchange is proposing to amend IM-8050-2 to clarify that intra-day add-on series on the day such series are added for trading are excluded from the Market Makers' continuous quoting obligations and provide that Quarterly Options Series are excluded from the Market Makers' continuous quoting obligations. The Exchange believes that the proposed language codifying that intra-day add-on series are only excluded on the day during which such series was added for trading will add clarifying detail and transparency for market participants as they seek to comply with the Market Maker Requirements on BOX. The Exchange again notes that it is not proposing to change how compliance with this requirement is determined, it is only intending to codify how intra-day add-on series are excluded today. The Exchange is proposing to add this additional detail to clarify the exclusion for the benefit of market participants by reducing ambiguity in the Rule. The Exchange believes that the proposed change to update a Market Maker's continuous quoting obligations by excluding Quarterly Options Series is consistent with the Act, in that, it will reduce the compliance burden and potential for confusion for Market Makers on the Exchange that are members of multiple exchanges. The Exchange notes that intra-day add-on series on the day during which such series was added for trading and Quarterly Options Series are explicitly excluded from the Market Maker obligations at other options exchanges.<sup>41</sup> As is the case today, Market Makers may continue to choose to quote intra-day add-on series on the

<sup>40</sup> See Rule 7300(a)(2) and Cboe Rule 5.52(B) and ISE Options 2, Section 5(e)(5) and MIAX Rule 604(e)(3)(i) and MIAX Pearl Rule 605(d)(3) and MIAX Emerald Rule 604(e)(3)(i) and NYSE Arca Rule 6.37-O (c) and PHLX Options 2, Section 5(c)(3).

<sup>41</sup> See *supra* note 20.

<sup>39</sup> See *supra* note 17.

day such series are added for trading and Quarterly Options Series. However, such quotations will not be considered when determining whether a Market Maker has met the obligation contained in Rule 8050(e).

The Exchange is proposing to further conform its Market Maker continuous quoting obligations with those at other options exchanges. The Exchange believes the proposed change is consistent with the Act in that it seeks to remove impediments to and to perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest by providing greater transparency into its Market Maker quoting requirements and further aligning such requirements with those already in place at other options exchanges. The Exchange also believes the proposed change will reduce ambiguity and provide greater specificity relating to the Exchange's Market Maker quoting requirements for Participants as they seek to comply with such Market Maker requirements. The Exchange does not believe that the proposed rule change to exclude Quarterly Options Series from the Market Maker continuous quoting obligation will adversely affect the quality of the Exchange's markets or lead to a material decrease in liquidity. Rather, the Exchange believes that the proposal may in fact increase market making activity on the Exchange, by establishing quoting compliance standards that are more reasonable and are already in place on other options exchanges.

#### Rule 8510 (Obligations and Restrictions Applicable to Floor Market Makers)

The Exchange is proposing to amend Rule 8510 (Obligations and Restrictions Applicable to Floor Market Makers) to eliminate the one point rule. The Exchange believes the elimination of Rule 8510(d)(2) is reasonable and appropriate as various market changes have rendered the rule obsolete and unnecessary. For example, Market Makers now stream electronic quotes and are subject to various electronic quotation requirements. Additionally, Floor Market Makers are currently subject to various quotation requirements, including bid/ask quote width requirements contained in Rule 8510.<sup>42</sup> The Exchange originally adopted this standard as a guideline for Floor Market Makers in order to provide consistency between the Market Maker and Floor Market Maker obligations; however, today in modern markets, this

restriction is no longer necessary given the existing Floor Market Maker quotation requirements, including the quote width requirements. As discussed above, the Exchange further believes the proposed change to Rule 8510(d)(2) is reasonable and appropriate, as the Exchange removed the corresponding Rule for electronic Market Makers in the past.<sup>43</sup>

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed change will impose a burden on intermarket or intramarket competition. The Exchange does not believe that the proposed non-controversial change will impose a burden on competition, or is competitive in nature, as the majority of the proposed updates seek to remove outdated provisions and provide additional detail regarding current functionality to mitigate any potential investor confusion. The proposed changes to Rule 5070, Rule 7300, Rule 8040, Rule 8050, IM-8050-2, and Rule 8510 will apply equally to all market participants. The proposal is intended to provide more clarity within the Rules and creates more uniformity and consistency amongst the Exchange's Rules and the rules of other options exchanges. In this regard and as discussed above, the Exchange believes that the proposed rule change is similar to rules at other options exchanges in the industry.

The proposed change to Rule 5070(a) to replace the reference to "continuity rules" with "continuous quoting rules" is intended update the language in 5070(a) to be more consistent with the terminology used in Rule 8050 and will not change the existing Market Maker quoting obligations on BOX. The Exchange is proposing this change to alleviate potential investor confusion by making it clearer that LEAPS are excluded from a Market Maker's continuous quoting obligations by using consistent terminology within the Rulebook and is not intended to address competitive issues.

The proposed amendment to Rule 7300 to exclude Quarterly Options Series from a Preferred Market Maker's continuous quoting obligations and add language codifying that intra-day add-on series are only excluded on the day during which such series was added for

trading is intended to clarify a Preferred Market Maker's continuous quoting obligations and further conform its continuous quoting obligations with those at other options exchanges.<sup>44</sup> The proposed exclusion of Quarterly Options Series from a Preferred Market Maker's continuous quoting obligations is intended to reduce the compliance burden and confusion for Preferred Market Makers on the Exchange that are members of multiple exchanges. The proposed change is not intended to address competitive issues and instead is being proposed in an effort to further conform the Exchange's quoting requirements to those in place at another options exchange and add transparency to the Rulebook to reduce the potential for any investor confusion relating to Preferred Market Maker quoting requirements on BOX.

The proposed amendment to Rule 8040(a)(9) to remove the provision requiring Market Makers to refrain from purchasing a call option or a put option at a price more than \$0.25 below parity, except in unusual market conditions, is designed to remove an additional restriction on BOX Market Makers that the Exchange believes is unnecessary and does not exist on other options exchanges.<sup>45</sup> The Exchange is also proposing to remove Rule 8040(b) in its entirety and mark it as reserved for future use to remove an obsolete rule cite and conform with the proposed changes to remove Rule 8040(a)(9) detailed above. The proposed change to add a missing quotation mark in Rule 8040(d)(1) will have no impact on trading on the Exchange as the proposed rule changes are non-substantive in nature. The proposed changes to Rule 8040 are not intended to address competitive issues and instead are intended to remove outdated sections, correct a typographical error, and further conform the Rule to those at other options exchanges.

The Exchange is proposing to amend Rule 8050(e) to clarify how compliance with the continuous quoting obligation is determined. The Exchange is not proposing to make any substantive changes to existing surveillance or compliance standards relating to this requirement. The Exchange is merely proposing to codify existing quoting compliance standards into the rule text to provide greater transparency investors. The Exchange notes that this language is already in place on BOX for Preferred Market Makers and on other options exchanges.<sup>46</sup> The proposed

<sup>42</sup> See BOX Rule 8510.

<sup>43</sup> See *supra* note 17.

<sup>44</sup> See *supra* notes 4 and 7.

<sup>45</sup> See *supra* notes 8 and 9.

<sup>46</sup> See *supra* note 18.

change is not intended to address competitive issues, as it is being proposed to reduce any ambiguity in the Rule and provide greater transparency relating to the Exchange's existing compliance standards.

The proposed amendment to IM-8050-2 to clarify that intra-day add-on series on the day such series are added for trading are excluded from the Market Makers' continuous quoting obligations and provide that Quarterly Options Series are excluded from the Market Makers' continuous quoting is intended to further conform its Market Maker continuous quoting obligations with those at other options exchanges. The proposed language adding detail to the exclusion of intra-day add-on series is intended to codify current functionality and reduce ambiguity. The proposed exclusion of Quarterly Options Series from a Market Maker's continuous quoting obligations is intended to reduce the compliance burden and confusion for Market Makers on the Exchange that are members of multiple exchanges. The proposed change is not intended to address competitive issues and instead is being proposed in an effort to further conform the Exchange's quoting requirements to those in place at other exchanges to reduce the potential for any investor confusion relating to existing Market Maker quoting requirements on BOX and add transparency into the Rulebook.

The Exchange is also proposing to amend Rule 8510 to eliminate the one point rule as various market changes have rendered the rule obsolete and unnecessary. The proposed change to eliminate the one point rule in Rule 8510, is not intended to address competitive issues, but is intended to remove an unnecessary and outdated Rule.

As discussed above, the proposed changes to remove outdated provisions, add detail into existing rules, and conform the requirements to those in place at other exchanges are designed to make the Rulebook more transparent thereby mitigating any potential investor confusion and to reduce the compliance burden for Participants that are members of multiple exchanges. The Exchange believes the majority of the changes are non-substantive changes or provide additional detail regarding current functionality. The Exchange also notes that proposed changes will make the Exchange's Market Maker obligations more consistent with the obligations already in place at other options exchanges and provide updates to the rules that are consistent with modern market making practices. For the foregoing reasons, the Exchange

does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The Exchange has 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) of the Act<sup>47</sup> and Rule 19b-4(f)(6) thereunder.<sup>48</sup>

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 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](mailto:rule-comments@sec.gov). Please include file number SR-BOX-2025-20 on the subject line.

<sup>47</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>48</sup> 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.

*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-BOX-2025-20. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-BOX-2025-20 and should be submitted on or before September 4, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>49</sup>

**Vanessa A. Countryman,**  
*Secretary.*

[FR Doc. 2025-15424 Filed 8-13-25; 8:45 am]

**BILLING CODE 8011-01-P**

**SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-103670; File No. SR-CboeEDGX-2025-064]

**Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule by Modifying the First Prong of Criteria of Add Volume Tier 8 and Decreasing the Rebate Associated With Add Volume Tier 8**

August 11, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on August 1, 2025, Cboe EDGX Exchange, Inc. (the "Exchange" or "EDGX") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to

<sup>49</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

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 modifying the first prong of criteria of Add Volume Tier 8 and decreasing the rebate associated with Add Volume Tier 8. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website ([http://markets.cboe.com/us/options/regulation/rule\\_filings/edgx/](http://markets.cboe.com/us/options/regulation/rule_filings/edgx/)), at the Exchange's Office of the Secretary.

### **II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

#### **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 ("EDGX Equities") by modifying the first prong of criteria of Add Volume Tier 8 and decreasing the rebate associated with Add Volume Tier 8. The Exchange proposes to implement these changes effective August 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,<sup>3</sup> 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.<sup>4</sup> 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.<sup>5</sup> 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.

#### **Add/Remove Volume Tiers**

Under footnote 1 of the Fee Schedule, the Exchange offers various Add/Remove Volume Tiers. In particular, the Exchange offers nine Add Volume Tiers that provide enhanced rebates for orders yielding fee codes B,<sup>6</sup> V,<sup>7</sup> Y,<sup>8</sup> 3,<sup>9</sup> and 4<sup>10</sup> where a Member reaches certain add volume-based criteria. The Exchange now proposes to modify the first prong of criteria in Add Volume Tier 8. In addition, the Exchange proposes to

decrease the rebate associated with Add Volume Tier 8. The current criteria and rebate for Add Volume Tier 8 is as follows:

- Add Volume Tier 8 provides a rebate of \$0.0034 per share in securities priced at or above \$1.00 to qualifying orders (*i.e.*, orders yielding fee codes B, V, Y, 3 or 4) where (1) Member has a total remove ADV<sup>11</sup>  $\geq 0.37\%$  of the TCV<sup>12</sup> or Member has a total remove Ex-Subdollar ADV<sup>13</sup> as a percentage of Ex-Subdollar TCV<sup>14</sup>  $\geq 0.37\%$ ; and (2) Member has a Hidden, Primary Peg ADV<sup>15</sup>  $\geq 1,000,000$ ; and (3) Member has a Hidden Midpoint ADV (*i.e.*, yielding fee codes DM or MM)  $\geq 5,000,000$ .

The proposed criteria and rebate for Add Volume Tier 8 is as follows:

- Add Volume Tier 8 provides a rebate of \$0.0027 per share in securities priced at or above \$1.00 to qualifying orders (*i.e.*, orders yielding fee codes B, V, Y, 3 or 4) where (1) Member has a total remove ADV  $\geq 0.40\%$  of the TCV or Member has a total remove Ex-Subdollar ADV as a percentage of Ex-Subdollar TCV  $\geq 0.40\%$ ; and (2) Member has a Hidden, Primary Peg ADV  $\geq 1,000,000$ ; and (3) Member has a Hidden Midpoint ADV (*i.e.*, yielding fee codes DM or MM)  $\geq 5,000,000$ .

The proposed increase in the percentage requirement of the first prong of criteria in Add Volume Tier 8 is intended to reflect recent higher trading volumes in securities priced at or above \$1.00. The Exchange believes that the proposed criteria continues to be commensurate with the rebate received for the applicable tier and will continue to encourage Members to grow their volume on the Exchange. Increased volume on the Exchange contributes to a deeper and more liquid market, which benefits all market participants and provides greater execution opportunities on the Exchange. The purpose of decreasing the rebate associated with Add Volume Tier 8 in securities priced at or above \$1.00 is for business and competitive reasons, as the Exchange

<sup>3</sup> See Cboe Global Markets, U.S. Equities Market Volume Summary, Month-to-Date (July 28, 2025), available at [https://www.cboe.com/us/equities/market\\_statistics/](https://www.cboe.com/us/equities/market_statistics/).

<sup>4</sup> See EDGX Equities Fee Schedule, Standard Rates.

<sup>5</sup> *Id.*

<sup>6</sup> Fee code B is appended to orders that add liquidity to EDGX in Tape B securities.

<sup>7</sup> Fee code V is appended to orders that add liquidity to EDGX in Tape A securities.

<sup>8</sup> Fee code Y is appended to orders that add liquidity to EDGX in Tape C securities.

<sup>9</sup> Fee code 3 is appended to orders that add liquidity to EDGX in Tape A or Tape C securities during the pre and post market.

<sup>10</sup> Fee code 4 is appended to orders that add liquidity to EDGX in Tape B securities during the pre and post market.

<sup>11</sup> "ADV" means average daily volume calculated as the number of shares added to, removed from, or routed by, the Exchange, or any combination or subset thereof, per day. ADV is calculated on a monthly basis.

<sup>12</sup> "TCV" means total consolidated volume calculated as the volume reported by all exchanges and trade reporting facilities to a consolidated transaction reporting plan for the month for which the fees apply.

<sup>13</sup> "Ex-Subdollar ADV" means ADV that excludes executions in securities priced below \$1.00.

<sup>14</sup> "Ex-Subdollar TCV" means TCV that excludes executions in securities that have an average daily price below \$1.00.

<sup>15</sup> "Hidden, Primary Peg ADV" means ADV in non-displayed orders that include a Primary Peg instruction as defined in EDGX Equities Rule 11.6(j)(2).

believes that lowering such rebate as proposed would decrease the Exchange's expenditures with respect to transaction pricing in a manner that is still consistent with the Exchange's overall pricing philosophy of encouraging added liquidity.

## 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.<sup>16</sup> Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)<sup>17</sup> 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)<sup>18</sup> 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)<sup>19</sup> 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 modify the first prong of criteria of Add Volume Tier 8 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. Additionally, the Exchange notes that relative volume-based incentives and discounts have been widely adopted by exchanges,<sup>20</sup>

including the Exchange,<sup>21</sup> 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 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.<sup>22</sup>

In particular, the Exchange believes its proposal to modify the first prong of criteria of Add Volume Tier 8 is reasonable because the revised tier will be available to all Members and provide all Members with an opportunity to receive an enhanced rebate. The Exchange further believes the proposed modification to Add Volume Tier 8 will provide a reasonable means to encourage liquidity adding displayed and non-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.

Additionally, the Exchange believes that the proposed changes to Add Volume Tier 8 are reasonable as they do not represent a significant departure from the criteria currently offered in the Fee Schedule. The Exchange also believes that the proposed changes to Add Volume Tier 8 represent an equitable allocation of fees and rebates and are not unfairly discriminatory because all Members continue to be eligible for the revised tier and have the opportunity to meet the tier's criteria and receive the corresponding enhanced rebate if such criteria is met.

The Exchange believes its proposal to reduce the rebate associated with Add Volume Tier 8 is reasonable, equitable, and consistent with the Act because such change is designed to decrease the Exchange's expenditures with respect to

transaction pricing in order to offset some of the costs associated with the Exchange's current pricing structure, which provides various rebates for liquidity-adding orders, and the Exchange's operations generally, in a manner that is consistent with the Exchange's overall pricing philosophy of encouraging added liquidity. The proposed reduced rebate of \$0.0027 per share is reasonable and appropriate because while it is slightly lower than the existing rebate, it remains competitive with other fees assessed by competing Exchanges offering similar Add Volume Tiers.<sup>23</sup> The Exchange further believes that the proposed reduction to the rebate associated with Add Volume Tier 8 is not unfairly discriminatory because it applies to all Members equally, in that all Members will receive the lower rebate upon satisfying the criteria associated with Add Volume Tier 8.

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 revised Add Volume Tiers. 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 no Members will be able to satisfy proposed Add Volume Tier 8. The Exchange also notes that the 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.

## 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

<sup>16</sup> 15 U.S.C. 78f(b).

<sup>17</sup> 15 U.S.C. 78f(b)(5).

<sup>18</sup> *Id.*

<sup>19</sup> 15 U.S.C. 78f(b)(4).

<sup>20</sup> See e.g., BZX Equities Fee Schedule, Footnote 1, Add/Remove Volume Tiers. See also, NYSE Arca Equities Fees and Charges, NYSE Arca Marketplace: Trade Related Fees and Credits, Footnote 1 and

NYSE Arca Equities Fees and Charges, Tier Rates—Round Lots and Odd Lots (Per Share Price \$1.00 or Above).

<sup>21</sup> See e.g., EDGX Equities Fee Schedule, Footnote 1, Add/Remove Volume Tiers.

<sup>22</sup> *Supra* footnote 20.

<sup>23</sup> *Supra* note 20.

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 modification to the first prong of criteria of Add Volume Tier 8 will apply to all Members equally in that all Members are eligible for the revised tier, have a reasonable opportunity to meet the tier’s proposed criteria and will receive the enhanced rebate on their qualifying orders if such criteria is met. Additionally, the proposed change to reduce the rebate associated with Add Volume Tier 8 does not impose an unnecessary burden as all Members will receive the reduced rebate for orders that satisfy the criteria of Add Volume Tier 8. The Exchange does not believe the proposed changes burden competition, but rather, enhance competition as they are 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 to send orders, thereby contributing towards a robust and well-balanced market ecosystem.

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.<sup>24</sup> 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.”<sup>25</sup> 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’ . . . .”<sup>26</sup> 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<sup>27</sup> and paragraph (f) of Rule 19b-4<sup>28</sup> 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](mailto:rule-comments@sec.gov). Please include file number SR-CboeEDGX-2025-064 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-2025-064. 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-2025-064 and should be submitted on or before September 4, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>29</sup>

**Vanessa A. Countryman,**  
Secretary.

[FR Doc. 2025-15423 Filed 8-13-25; 8:45 am]

**BILLING CODE 8011-01-P**

<sup>25</sup> See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

<sup>26</sup> *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)).

<sup>27</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>28</sup> 17 CFR 240.19b-4(f).

<sup>29</sup> 17 CFR 200.30-3(a)(12).

<sup>24</sup> *Supra* note 4.

**DEPARTMENT OF STATE****[Public Notice: 12798]****Meeting of the United States-Colombia Environmental Affairs Council and Environmental Cooperation Commission****AGENCY:** U.S. Department of State.**ACTION:** Notice of the upcoming United States-Colombia Environmental Affairs Council and Environmental Cooperation Commission meetings and request for comments; invitation to public session.

**SUMMARY:** The U.S. Department of State and the Office of the United States Trade Representative (USTR) are providing notice that the parties to the United States-Colombia Trade Promotion Agreement (TPA) intend to hold the second meeting of the Environmental Affairs Council (Council) established under Chapter 18 (Environment) of the TPA as well as the second meeting of the United States-Colombia Environmental Cooperation Commission (Commission) established under the United States-Colombia Environmental Cooperation Agreement (ECA), on September 5, 2025. The Council will review implementation of Chapter 18 of the TPA, and the Commission will review implementation of the ECA. During the Council and Commission meetings, Members will discuss the progress made in implementing Chapter 18 commitments and the impacts of environmental cooperation. The Commission will also review possible future environmental cooperation. More information on the Council and Commission is included below under **SUPPLEMENTARY INFORMATION**. All interested persons are invited to attend the Council and Commission joint public session in person beginning at 3:30 p.m. Bogota, Colombia time (4:30 p.m. Eastern Daylight Time) on September 5, 2025, in Bogota, Colombia, or submit written comments or suggestions in advance regarding Chapter 18 of the TPA and the ECA. Attendees will have the opportunity to ask questions and present views and comments on the issues the public considers relevant to the Council and Commission's work. In preparing comments, submitters are encouraged to refer to Chapter 18 of the TPA and the ECA (available at *Current Trade Agreements With Environmental Chapters—United States Department of State*). Instructions for submitting comments are provided below under **ADDRESSES**.

**DATES:** The public session of the Council and Commission will be held on September 5, 2025. Registration will be required to attend. Please contact Anel Gonzalez-Ruiz and Sigrid Simpson by August 29, 2025, to register for the public session. Comments or suggestions are requested in writing no later than August 29, 2025.

**ADDRESSES:** Written comments or questions and requests to attend should be submitted via email to both of the following points of contact and "United States-Colombia EAC/ECC Meetings" should be used in the subject line:

(1) Anel Gonzalez-Ruiz, U.S. Department of State, Bureau of Oceans and International Environmental and Scientific Affairs, Office of Environmental Quality, *Gonzalez-RuizA@state.gov*; and

(2) Sigrid Simpson, Office of Environment and Natural Resources, Office of the United States Trade Representative, *Sigrid.A.Simpson@ustr.eop.gov*.

In your email, please include your full name and affiliation.

**FOR FURTHER INFORMATION CONTACT:** Anel Gonzalez-Ruiz at (202) 705-5282, *Gonzalez-RuizA@state.gov* or Sigrid Simpson at (202) 881-6592, *Sigrid.A.Simpson@ustr.eop.gov*.

**SUPPLEMENTARY INFORMATION:** The United States and Colombia negotiated the United States-Colombia TPA and United States-Colombia ECA in concurrently. The TPA entered into force on May 12, 2012. Article 18.6 of the TPA establishes an Environment Affairs Council (Council). The Council discusses the implementation of Chapter 18 of the TPA, and its meetings include a public session. The Environmental Cooperation Commission (Commission) was established in Article III of the ECA. The Commission evaluates cooperative activities under the ECA, recommends options for improving cooperation, and establishes work programs that reflect national priorities and that identify the scope and focus of environmental cooperation activities. Commission meetings also include a public session.

Visit <http://www.state.gov> and the USTR website at [www.ustr.gov](http://www.ustr.gov) for more information.

**Andrew D. Clark,**

*Acting Director, Office of Environmental Quality, U.S. Department of State.*

[FR Doc. 2025-15475 Filed 8-13-25; 8:45 am]

**BILLING CODE 4710-09-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 4th quarter of FY 2025, and other business.

**DATES:** The SJI Board of Directors will be meeting on Monday, September 15, 2025 at 1:00 p.m. MT.

**ADDRESSES:** Supreme Court of Montana, Mazurek Building, 215 North Sanders Street, Helena, MT.

**FOR FURTHER INFORMATION CONTACT:** Jonathan Mattiello, Executive Director, State Justice Institute, 12700 Fair Lakes Circle, Suite 340, Fairfax, VA 22033, 703-660-4979, *contact@sjj.gov*.

(Authority: 42 U.S.C. 10702(f))

**Jonathan D. Mattiello,**

*Executive Director.*

[FR Doc. 2025-15415 Filed 8-13-25; 8:45 am]

**BILLING CODE 6820-SC-P**

**SURFACE TRANSPORTATION BOARD****[Docket No. FD 36870]****Port Rail, Inc.—Operation Exemption—in Lake Charles, Calcasieu Parish, La.**

Port Rail, Inc. (Port Rail), a Class III carrier, has filed a verified notice of exemption pursuant to 49 CFR 1150.41 to lease from the Lake Charles Harbor and Terminal District (the District) and operate two segments of track, known as the East Industrial Track and the South Industrial Track, extending a total distance of approximately 13.59 miles in Lake Charles, Calcasieu Parish, La. (collectively, the Subject Track). The East Industrial Track extends approximately 0.99 miles from a connection with Union Pacific Railroad Company (UP), at milepost 2.22 on UP's Lake Charles Industrial Lead east of Runway 15/33 at Chennault International Airport, in a northeasterly direction to its terminus at the south end of James Sudduth Parkway. The South Industrial Track extends approximately 12.6 miles from a connection with UP, at milepost 4.13 on UP's Lake Charles Industrial Lead near the intersection of East Ward Line Road (LA 397) and Farm Road, in a southwesterly direction to its terminus at the Lake Charles Carbon Company (Alcoa) facility near the intersection of Big Lake Road and West Lincoln Road. The Subject Track does not have mileposts.

According to the verified notice, since 2016, Port Rail has leased the Subject Track from the District, pursuant to two lease agreements, one governing the East Industrial Track and the other governing the South Industrial Track. Port Rail states that, under those agreements, it has used the Subject Track to conduct "railcar storage and limited unregulated switching operations." Port Rail and the District amended and extended each agreement in 2025, and Port Rail states that "[n]o further changes to those agreements are required or contemplated in connection with Port Rail's operation of the Subject [Track] as a common carrier."<sup>1</sup> (Notice 2.) According to the verified notice, Port Harbor will begin common carrier operations on or after the effective date of the exemption.

According to Port Rail, the amended lease agreements contain no restrictions on Port Rail interchanging traffic with any rail carriers. Port Rail also certifies that its projected annual revenues due to this transaction will not result in the creation of a Class II or Class I rail carrier and will not exceed \$5 million.

The transaction may be consummated on or after August 28, 2025, the effective date of the exemption (30 days after the verified notice was filed).

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than August 21, 2025 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36870, must be filed with the Surface Transportation Board either via e-filing on the Board's website or in writing addressed to 395 E Street SW, Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Port Rail's representative, Thomas J. Litwiler, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 800, Chicago, IL 60606-3208.

According to Port Rail, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and from historic preservation reporting requirements under 49 CFR 1105.8(b).

Board decisions and notices are available at [www.stb.gov](http://www.stb.gov).

<sup>1</sup> Port Rail included copies of the amended agreements as Exhibit D to its verified notice of exemption. See *Macrie—Continuance in Control Exemption—N.J. Seashore Lines, Inc.*, FD 35296 et al., slip op. at 3-4 (STB served Aug. 31, 2010).

Decided: August 8, 2025.

By the Board, Anika S. Cooper, Chief Counsel, Office of Chief Counsel.

**Kenyatta Clay,**

*Clearance Clerk.*

[FR Doc. 2025-15393 Filed 8-13-25; 8:45 am]

**BILLING CODE 4915-01-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:** June 1–July 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](mailto: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. Republic Services of Pennsylvania, LLC—Modern Landfill, GF Certificate No. GF-202506298, Windsor and Lower Windsor Townships, York County, Pa.; consumptive use; Issue Date: June 4, 2025.

2. New Enterprise Stone & Lime Co., Inc.—Toland Sand Plant, GF Certificate No. GF-202507299, Dickinson Township, Cumberland County, Pa.; Mountain Creek and consumptive use; Issue Date: July 21, 2025.

**Authority:** Public Law 91-575, 84 Stat. 1509 *et seq.*, 18 CFR parts 806 and 808.

Dated: August 11, 2025.

**Jason E. Oyler,**

*General Counsel and Secretary to the Commission.*

[FR Doc. 2025-15419 Filed 8-13-25; 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:** June 1–July 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](mailto: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. Energy Center Paxton LLC; ABR-202506001; Harrisburg City, Dauphin County, Pa.; Consumptive Use of Up to 0.0660 mgd; Approval Date: June 2, 2025.

2. Dart Container Corporation of Pennsylvania (Lancaster); Lancaster Plant; ABR-202506003; East Lampeter Township, Lancaster County, Pa.; Consumptive Use of Up to 0.0990 mgd; Approval Date: June 4, 2025.

*Approvals By Rule—Issued Under 18 CFR 806.22(f):*

1. JKLM Energy, LLC; Pad ID: Belz 2001; ABR-202506002; Tioga Township, Tioga County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: June 2, 2025.

2. RENEWAL—Expand Operating LLC; Pad ID: Reeve; ABR-20100403.R3; Herrick Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 3, 2025.

3. RENEWAL—Expand Operating LLC; Pad ID: Alton; ABR-20100411.R3; Ulster Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 6, 2025.

4. RENEWAL—Expand Operating LLC; Pad ID: Holtan; ABR-20100446.R3; Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 6, 2025.

5. RENEWAL—Expand Operating LLC; Pad ID: Nickolyn; ABR—20100436.R3; Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 6, 2025.

6. RENEWAL—Expand Operating LLC; Pad ID: Blanche Poulsen; ABR—202005002.R1; Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 10, 2025.

7. RENEWAL—Blackhill Energy LLC; Pad ID: HARKNESS 2H; ABR—20091220.R3; Springfield Township, Bradford County, Pa.; Consumptive Use of Up to 1.9990 mgd; Approval Date: June 20, 2025.

8. RENEWAL—Expand Operating LLC; Pad ID: Way; ABR—20100448.R3; Wyalusing Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 20, 2025.

9. RENEWAL—S.T.L. Resources, LLC; Pad ID: State 815 Pad; ABR—202005004.R1; Elk Township, Tioga County, Pa.; Consumptive Use of Up to 4.9900 mgd; Approval Date: June 20, 2025.

10. Pennsylvania General Energy Company, L.L.C.; Pad ID: Hunters Lake Kutz Well Pad; ABR—202506004; Shrewsbury Township, Lycoming County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: June 25, 2025.

11. RENEWAL—EXCO Resources (PA), LLC; Pad ID: Warner Drilling Pad #1; ABR—20100451.R3; Franklin Township, Lycoming County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: June 25, 2025.

12. RENEWAL—Coterra Energy Inc.; Pad ID: HousenickJ P1; ABR—201505004.R2; Rush Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: June 28, 2025.

13. RENEWAL—Expand Operating LLC; Pad ID: Coates; ABR—20100509.R3; Standing Stone Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 28, 2025.

14. RENEWAL—Expand Operating LLC; Pad ID: GU-Y Loomis Pad; ABR—20100504.R3; Rush Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 28, 2025.

15. RENEWAL—Expand Operating LLC; Pad ID: Kerr Drilling Pad #1; ABR—20100506.R3; Lathrop Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 28, 2025.

16. RENEWAL—Expand Operating LLC; Pad ID: NR-05 BAC Realty; ABR—201504007.R2; New Milford Township,

Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 28, 2025.

17. RENEWAL—Expand Operating LLC; Pad ID: NR-25 NOWICKI; ABR—201504006.R2; Oakland Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 28, 2025.

18. RENEWAL—Repsol Oil & Gas USA, LLC; Pad ID: Chicken Hawk; ABR—20100434.R3; Sullivan Township, Tioga County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: June 28, 2025.

19. RENEWAL—Repsol Oil & Gas USA, LLC; Pad ID: Red Run Mountain 736; ABR—20100502.R3; McIntyre Township, Lycoming County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: June 28, 2025.

20. RENEWAL—Repsol Oil & Gas USA, LLC; Pad ID: STORCH (03 035) D; ABR—20100445.R3; Wells Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: June 28, 2025.

21. RENEWAL—Coterra Energy Inc.; Pad ID: CarsonJ P1; ABR—20100520.R3; Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: June 30, 2025.

22. RENEWAL—Coterra Energy Inc.; Pad ID: WarrinerR P2; ABR—20100518.R3; Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: June 30, 2025.

23. RENEWAL—Expand Operating LLC; Pad ID: McConnell; ABR—20100525.R3; Overton Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 30, 2025.

24. RENEWAL—Seneca Resources Company, LLC; Pad ID: Gamble Pad P; ABR—201506005.R2; Hepburn Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 30, 2025.

25. RENEWAL—Seneca Resources Company, LLC; Pad ID: Walker 438; ABR—20100516.R3; Shippen Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 30, 2025.

26. RENEWAL—EQT ARO LLC; Pad ID: Texas Blockhouse F&G B; ABR—20100207.R3; Pine Township, Lycoming County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: July 26, 2025.

27. RENEWAL—Expand Operating LLC; Pad ID: Akita NEW; ABR—20100689.R3; Smithfield Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 26, 2025.

28. RENEWAL—Expand Operating LLC; Pad ID: Allen; ABR—20100606.R3; Wysox Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 26, 2025.

29. RENEWAL—Expand Operating LLC; Pad ID: Brackman; ABR—20100420.R3; Leroy Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 26, 2025.

30. RENEWAL—Expand Operating LLC; Pad ID: Cerca; ABR—20100538.R3; Wyalusing Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 26, 2025.

31. RENEWAL—Expand Operating LLC; Pad ID: Feusner New; ABR—20100558.R3; Litchfield Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 26, 2025.

32. RENEWAL—Expand Operating LLC; Pad ID: Finnerty; ABR—20100602.R3; West Burlington Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 26, 2025.

33. RENEWAL—Expand Operating LLC; Pad ID: Henry; ABR—20100423.R3; Albany Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 26, 2025.

34. RENEWAL—Expand Operating LLC; Pad ID: Hilltop NEW; ABR—201006102.R3; Jessup Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 26, 2025.

35. RENEWAL—Expand Operating LLC; Pad ID: Lillie-NEW; ABR—201006104.R3; Herrick Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 26, 2025.

36. RENEWAL—Expand Operating LLC; Pad ID: Madden; ABR—20100536.R3; Asylum Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 26, 2025.

37. RENEWAL—Expand Operating LLC; Pad ID: Rich; ABR—20100539.R3; Troy Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 26, 2025.

38. RENEWAL—Expand Operating LLC; Pad ID: RU-42-KROPFF-PAD; ABR—201410002.R2; Jackson Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 26, 2025.

39. RENEWAL—Expand Operating LLC; Pad ID: Severcool Drilling Pad #1; ABR—20100547.R3; Forkston Township, Wyoming County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 26, 2025.

40. RENEWAL—Expand Operating LLC; Pad ID: Squier Drilling Pad #1; ABR—201007008.R3; Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 26, 2025.

41. RENEWAL—Expand Operating LLC; Pad ID: Treat; ABR—20100527.R3; Rome Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 26, 2025.

42. RENEWAL—Repsol Oil & Gas USA, LLC; Pad ID: Greenwood Hunting Lodge 427; ABR—20100532.R3; McIntyre Township, Lycoming County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: July 26, 2025.

43. RENEWAL—Seneca Resources Company, LLC; Pad ID: PHC Pad Q; ABR—20100551.R3; Lawrence Township, Clearfield County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 26, 2025.

44. RENEWAL—Seneca Resources Company, LLC; Pad ID: Vandergrift 290; ABR—20100442.R3; Charleston Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 26, 2025.

45. RENEWAL—Seneca Resources Company, LLC; Pad ID: Warren Pad B; ABR—20100621.R3; Richmond Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 26, 2025.

46. Sabre Energy Development LLC; Pad ID: Bering Pad; ABR—202507001; Davidson Township, Sullivan County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: July 26, 2025.

47. RENEWAL—Expand Operating LLC; Pad ID: Alderfer NEW; ABR—20100671.R3; Litchfield Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 30, 2025.

48. RENEWAL—Expand Operating LLC; Pad ID: Black Creek; ABR—20100686.R3; Forks Township, Sullivan County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 30, 2025.

49. RENEWAL—Expand Operating LLC; Pad ID: Covington; ABR—201007123.R3; Sheshequin Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 30, 2025.

50. RENEWAL—Expand Operating LLC; Pad ID: Fred; ABR—20100524.R3; Leroy Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 30, 2025.

51. RENEWAL—Expand Operating LLC; Pad ID: Hickory Row; ABR—202007002.R1; Wyalusing Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 30, 2025.

52. RENEWAL—Expand Operating LLC; Pad ID: Delima; ABR—201007078.R3; Albany Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 31, 2025.

53. RENEWAL—Expand Operating LLC; Pad ID: Moose; ABR—201007019.R3; Wysox Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 31, 2025.

54. RENEWAL—Expand Operating LLC; Pad ID: Rowe; ABR—201007101.R3; Rome Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 31, 2025.

55. RENEWAL—Expand Operating LLC; Pad ID: Waldeisen-Ladd Drilling Pad; ABR—20100699.R3; Fox Township, Sullivan County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 31, 2025.

56. RENEWAL—Pennsylvania General Energy Company, L.L.C.; Pad ID: COP TRACT 724—PAD A; ABR—20091118.R3; Gamble Township, Lycoming County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: July 31, 2025.

57. RENEWAL—Repsol Oil & Gas USA, LLC; Pad ID: WILBER (03 065) W; ABR—20100552.R3; Wells Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: July 31, 2025.

*Authority:* Public Law 91–575, 84 Stat. 1509 *et seq.*, 18 CFR parts 806 and 808.

Dated: August 11, 2025.

**Jason E. Oyler,**

*General Counsel and Secretary to the Commission.*

[FR Doc. 2025–15417 Filed 8–13–25; 8:45 am]

**BILLING CODE 7040–01–P**

## SUSQUEHANNA RIVER BASIN COMMISSION

### General Permit Notice

**AGENCY:** Susquehanna River Basin Commission.

**ACTION:** Notice.

**SUMMARY:** This notice lists General Permits approved by the Susquehanna River Basin Commission during the period set forth in **DATES**.

**DATES:** June 1–July 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](mailto:joyler@srbc.gov). Regular mail inquiries may be sent to the above address.

**SUPPLEMENTARY INFORMATION:** This notice lists General Permits for projects, described below, pursuant to 18 CFR 806.17(c)(4), for the time period specified above.

1. Chester County Solid Waste Authority—Lanchester Landfill, General Permit Approval of Coverage No. GP–04–202506012, Caernarvon and Salisbury Townships, Lancaster County, and Honey Brook Township, Chester County, Pa.; Into-Basin Diversion approved up to 0.050 mgd (30-day average) from Well MW–10, Railroad Cut Collection Sump, Well MW–7A Collection Sump, Small Load Collection Sump, and Leachate; Approval Date: June 4, 2025.

2. Pennsylvania Fish & Boat Commission—3C's Trout Nursery, General Permit Approval of Coverage No. GP–03–202506014, West Carroll Township, Cambria County, Pa.; Cooperative Fish Nursery withdrawal approved up to 0.447 mgd (peak day) from Spring Pond; Approval Date: June 16, 2025.

3. West Manchester Township Authority—Well 8, General Permit Approval of Coverage No. GP–02–202506015, West Manchester Township, York County, Pa.; Emergency/Maintenance operations approved up to 0.216 mgd (30-day average); Approval Date: June 18, 2025.

*Authority:* Public Law 91–575, 84 Stat. 1509 *et seq.*, 18 CFR parts 806 and 808.

Dated: August 11, 2025.

**Jason E. Oyler,**

*General Counsel and Secretary to the Commission.*

[FR Doc. 2025–15418 Filed 8–13–25; 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:** April 1–July 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](mailto: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. Graymont (PA) Inc.—Pleasant Gap, Docket No. 20191203, Spring Township, Centre County, Pa.; correction in Section 2 to replace the “Gentzel Quarry” with the “Gentzel/Tressler Quarry”; Correction Issue Date: April 8, 2025.

2. Moxie Freedom LLC, Docket No. 20250618, Salem Township, Luzerne County, Pa.; modification approval to add public water supply as a source of water for consumptive use; Approval Date: June 17, 2025.

3. New Morgan Landfill Company, Inc.—Conestoga Landfill, Docket Nos. 20250619, 20250620, and 20250621, New Morgan Borough, Berks County, Pa.; modification of approvals to adjust the approval terms to align with another docket approval by the Commission; Approval Date: July 18, 2025.

*Authority:* Public Law 91–575, 84 Stat. 1509 *et seq.*, 18 CFR parts 806 and 808.

Dated: August 11, 2025.

**Jason E. Oyler,**

*General Counsel and Secretary to the Commission.*

[FR Doc. 2025–15420 Filed 8–13–25; 8:45 am]

**BILLING CODE 7040–01–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

[Docket No. FHWA–2025–0103]

#### Agency Information Collection

#### Activities: Request for Comments for a New Information Collection

**AGENCY:** Federal Highway Administration (FHWA), U.S. Department of Transportation (DOT).

**ACTION:** Notice and request for comments.

**SUMMARY:** The FHWA has forwarded the information collection request described in this notice to the Office of Management and Budget (OMB) to approve a new information collection. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

**DATES:** Please submit comments by September 15, 2025.

**ADDRESSES:** You may submit comments identified by DOT Docket ID Number 0103 by any of the following methods:

*Website:* For access to the docket to read background documents or comments received go to the Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the online instructions for submitting comments.

*Fax:* 1–202–493–2251.

*Mail:* Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

*Hand Delivery or Courier:* U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:**

Derek Constable, (202) 366–4606, Office of Bridges and Structures, Federal Highway Administration, Department of Transportation, 1200 New Jersey Avenue Southeast, Washington, DC 20590. Office hours are from 7 a.m. to 4 p.m., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:** FHWA published a **Federal Register** Notice with a 60-day public comment period on this information collection on October 25, 2024, at [89 FR 85282]. There were no comments received.

*Title:* FY24 and FY25 Competitive Highway Bridge Program (CHBP).

*Background:* The Consolidated Appropriations Act, 2024, Public Law 118–42, Section 126, March 9, 2024, and the Full-Year Continuing Appropriations and Extensions Act of 2025, Public Law 119–4, each provide up to \$250 million (up to \$500 million total) to be awarded by the FHWA for a Competitive Highway Bridge Program.

Eligible applicants are States that have a population density of less than 115 individuals per square mile and less than 26% of total bridges classified as in good condition; or greater than or equal to 5.2% of total bridges classified in poor condition. States meeting the population criteria and that have greater than 14% of total bridges classified as in poor condition are eligible to receive no less than \$32,500,000. The funds shall be used for highway bridge replacement or rehabilitation projects on public roads that demonstrate cost savings by bundling multiple highway bridge projects. Population density is calculated based on the latest available data from the decennial census

conducted under section 14(a) of title 13, United States Code. Percentages of bridge counts are based on the National Bridge Inventory as of June 2023. [Consolidated Appropriations Act, 2024, Public Law 118–42, Section 126, March 9, 2024].

Population density is calculated based on the latest available data on March 9, 2024, the date which the Consolidated Appropriations Act, 2024, became law. Resident population density is used. The percentages are based on number of bridges. Fiscal year 2024 funds shall be obligated by September 30, 2027. Fiscal year 2025 funds shall be obligated by September 30, 2028.

Based on these requirements, eligible applicants are the State Departments of Transportation (State DOTs) of Alaska, Arkansas, Iowa, Kansas, Kentucky, Louisiana, Maine, Mississippi, Missouri, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Utah, West Virginia, Wisconsin, and Wyoming. State DOTs that are eligible to receive no less than \$32,500,000 include Iowa, Maine, South Dakota, and West Virginia.

Awards will be made only to a State DOT. Applications by non-State DOT entities must be submitted by the State DOT in which they are located.

Each application will require the following project narrative:

- A discussion and supporting information that describes the project description, location, and project parties,
- a discussion and supporting information on proposed project funding including the sources and availability of funds to supplement a grant award and to supplement the Federal share,
- a discussion and supporting information on how the project meets the CHBP merit criteria,
- a discussion and supporting information on project readiness and environmental status to include discussion and supporting information on technical feasibility, project schedule, status of required approvals including environmental permits and reviews, status of State, metropolitan, and local planning document approvals, and an assessment of project risks and mitigation strategies.

Each applicant selected for CHBP grant funding will be required to execute a project agreement which is a type of grant agreement for administration of funds to a State DOT in FHWA's Fiscal Management System. In the agreement, the recipient must describe the project that FHWA agreed to fund, which is the project that was described in the application or a

reduced-scope version of that project. The agreement also includes project schedule milestones, a budget, and project-related goals.

Each applicant selected for CHBP grant funding (awardee) will be required to collect and report project monitoring information. This will include information on the project's performance using performance indicators supplied by FHWA that relate to CHBP goals. Performance reporting continues for several years after project construction is completed. Each awardee will submit progress and monitoring reports on a quarterly basis until completion of the project as determined by FHWA. This information will be used to monitor awardees' use of Federal funds, ensuring accountability and financial transparency.

These requirements are further detailed in the Notice of Funding Opportunity (NOFO) available on [grants.gov](https://www.grants.gov).

This notice seeks comments on the proposed information collection, which will collect information necessary to support the evaluation of applications and selection of project awards, the funding agreement negotiation stage for awards, and project monitoring.

**Respondents:** Any eligible State DOT can submit as many as three applications for CHBP grant funding through the NOFO. A limit of three applications is specified in the NOFO. There are 18 eligible States. Each applicant selected for CHBP grant funding (awardee) will be required to execute a project agreement and will be required to collect and report project monitoring information.

**Frequency:** Annually for the duration of the program, including the application period, funding agreement process, and project monitoring.

**Estimated Average Burden per Response:** 100 hours per respondent per application. In addition, each awarded project is estimated to require 60 hours for negotiating and signing the funding agreement and project monitoring reporting including performance indicator and financial monitoring. FHWA estimates that project monitoring will occur for four years.

**Estimated Total Annual Burden Hours:** It is estimated that the respondents will complete approximately 36 applications for an estimated total of 3,600 burden hours. In addition, it is estimated that there will be 27 awarded projects for an estimated total of 1,620 additional burden hours. There are 5,220 total annual burden hours.

**Public Comments Invited:** You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. The agency will summarize, include your comments, or both, in the request for OMB's clearance of this information collection.

**Authority:** The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended; and 49 CFR 1.48.

Issued on: August 12, 2025.

**Jazmyne Lewis,**

*Information Collection Officer.*

[FR Doc. 2025-15446 Filed 8-13-25; 8:45 am]

**BILLING CODE 4910-22-P**

## DEPARTMENT OF THE TREASURY

### Office of Foreign Assets Control

#### Notice of OFAC Sanctions Action

**AGENCY:** Office of Foreign Assets Control, Treasury.

**ACTION:** Notice.

**SUMMARY:** The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

**DATES:** This action was issued on September 26, 2023. See **SUPPLEMENTARY INFORMATION** for relevant dates.

**FOR FURTHER INFORMATION CONTACT:** OFAC: Associate Director for Global Targeting, 202-622-2420; or Assistant Director for Sanctions Compliance, 202-622-2490 or <https://ofac.treasury.gov/contact-ofac>.

#### SUPPLEMENTARY INFORMATION:

##### Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website: <https://ofac.treasury.gov>.

#### Notice of OFAC Action(s)

On September 26, 2023, OFAC determined that the persons identified below meet one or more of the criteria for the imposition of sanctions set forth in section 1(a)-(c) of Executive Order 14059 of December 15, 2021, "Imposing Sanctions on Foreign Persons Involved in the Global Illicit Drug Trade," 86 FR 71549 (December 17, 2021) (E.O. 14059). OFAC has selected to impose blocking sanctions pursuant to section 2(a)(i) of E.O. 14059 on the persons identified below. As a result, the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authorities listed below.

#### Individuals

1. GARCIA CORRALES, Leobardo (a.k.a. "Leo"), Mexico; DOB 10 Mar 1970; POB Sinaloa, Mexico; nationality Mexico; Gender Male; C.U.R.P. GACL700310HSLRRB04 (Mexico) (individual) [ILLICIT-DRUGS-EO14059]. Designated pursuant to section 1(a)(i) of E.O. 14059 for having engaged in, or attempted to engage in, activities or transactions that have materially contributed to, or pose a significant risk of materially contributing to, the international proliferation of illicit drugs or their means of production.

2. GARCIA CORRALES, Martin (a.k.a. Cachuchas; a.k.a. Tano), Mexico; DOB 13 Apr 1980; POB Sinaloa, Mexico; nationality Mexico; Gender Male; C.U.R.P. GACM800413 HSLRRR06 (Mexico) (individual) [ILLICIT-DRUGS-EO14059].

Designated pursuant to section 1(a)(i) of E.O. 14059 for having engaged in, or attempted to engage in, activities or transactions that have materially contributed to, or pose a significant risk of materially contributing to, the international proliferation of illicit drugs or their means of production.

3. FIGUEROA BENITEZ, Jorge Humberto (a.k.a. "27"), Mexico; DOB 02 Sep 1989; POB Sinaloa, Mexico; nationality Mexico; Gender Male; C.U.R.P. FBJ890902HSLGNR06 (Mexico) (individual) [ILLICIT-DRUGS-EO14059].

Designated pursuant to section 1(a)(i) of E.O. 14059 for having engaged in, or attempted to engage in, activities or transactions that have materially contributed to, or pose a significant risk of materially contributing to, the international proliferation of illicit drugs or their means of production.

4. LEON ALVARADO, Samuel, Mexico; DOB 02 Jul 1988; POB Sinaloa, Mexico; nationality Mexico; Gender Male; C.U.R.P. LEAS880702HSLNLM08 (Mexico) (individual) [ILLICIT-DRUGS-EO14059].

Designated pursuant to section 1(a)(i) of E.O. 14059 for having engaged in, or attempted to engage in, activities or transactions that have materially contributed to, or pose a significant risk of materially contributing to, the international proliferation of illicit drugs or their means of production.

5. LIMON VAZQUEZ, Carlos Mario, Mexico; DOB 25 May 2003; POB Sinaloa, Mexico; nationality Mexico; Gender Male; C.U.R.P. LIVC030525HSLMZRA2 (Mexico) (individual) [ILLICIT-DRUGS-EO14059].

Designated pursuant to section 1(a)(i) of E.O. 14059 for having engaged in, or attempted to engage in, activities or transactions that have materially contributed to, or pose a significant risk of materially contributing to, the international proliferation of illicit drugs or their means of production.

6. NUNEZ AGUIRRE, Liborio (a.k.a. "Karateca"), Mexico; DOB 22 Aug 1957; POB Sinaloa, Mexico; nationality Mexico; Gender Male; C.U.R.P. NUAL570822HSLXGB05 (Mexico) (individual) [ILLICIT-DRUGS-EO14059].

Designated pursuant to section 1(a)(i) of E.O. 14059 for having engaged in, or attempted to engage in, activities or transactions that have materially contributed to, or pose a significant risk of materially contributing to, the international proliferation of illicit drugs or their means of production.

7. DOMINGUEZ HERNANDEZ, Julio Cesar, Mexico; DOB 29 Dec 1990; POB Sinaloa, Mexico; nationality Mexico; citizen Mexico; Gender Male; C.U.R.P. DOHJ901229 HSLMRL03 (Mexico) (individual) [ILLICIT-DRUGS-EO14059].

Designated pursuant to section 1(a)(i) of E.O. 14059 for having engaged in, or attempted to engage in, activities or transactions that have materially contributed to, or pose a significant risk of materially contributing to, the international proliferation of illicit drugs or their means of production.

8. JIMENEZ CASTRO, Mario Alberto (a.k.a. "KASTOR"), Mexico; DOB 20 Oct 1988; POB Sinaloa, Mexico; nationality Mexico; citizen Mexico; Gender Male; Digital Currency Address—ETH 0x9c2bc757b66f24d60f016b6237f8cdd414a879fa; C.U.R.P. JICM881020HSLMSR07 (Mexico) (individual) [ILLICIT-DRUGS-EO14059].

Designated pursuant to section 1(a)(i) of E.O. 14059 for having engaged in, or attempted to engage in, activities or transactions that have materially contributed to, or pose a significant risk of materially contributing to, the international proliferation of illicit drugs or their means of production.

9. VIBANCO GARCIA, Jesus Miguel (a.k.a. VIVANCO GARCIA, Jesus Miguel; a.k.a. VIVANCO JR., Miguel Angel; a.k.a. "JASPER"), Mexico; DOB 06 Oct 1995; POB Sinaloa, Mexico; nationality Mexico; citizen Mexico; Gender Male; C.U.R.P. VIGJ951006 HSLBRS01 (Mexico) (individual) [ILLICIT-DRUGS-EO14059].

Designated pursuant to section 1(a)(i) of E.O. 14059 for having engaged in, or attempted to engage in, activities or transactions that have materially contributed to, or pose a significant risk of materially contributing to, the international proliferation of illicit drugs or their means of production.

10. AVILA VILLADIEGO, Jobanis de Jesus (a.k.a. "CHQUITO MALO"), Turbo, Antioquia, Colombia; DOB 10 Apr 1977; POB

San Pedro de Uraba, Antioquia, Colombia; nationality Colombia; citizen Colombia; Gender Male; Cedula No. 71987498 (Colombia) (individual) [ILLICIT-DRUGS-EO14059].

Designated pursuant to section 1(a)(i) of E.O. 14059 for having engaged in, or attempted to engage in, activities or transactions that have materially contributed to, or pose a significant risk of materially contributing to, the international proliferation of illicit drugs or their means of production.

Dated: August 12, 2025.

**Bradley T. Smith,**

*Director, Office of Foreign Assets Control.*

[FR Doc. 2025–15454 Filed 8–13–25; 8:45 am]

**BILLING CODE 4810-AL-P**

## UNITED STATES SENTENCING COMMISSION

### Final Priorities for Amendment Cycle

**AGENCY:** United States Sentencing Commission.

**ACTION:** Notice of final priorities.

**SUMMARY:** In June 2025, the Commission published a notice of proposed policy priorities for the amendment cycle ending May 1, 2026. After reviewing public comment received pursuant to the notice of proposed priorities, the Commission has identified its policy priorities for the upcoming amendment cycle and hereby gives notice of these policy priorities.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Dukes, Senior Public Affairs Specialist, (202) 502–4597.

**SUPPLEMENTARY INFORMATION:** The United States Sentencing Commission is an independent agency in the judicial branch of the United States Government. The Commission promulgates sentencing guidelines and policy statements for federal courts pursuant to 28 U.S.C. 994(a). The Commission also periodically reviews and revises previously promulgated guidelines pursuant to 28 U.S.C. 994(o) and submits guideline amendments to Congress not later than the first day of May each year pursuant to 28 U.S.C. 994(p).

As part of its statutory authority and responsibility to analyze sentencing issues, including operation of the federal sentencing guidelines, the Commission has identified its policy priorities for the amendment cycle ending May 1, 2026. Other factors, such as legislation requiring Commission action, may affect the Commission's ability to complete work on any or all identified priorities by May 1, 2026. Accordingly, the Commission may

continue work on any or all identified priorities after that date or may decide not to pursue one or more identified priorities. The Commission previously published a notice of proposed policy priorities for the amendment cycle ending May 1, 2026. *See* 90 FR 24710 (June 11, 2025).

Pursuant to 28 U.S.C. 994(g), the Commission intends to consider the issue of reducing costs of incarceration and overcapacity of prisons, to the extent it is relevant to any identified priority.

The Commission has identified the following priorities for the amendment cycle ending May 1, 2026:

(1) Examination of how the guidelines can provide courts with additional guidance on selecting the appropriate sentencing option (e.g., imprisonment, probation, or fine), and possible consideration of amendments that might be appropriate.

(2) Further examination of the penalty structure for certain drug trafficking offenses under § 2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses)) and § 2D1.11 (Unlawfully Distributing, Importing, Exporting or Possessing a Listed Chemical; Attempt or Conspiracy), including (A) consideration of possible amendments addressing the purity distinctions for methamphetamine provided in the Drug Quantity Table and related application notes; (B) consideration of other miscellaneous issues pertaining to drug trafficking offenses coming to the Commission's attention, such as statutory changes relating to fentanyl, sentencing enhancements for offenses involving fentanyl, and other fentanyl-related issues; and (C) and consideration of possible amendments to the Chemical Quantity Table at § 2D1.11 to address offenses involving fentanyl precursors.

(3) Examination of § 2B1.1 (Theft, Property Destruction, and Fraud) and related guidelines to ensure the guidelines appropriately reflect the culpability of the individual and the harm to the victim, including (A) reassessing the role of actual loss, intended loss, and gain; (B) considering whether the loss table in § 2B1.1 should be revised to simplify application or to adjust for inflation; (C) considering the application and impact of the victims table in § 2B1.1 and adjustments in Chapter Three, Part A (Victim-Related Adjustments), relating to victims; (D) considering the application and impact of adjustments in Chapter Three, Part B (Role in the Offense) relating to role in the offense; and (E) possible

consideration of amendments that might be appropriate.

(4) Continued examination of the career offender guidelines, including (A) evaluating the impact, feasibility, and uniformity in application of alternative approaches to the “categorical approach” through workshops, field testing, and updating the data analyses set forth in the Commission’s 2016 report to Congress, titled *Career Offender Sentencing Enhancements*; and (B) possible consideration of amendments that might be appropriate.

(5) Examination of whether the guidelines provide appropriate adjustments for good behavior, including examination of whether § 3E1.1 (Acceptance of Responsibility) and § 5K1.1 (Substantial Assistance to Authorities) fully account for the variety of ways in which an individual may manifest acceptance of responsibility and provide substantial assistance, and possible consideration of amendments that might be appropriate.

(6) Continued exploration of ways to simplify the *Guidelines Manual*, including (A) examining the operation of the grouping rules in Chapter Three, Part D (Multiple Counts); (B) examining the operation of specific provisions of Chapter Four, Part A (Criminal History); (C) examining the operation of § 5G1.3 (Imposition of a Sentence on a Defendant Subject to an Undischarged Term of Imprisonment or Anticipated State Term of Imprisonment); (D) evaluating infrequently applied specific offense characteristics and adjustments provisions throughout the *Guidelines Manual*; and (E) possible consideration of amendments that might be appropriate.

(7) Examination of offenses involving sophisticated means and possible consideration of an additional Chapter Three adjustment that would account for the consideration of factors such as sophistication in the preparation for, commission of, or evasion of detection for an offense.

(8) Examination of § 2L1.1 (Smuggling, Transporting, or Harboring an Unlawful Alien) to ensure the guidelines appropriately account for the consideration of factors such as the number of humans smuggled and whether the offense involved bodily injury or sexual assault, and possible consideration of amendments that might be appropriate.

(9) Assessing the degree to which certain practices of the Federal Bureau of Prisons are effective in meeting the purposes of sentencing as set forth in 18 U.S.C. 3553(a)(2) and considering any appropriate responses including

possible consideration of recommendations or amendments.

(10) Implementation of any legislation warranting Commission action.

(11) Resolution of circuit conflicts as warranted, pursuant to the Commission’s authority under 28 U.S.C. 991(b)(1)(B) and *Braxton v. United States*, 500 U.S. 344 (1991).

(12) Consideration of other miscellaneous issues coming to the Commission’s attention.

(Authority: 28 U.S.C. 994(a), (o); USSC Rules of Practice and Procedure 2.2, 5.2.)

**Carlton W. Reeves,**  
*Chair.*

[FR Doc. 2025–15457 Filed 8–13–25; 8:45 am]

**BILLING CODE 2210–40–P**

## DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0590]

### Agency Information Collection Activity: Department of Veteran Affairs Acquisition Regulation (VAAR) Clauses 852.237–7, Indemnification and Medical Liability Insurance; 852.228–71, Indemnification and Medical Liability Insurance

**AGENCY:** Procurement Policy and Warrant Management Service (PPS), Office of Procurement Policy, Systems and Oversight, Office of Acquisition and Logistics, Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** Procurement Policy and Warrant Management Service (PPS), Office of Procurement Policy, Systems and Oversight, Office of Acquisition and Logistics, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. DATES: Comments must be received on or before October 14, 2025

**ADDRESSES:** Comments must be submitted through [www.regulations.gov](http://www.regulations.gov).

#### FOR FURTHER INFORMATION CONTACT:

*Program-Specific information:* Forrest Browne, 202–632–9677, [Forrest.Browne@va.gov](mailto:Forrest.Browne@va.gov).

*VA PRA information:* Dorothy Glasgow, 202–461–1084, [VAPRA@va.gov](mailto:VAPRA@va.gov).

**SUPPLEMENTARY INFORMATION:** Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, PPS invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of PPS’s functions, including whether the information will have practical utility; (2) the accuracy of PPS’s estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

*Title:* Department of Veteran Affairs Acquisition Regulation (VAAR) Clauses 852.237–7, Indemnification and Medical Liability Insurance; and 852.228–71, Indemnification and Medical Liability Insurance.

*OMB Control Number:* 2900–0590.  
<https://www.reginfo.gov/public/do/PRAsearch> (Once at this link, you can enter the OMB Control Number to find the historical versions of this Information Collection).

*Type of Review:* Extension of a currently approved collection.

*Abstract:* VAAR clause 852.237–7, Indemnification and Medical Liability Insurance, is used in lieu of Federal Acquisition Regulation (FAR) clause 52.237–7, Indemnification and Medical Liability Insurance, in solicitations and contracts for the acquisition of nonpersonal health care services. It requires the apparent successful bidder/offeror, upon the request of the contracting officer, prior to contract award, to furnish evidence of insurability of the offeror and/or all health-care providers who will perform under the contract. In addition, the clause requires the contractor, prior to commencement of services under the contract, to provide Certificates of Insurance or insurance policies evidencing that the firm possesses the types and amounts of insurance required by the solicitation. The information is required in order to protect VA by ensuring that the firm to which award may be made and the individuals who may provide health care services under the contract are insurable and that, following award, the contractor and its employees will

continue to possess the types and amounts of insurance required by the solicitation. It helps ensure that VA will not be held liable for any negligent acts of the contractor or its employees and ensures that VA and VA beneficiaries will be protected by adequate insurance coverage.

VAAR clause 852.228–71, Indemnification and Insurance, is used in solicitations for vehicle or aircraft services. It requires the apparent successful bidder/offeror, prior to contract award, to furnish evidence that the firm possesses the types and amounts of insurance required by the solicitation. This evidence is in the form of a certificate from the firm's insurance company. The information is required to protect VA by ensuring that the firm to which award will be made possesses the types and amounts of insurance required by the solicitation. It helps ensure that VA will not be held liable for any negligent acts of the contractor

and ensures that VA beneficiaries and the public are protected by adequate insurance coverage.

VA uses the information to determine whether additional contract terms and conditions are necessary to mitigate the conflict. 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.

*Affected Public:* Business or other for profit and not-for-profit institutions.

*Estimated Annual Burden:*

a. VAAR Clause 852.237–7, Indemnification and Medical Liability Insurance—750 hours.

b. VAAR clause 852.228–71, Indemnification and Insurance—250 hours.

*Estimated Average Burden per Respondent:*

a. VAAR Clause 852.237–7, Indemnification and Medical Liability Insurance—30 minutes.

b. VAAR clause 852.228–71, Indemnification and Insurance—30 minutes.

*Frequency of Response:*

a. VAAR Clause 852.237–7, Indemnification and Medical Liability Insurance—1 per each contract awarded.

b. VAAR clause 852.228–71, Indemnification and Insurance—1 per each contract awarded.

*Estimated Number of Respondents:*

a. VAAR Clause 852.237–7, Indemnification and Medical Liability Insurance—1500.

b. VAAR clause 852.228–71, Indemnification and Insurance—500.

*Authority:* 44 U.S.C. 3501 *et seq.*

**Dorothy Glasgow,**

*Acting, VA PRA Clearance Officer, Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.*

[FR Doc. 2025–15445 Filed 8–13–25; 8:45 am]

**BILLING CODE 8320–01–P**



# FEDERAL REGISTER

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Vol. 90

Thursday,

No. 155

August 14, 2025

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## Part II

### Department of Justice

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Antitrust Division

United States, et al. v. UnitedHealth Group Incorporated, et al.; Proposed  
Final Judgment and Competitive Impact Statement; Notice

## DEPARTMENT OF JUSTICE

## Antitrust Division

**United States, et al. v. UnitedHealth Group Incorporated, et al.; Proposed Final Judgment and Competitive Impact Statement**

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h), that a proposed Final Judgment, Stipulation, and Competitive Impact Statement have been filed with the United States District Court for the District of Maryland in *United States of America et al. v. UnitedHealth Group Incorporated, et al.*, Civil Action No. 1:24–cv–03267. On November 12, 2024, the United States filed a Complaint alleging that UnitedHealth Group Incorporated’s proposed acquisition of Amedisys, Inc. would violate Section 7 of the Clayton Act, 15 U.S.C. 18, and that Amedisys, Inc. violated Section 7A of the Clayton Act, 15 U.S.C. 18a. The proposed Final Judgment requires UnitedHealth Group Incorporated and Amedisys, Inc. to divest certain home health, hospice, and palliative care branches and agencies to BrightSpring Health Services, Inc. and The Pennant Group, Inc., and/or to another acquirer acceptable to the United States. It additionally requires Amedisys to pay a \$1.1 million civil penalty for violation of the HSR Act and to conduct antitrust compliance training for certain Amedisys employees.

Copies of the Complaint, proposed Final Judgment, and Competitive Impact Statement are available for inspection on the Antitrust Division’s website at <http://www.justice.gov/atr> and at the Office of the Clerk of the United States District Court for the District of Maryland. Copies of these materials may be obtained from the Antitrust Division upon request and payment of the copying fee set by Department of Justice regulations.

Public comment is invited within 60 days of the date of this notice. Such comments, including the name of the submitter, and responses thereto, will be posted on the Antitrust Division’s website, filed with the Court, and, under certain circumstances, published in the **Federal Register**. Comments should be submitted in English and directed to Jill C. Maguire, Acting Chief, Healthcare and Consumer Products Section, Antitrust Division, Department of Justice, 450 Fifth Street NW, Suite 4100, Washington, DC 20530 (email address:

*ATR.Public-Comments-Tunney-Act-MB@usdoj.gov*).

**Suzanne Morris,**

*Deputy Director Civil Enforcement Operations, Antitrust Division.*

**United States District Court for the District of Maryland**

UNITED STATES OF AMERICA, U.S. Department of Justice, Antitrust Division, 450 Fifth Street NW, Suite 4100, Washington, DC 20530, STATE OF MARYLAND, 200 St. Paul Place, 19th Floor, Baltimore, MD 21202, STATE OF ILLINOIS, 115 S LaSalle Street, Floor 23, Chicago, IL 60603, STATE OF NEW JERSEY, 124 Halsey Street—5th Floor, Newark, NJ 07102, and STATE OF NEW YORK, 28 Liberty Street, New York, NY 10005, Plaintiffs, v. UNITEDHEALTH GROUP INCORPORATED, 9900 Bren Road East, Minnetonka, MN 55343, and AMEDISYS, INC., 3854 American Way, Suite A, Baton Rouge, LA 70816, Defendants.  
Case No. 1:24–cv–03267  
Judge James K. Bredar

**Complaint**

1. Millions of older Americans, some of the most vulnerable patients in our healthcare system, benefit from receiving skilled healthcare in their homes. These patients, who may need extra assistance after a recent hospitalization or require help to manage chronic conditions like heart failure, diabetes, or lung disease, get the chance to recover at home instead of in hospitals or rehabilitation facilities. Millions more hospice patients choose to spend their final days in the comfort of their own homes. Receiving critical healthcare services, emotional support, therapy services, and quality-of-life assistance in the familiarity of their homes allows hospice patients to live out their last days with dignity as pain-free and peacefully as possible.

2. UnitedHealth Group Incorporated (“UnitedHealth”) and Amedisys, Inc. (“Amedisys”) are two of the largest home health and hospice service providers in the country. Today, competition between UnitedHealth and Amedisys benefits millions of Americans who need home health or hospice services. But the proposed merger between UnitedHealth and Amedisys would forever eliminate that competition. Under the law, the proposed merger is presumptively anticompetitive and illegal. The United States and the state Attorneys General of Maryland, Illinois, New Jersey, and New York bring this action to preserve competition in markets that impact many of the most vulnerable patients in America during their most vulnerable moments.

3. The fact that this merger would extinguish competition at the expense of

Americans is not a secret. Indeed, both UnitedHealth and Amedisys recognize the value that direct competition between the two companies provides to patients today. As Amedisys’s former CEO and current Board Chairman said, the “pure competition” between Amedisys and UnitedHealth means the two companies “keep each other honest and we keep driving better and better quality. And who benefits from it? Our patients.” Today, UnitedHealth and Amedisys compete vigorously against each other across their home health and hospice businesses. Amedisys celebrates “stealing share” from UnitedHealth and develops its strategy with UnitedHealth in mind. For its part, UnitedHealth has aspired to “put a dent in Amedisys.” Now, by seeking to acquire Amedisys, UnitedHealth would expand its home health and hospice presence to an additional five states as well as gain nearly 500 locations across 32 states where it already competes.

4. Competition between the two companies also benefits the skilled nurses who provide home health and hospice services. UnitedHealth and Amedisys are each other’s “biggest competition” for employing nurses providing those services. UnitedHealth identifies Amedisys as among its “Main 3” competitors for nurses, targets Amedisys as its “first line of attack” in recruiting campaigns, and celebrates “kicking [Amedisys’s] [\*]ss in hiring.” Nurses who provide home health and hospice services receive better wages and other employment terms as a result of the direct competition between UnitedHealth and Amedisys.

5. UnitedHealth’s plan to extinguish Amedisys as a competitor is the result of an intentional, sustained strategy of acquiring, rather than beating, competition. In 2022, UnitedHealth had concluded that home healthcare—including home health and hospice services—would “grow exponentially as the baby boom ages and as Millennials move into older cohorts.” Recognizing that it could not “build enough capacity internally” to quickly establish the kind of outsized grip on the industry it has amassed elsewhere, in February 2023 UnitedHealth acquired LHC Group, Inc. (“LHC”), which was, at the time, the nation’s third-largest home health provider and a large hospice provider. Now under UnitedHealth’s umbrella, LHC is the second-largest home health provider.

6. Just months after completing its acquisition of LHC, UnitedHealth saw an opportunity to grow even larger. In May 2023, Amedisys—the largest home health and hospice company in the country as of 2022—agreed to merge

with infusion provider OptionCare. But the merger between Amedisys and OptionCare presented a competitive threat to UnitedHealth's goal to "grow exponentially." To prevent that from happening, UnitedHealth was willing to pay. And pay it did, both through what is commonly known as a "breakup fee" to OptionCare for terminating its merger with Amedisys, and then separately by enticing Amedisys with a \$3.3 billion merger offer. Even though Amedisys's Chief Financial Officer and Chief Operating Officer acknowledged in handwritten notes that the OptionCare deal would be better for both employees and patients, Amedisys ultimately agreed to be subsumed into UnitedHealth's fold.

7. The competition at stake with the proposed merger of UnitedHealth and Amedisys is significant. Unlike OptionCare, which did not compete directly with Amedisys, UnitedHealth and Amedisys are direct competitors. If this merger proceeds, the combination of UnitedHealth and Amedisys would result in UnitedHealth's control of 30 percent or more of the home health or hospice services in eight states.

8. The two companies are such large competitors that their proposed merger is presumptively anticompetitive and illegal in hundreds of local markets across America, implicating billions of dollars in commerce.

9. The anticompetitive effects of this merger impact patients, as well as those who do the hard work of caring for those patients: by reducing competition for nursing services. In hundreds of labor markets throughout the country, UnitedHealth's acquisition of Amedisys would eliminate a competing employer and thereby deprive nurses of valuable competition for pay and other employment terms. In short, vulnerable patients and valued nurses in each of these local markets would have fewer choices for home health and hospice services (or for employment) because of the unlawful consolidation of two of the largest competing home health and hospice providers—UnitedHealth and Amedisys.

10. Recognizing the illegal and anticompetitive impact of the proposed merger, Defendants propose to divest assets in hundreds of separate markets to VitalCaring Group ("VitalCaring").

11. The proposed divestiture, however, will not eliminate the threat to competition presented by the merger. VitalCaring will not replace the competitive intensity lost by the merger. The company has operated for only three years, and the hodgepodge of assets that it would acquire would nearly double VitalCaring's size

immediately. Not only does VitalCaring's quality lag behind both UnitedHealth and Amedisys, but several of VitalCaring's previously acquired assets saw quality decrease post-acquisition. VitalCaring's private equity investors have significantly written down their valuations of the company due to its poor financial performance.

12. Worse still, VitalCaring faces a lawsuit in Delaware Chancery Court seeking nearly half-a-billion dollars stemming from its current CEO's alleged breaches of contractual and fiduciary duties while leading a rival home health and hospice provider, Encompass Home Health ("Encompass"). In a related action, a Texas state court held that while CEO of Encompass, VitalCaring's current CEO ran VitalCaring "from the shadows," and in violation of her contractual duties to Encompass.

13. Even if VitalCaring were an adequate buyer, the divestiture does not resolve the competitive overlap in over 100 home health and hospice markets across 19 states and the District of Columbia, accounting for well in excess of \$1 billion in total commerce. Nor does the divestiture address the harm to thousands of home health and hospice nurses in labor markets across 18 states. And the divestiture creates a new presumptively anticompetitive and illegal overlap around Biloxi and Gulfport, Mississippi.

14. In December 2023, as part of the proposed acquisition, Amedisys chose to certify that its submission complied with the Hart-Scott-Rodino Antitrust Improvements Act of 1976 ("HSR Act"). The production was not complete and did not include a statement identifying what was missing, as required by statute. Despite knowing about the infirmities of its production and the inaccuracy of its certification, Amedisys only attempted to rectify the issue months later, after the United States discovered the issues and notified the company of the multiple problems with its HSR Act compliance.

15. Beyond the markets at issue here, this merger would also affect American healthcare more broadly. If UnitedHealth succeeds in buying one of its most significant competitors in these presumptively anticompetitive markets, the nation's three largest home health providers would be owned by the nation's two largest Medicare Advantage insurers—UnitedHealth, through LHC and Amedisys, and Humana, through Kindred (which Humana purchased in 2021). This merger would also further consolidate UnitedHealth's standing as the dominant force in nearly every corner of the American healthcare system. Over the past three years,

UnitedHealth has spent more than \$36 billion acquiring companies in a variety of healthcare settings, turning itself into the largest commercial health insurer in the United States; the largest employer of physicians; the second-largest pharmacy benefit manager; and one of the largest healthcare technology and service vendors.

16. UnitedHealth's acquisition of Amedisys would ensure that UnitedHealth, not competition, would determine outcomes for patients in home health and hospice and for the nurses that provide those services in hundreds of local markets across the country.

17. The vulnerable patients who receive vital home health and hospice services, as well as the nurses who provide those services, deserve the benefits of competition between UnitedHealth and Amedisys. Patients and nurses should not bear the risk of harm from the proposed merger. Nor should they have to accept the gamble that an unproven and struggling divestiture partner can replace the competition that the merger would eliminate.

18. For these reasons, and those detailed below, UnitedHealth's proposed acquisition of Amedisys threatens to substantially lessen competition in local home health, hospice, and nurse labor markets throughout the country. As a result, the United States and the Attorneys General of Maryland, Illinois, New Jersey, and New York respectfully request that the Court enjoin the merger pursuant to Section 7 of the Clayton Act, 15 U.S.C. 18. The United States also respectfully requests that the Court impose civil penalties on Amedisys for its failure to comply with the HSR Act.

### **I. Home Health and Hospice Provide Critical Care to Vulnerable Patients**

19. Home health and hospice services allow millions of vulnerable Americans to rehabilitate, manage chronic conditions, or cope with the end of their lives where they are most comfortable—at home.

20. Home health patients often need extra assistance after a recent hospitalization or are managing chronic conditions like heart failure, diabetes, lung disease, or dementia. Unsurprisingly, they often prefer to receive skilled nursing and therapy services in the comfort of their homes rather than in rehabilitation hospitals or nursing homes. Receiving care at home from skilled nurses and other healthcare professionals helps home health patients regain independence and enjoy the simple pleasures of life—"to walk

outside, check the mail or pick up and hold their grandchild.”

21. Hospice services allow patients, usually seniors, who face terminal conditions such as cancer, heart failure, or lung disease, to enjoy the last days of their lives primarily in their own homes. Receiving nursing care, emotional support, therapy, and quality-of-life assistance in the familiarity of their homes allows hospice patients to spend their last days as pain-free and peacefully as possible. Hospice providers offer a wide range of services to support the physical, psychosocial, spiritual, and emotional needs of terminally ill patients and their family members. Hospice care is provided by interdisciplinary teams of doctors, nurses, therapists, aides, chaplains, counselors, social workers, and volunteers.

22. Because these services are typically offered to patients in their homes, home health and hospice are fundamentally local businesses. Patients generally seek care from home health and hospice agencies that operate in the area around a patient's home. State laws and regulations often limit the areas in which home health and hospice providers can offer services. And providers, like UnitedHealth and Amedisys, tailor services to meet the needs of local populations and employ nurses who are within commuting distance of the patients they serve.

23. Patients can receive home health services while enrolled either in traditional Medicare or Medicare Advantage. Traditional Medicare is a program administered by the Centers for Medicare and Medicaid Services (“CMS”) for people aged 65 years or older, or people younger than 65 if they have a disability or specified diseases. By contrast, Medicare Advantage is a program administered by private insurance plans that is an alternative to traditional Medicare. Approximately half of Medicare-eligible patients use Medicare Advantage. Both CMS, which directly pays for services provided to patients enrolled in traditional Medicare, and Medicare Advantage insurers prefer that eligible patients use home health services for post-acute care because doing so is significantly less expensive than receiving similar care provided in hospitals, rehabilitation centers, or skilled nursing facilities.

24. With respect to hospice, traditional Medicare pays for nearly all hospice services provided in the United States, including for seniors who are otherwise covered by Medicare Advantage. Under Medicare, patients become eligible for hospice coverage once a doctor certifies that a patient has

less than six months left to live, and the patient has chosen to stop any care that aims to cure their underlying disease or illness. This requirement distinguishes hospice from nearly all other healthcare services, which are curative and therefore not substitutes for hospice.

25. Home health and hospice services rely on the ability and expertise of skilled nurses, among other specialists, to provide effective, high-quality, and personalized care. Home health and hospice nurses develop close and meaningful relationships with patients, which many nurses find particularly fulfilling. These nurses spend hours with patients in their homes to provide care and comfort, which can influence patients' recovery and satisfaction with care. Thus, patients benefit when home health and hospice providers attract high quality, compassionate nurses who can help improve patients' condition or care for them in their final days.

26. Within home health and hospice, Medicare regulations and state licensure laws distinguish between two different types of nurses: registered nurses (“RNs”) and licensed practical nurses or licensed vocational nurses (“LPN/LVNs”).<sup>1</sup> As providers of basic medical care, LPN/LVNs are restricted in their scope of duties; they cannot perform initial assessments of patients or work without supervision. By contrast, home health and hospice RNs can perform more advanced clinical duties; they conduct specific types of visits, coordinate care, and supervise other members of a patient's care team, including LPN/LVNs.

27. Home health and hospice nursing differ substantially from other types of nursing. Many home health and hospice nurses prefer to remain in home health and hospice rather than move to a different specialty. Compared to many other types of nursing, home health and hospice typically involve fewer and more flexible hours and greater independence, especially compared to the rigid shifts often required in hospitals. Further, home health and hospice nurses may find their work less hectic than treating acute-care patients in hospitals. And hospice nurses, unlike those in other specialties (including home health), focus on the care, comfort, and quality of life of terminal patients instead of curing these patients. In so doing, they bring compassion to the emotionally taxing circumstances of working with terminally ill patients. Many hospice nurses feel a specific

“calling” to the field. Hospice nursing is “a hard role to fill,” given that the job is “fundamentally helping people die.”

28. Nursing positions in hospitals differ substantially from home health and hospice nursing positions. Hospital nurses work at a fixed location and work side-by-side with doctors and other nurses to provide round-the-clock care; conversely, home health and hospice nurses travel to patients' homes and largely work alone. In the fast-paced and often unpredictable hospital environment, acute-care nurses tend to numerous, very sick patients whose conditions can quickly deteriorate, whereas home health and hospice nurses visit patients who are stable enough to be at home. RNs in hospitals also tend to earn significantly more than RNs working in home health and hospice.

## **II. UnitedHealth and Amedisys Compete Vigorously To Provide Home Health and Hospice Services**

### *A. UnitedHealth and Amedisys Are Two of the Three Largest Home Health and Hospice Providers in the United States*

29. UnitedHealth is a vertically integrated healthcare behemoth and the fifth-largest company in the United States, with revenues of \$372 billion in 2023. By 2022, it concluded that home healthcare—including home health and hospice—would “grow exponentially as the baby boom ages and as Millennials move into older cohorts,” and thus folded LHC into its Optum Health business after acquiring LHC in February 2023. LHC itself grew by rolling up rival home health and hospice providers, acquiring 44 home health or hospice companies across more than 20 states from 2020 to 2023. Through LHC, UnitedHealth now operates over 530 home health locations and over 120 hospice locations, and employs more than 5,000 nurses who provide home health and hospice services. In 2022, LHC collected around \$2.3 billion in revenue, making about 12 million visits annually to patients in 37 states and the District of Columbia.

30. As of 2023, Amedisys is the third-largest provider of both home health and hospice services in the United States. In 2023, Amedisys earned \$2.2 billion in revenue and provided 10.6 million visits to patients in 37 states and the District of Columbia. Like UnitedHealth, Amedisys has grown through acquisitions, having spent more than \$1 billion on acquisitions since 2019. Currently, Amedisys operates over 340 home health locations and over 160 hospice locations, and employs over

<sup>1</sup> Licensed practical nurses and licensed vocational nurses have the same responsibilities, educational preparation, roles, and skill sets, but the name of the position varies between states.

3,600 nurses who provide home health and hospice services.

*B. UnitedHealth and Amedisys Are Significant Competitors in Home Health and Hospice Services*

31. As two of the largest home health providers, UnitedHealth and Amedisys compete head-to-head in many local markets. Before UnitedHealth's acquisition of LHC, Amedisys's former CEO remarked that LHC was "defined by [Amedisys] and will have to keep up with [Amedisys]." Amedisys strategizes to "tak[e] share" and "steal" share from UnitedHealth in local markets, even monitoring UnitedHealth/LHC's expansion following acquisitions.<sup>2</sup> After UnitedHealth announced its acquisition of LHC in 2023, Amedisys's senior executives told investors that this purchase gave Amedisys a chance to steal share from LHC in overlapping markets. Likewise, UnitedHealth competes to "stand out from" and "put a dent in" Amedisys. UnitedHealth/LHC found it "very frustrating" that Amedisys had "gain[ed] on us" in local markets and lamented "being second choice" to Amedisys.

32. UnitedHealth and Amedisys consistently identify each other as significant home health competitors. They carefully monitor each other's initiatives and performance in home health, and UnitedHealth relishes opportunities to make "competitive move[s] to block Amedisys."

33. UnitedHealth and Amedisys acknowledge that they also compete directly in local markets to provide hospice services. They monitor each other's earnings calls and financial performance for information about each other's hospice businesses. UnitedHealth notes when Amedisys's hospice business is "kicking [UnitedHealth's] teeth in" and when its hospice earnings lag behind those of Amedisys. UnitedHealth also monitors Amedisys's hospice acquisitions and, in one instance, expressed concern about Amedisys purchasing a hospice agency because "Amedisys does a lot of things that we do not do—if they get a foothold in [the] county, they will likely push us out." Amedisys similarly tracks UnitedHealth on numerous metrics, including UnitedHealth's hospice admissions and service offerings.

*C. UnitedHealth and Amedisys Compete on Quality and Service Offerings in Home Health and Hospice*

34. To win patients, home health and hospice providers distinguish themselves on numerous factors, including quality of care and service offered to patients. Although efforts to increase or maintain quality and service are costly, higher quality and better service allow UnitedHealth and Amedisys to attract patients directly and to appeal to healthcare providers for patient referrals. As the CEO of UnitedHealth's LHC acknowledged, quality is "critically important" in these industries: "everything is kind of focused and geared towards ensuring we're the highest quality provider[] generating the best outcomes that we can."

35. Home health and hospice providers, including UnitedHealth and Amedisys, receive most of their patients through referrals from other healthcare providers, such as hospitals, physician practices, and skilled nursing facilities. These referral sources identify which patients in their care need home health or hospice services and often provide information to patients and their families to help them select a provider. UnitedHealth and Amedisys compete head-to-head for referrals, tracking each other's strategies and responding to each other's strategic decisions with the goal of stealing share. For home health services, companies with more capacity can get more referrals (and thus more share) because they can accept more patients. Accordingly, their significant capacity differentiates UnitedHealth and Amedisys from smaller companies with less capacity. Indeed, in the words of Amedisys's former CEO and current chairman, "[t]he winners in our world will be those companies that have the capacity to fulfill the demand."

36. In home health, UnitedHealth and Amedisys compete on a variety of quality dimensions, including delivering better clinical outcomes and lower readmission rates to hospitals and skilled nursing facilities. One quality metric considered by patients and by referral sources when guiding patients are CMS's "star ratings," comprised of CMS-published reports summarizing how individual home health agencies perform on various measures in aggregated fashion. CMS also makes star ratings available on its "Care Compare" website, which patients can consult when researching home health providers in their local area. Both UnitedHealth and Amedisys compete against one another for higher star ratings. As Amedisys's former CEO and

current Board Chairman explained, high star ratings equate to a "[r]eferrals increase" and improvements in "[v]olume and revenues," since patients "flock[] to care centers with higher Medicare Star Ratings."

37. CMS quality metrics are also a dimension of competition in hospice. CMS tracks individual hospice provider locations on a variety of metrics representing hospice quality. These quality metrics cover processes at the time of admission, care processes during the hospice period, and the quantity of care provided in a patient's last few days. CMS also surveys the family caregivers of patients who died while under hospice care. This survey is used to create hospice-specific star ratings, which have been published along with other hospice quality measures on CMS's Care Compare website since August 2022.

38. In both home health and hospice, UnitedHealth and Amedisys compete to obtain high quality scores from CMS. As a result, the two companies constantly compare their quality scores and compete for improved scores, celebrating when their respective numbers increase and the other's do not. When Amedisys has higher scores on CMS measures, UnitedHealth endeavors to raise its own scores in response, and UnitedHealth's sales representatives tout higher CMS quality scores as a differentiator from other providers, including Amedisys. For its part, Amedisys arms its sales representatives with its CMS quality scores emblazoned on customized marketing materials.

39. In addition to competing on quality metrics, UnitedHealth and Amedisys laud their ability to admit home health patients quickly, a fact valuable to both patients and referral sources. Defendants also offer specialty home health programs tailored to specific patients. For example, Defendants develop programs aimed at managing specific conditions, such as heart failure or respiratory disease, and deploy them in local areas where those conditions are prevalent. Further, they compete by offering patients more touchpoints with clinicians outside of in-home visits, such as having their staff call patients to follow up. These efforts can meet additional patient needs and drive better patient outcomes, manifesting, for instance, in lower hospital readmission rates. Many of Defendants' smaller, local competitors lack the resources to invest in larger workforces and programs, such as local quality improvement coordinators, that create these advantages.

40. Similarly, in hospice, Defendants strive to admit patients quickly and

<sup>2</sup>For clarity, "UnitedHealth/LHC" is used only in the context of actions taken by LHC before being acquired by UnitedHealth. After that acquisition, LHC is another subsidiary in UnitedHealth's holdings, and is accordingly encompassed in the definition of "UnitedHealth."

offer specialty programs tailored to specific hospice patients—such as veterans or those suffering from dementia, heart failure, or pulmonary conditions, as well as therapies and services not covered by the Medicare hospice benefit. They also compete by offering palliative care, which focuses on relieving the symptoms of serious illness. Palliative care can be a gateway for patients who may need hospice in the near future and is another way that UnitedHealth and Amedisys generate hospice referrals. UnitedHealth considers adding palliative care programs—which are generally not profitable standing alone—in locations where it would help its local hospice provider compete and considers palliative care a “HUGE differentiator” for its hospice business. As with home health services, UnitedHealth and Amedisys can invest in these types of hospice-specific programs to a degree that their smaller competitors typically cannot match. UnitedHealth and Amedisys Compete on Price and Quality to Provide Home Health Services to Medicare Advantage Insurers.

41. Home health providers like UnitedHealth and Amedisys also compete on price and quality to be in-network with third-party Medicare Advantage plans. CMS pays private insurers a set amount for each member enrolled in the insurer’s Medicare Advantage plan. In turn, the plans want to increase profits, improve benefits for their members, and offer low premiums, which they can do by controlling the costs of third-party medical providers such as home health agencies. Medicare Advantage insurers must include coverage for home health services in their insurance offerings.

42. To reduce the costs of these services, Medicare Advantage insurers seek out favorable rates and terms when contracting with home health providers to deliver services across the local areas where their members reside. Medicare Advantage insurers’ members pay less for in-network home health services than for out-of-network services; as a result, in-network home health providers are likely to attract more members from an insurer than are out-of-network providers. These dynamics drive home health providers, including UnitedHealth and Amedisys, to compete by offering lower rates and better terms to third-party Medicare Advantage insurers for inclusion in insurers’ networks. Amedisys, for example, acknowledges that rates with Medicare Advantage plans are “driven down by price competition.” UnitedHealth’s insurance arm acts accordingly, as it has attempted to resist rate increases from

Amedisys for UnitedHealth’s own insurance plans by “cit[ing] that [Amedisys’s] rates are in line with another national provider with a similar footprint (most likely LHC Group).”

*D. UnitedHealth and Amedisys Compete To Hire and Retain Home Health and Hospice Nurses, Including Those With Experience in These Fields*

43. Today, Defendants employ thousands of home health and hospice nurses and compete intensely to hire and retain them. Both companies must continuously hire new nurses to expand their presence and to replace nurses who leave. Home health and hospice nurses can play UnitedHealth and Amedisys off each other during hiring negotiations, resulting in higher pay or better conditions of employment.

44. UnitedHealth and Amedisys consider each other close, substantial competitors in recruiting home health and hospice nurses. UnitedHealth/LHC identified Amedisys as one of its “[m]ain 3” competitors to assess when preparing a report on the value proposition for its home health and hospice employees. UnitedHealth also compares itself to Amedisys on other facets, including working culture, diversity and inclusion, application process, and Glassdoor ratings. Likewise, Amedisys “compare[s] recruiting strategies with close competitors,” including UnitedHealth.

45. As direct competitors, UnitedHealth and Amedisys try to recruit each other’s nurses. For example, UnitedHealth/LHC developed a recruitment plan to target Amedisys’s home health and hospice nurses in the Northeast and Midwest. UnitedHealth and Amedisys have also tried to poach each other’s nurses following acquisitions, leadership changes, and other major company events. For instance, a UnitedHealth/LHC Vice President of Clinical Support worried, “[w]ell I can[’]t have [Amedisys] competing with my team . . . I have 40 more people to hire and I don’t want Amed[isys] to take them!” Conversely, after UnitedHealth announced its acquisition of LHC, Amedisys believed that LHC’s impending ownership by UnitedHealth created the “potential opportunity to grab LHC employees as a result of their acquisition” and sent out a mass email to all LHC employees it had on record “targeting them in all [of Amedisys’s] activities!!”

46. In response to this competition for nurses, UnitedHealth and Amedisys have increased compensation. For example, UnitedHealth retained a nurse who planned to leave for Amedisys by offering her a “market match” to

increase her pay. Similarly, Amedisys increased its sign-on bonus for a nurse position in Lafayette, Louisiana, after hearing that UnitedHealth was offering a higher bonus, and in Chattanooga, Tennessee, Amedisys offered a \$10,000 retention bonus to keep a home health nurse in Amedisys’s “endless battle with LHC” for the highest quality nurses.

47. To ensure their benefit offerings remain competitive, UnitedHealth and Amedisys each track the benefits that the other offers its home health and hospice nurses. UnitedHealth compares its health insurance premiums to Amedisys’s to provide “a competitive benefits package for [its] employees,” and tracks Amedisys’s provision of fleet cars—a highly desirable benefit for some home health and hospice nurses, who travel frequently as part of their job. In turn, Amedisys compares its full suite of benefits—including health insurance, disability insurance, paid leave, and 401(k) matches—to UnitedHealth’s when setting its benefits package.

**III. The Proposed Acquisition Threatens To Substantially Lessen Competition for Home Health, Hospice, and Nurse Employment**

48. UnitedHealth’s proposed acquisition of Amedisys would be the largest and most significant instance of a trend towards concentration in the home health and hospice markets. This proposed acquisition, on its own terms, threatens to substantially lessen competition in hundreds of local markets for home health or hospice services across the country. It would eliminate the fierce head-to-head competition between UnitedHealth and Amedisys that has improved home health and hospice quality and service, helped control home health costs for Medicare Advantage plans, and enhanced compensation and other employment terms for the nurses critical to providing care in these markets.

49. The proposed acquisition would eliminate the benefits of competition between UnitedHealth and Amedisys. Quality and service would likely either deteriorate or improve more slowly without that competition. UnitedHealth’s competitors, many of whom lack the quality, capacity, or resources to compete with UnitedHealth as robustly as Amedisys can, are unable to replace that lost competition. Further, given the high demand for home health services, there are many local areas in which smaller home health providers frequently cannot accept new patients. In these capacity-constrained markets, patients in the local area cannot be placed into home health, and insurers

may struggle to control their costs. Combining UnitedHealth and Amedisys—two of the three largest home health providers with substantial capacity to accept new patients and provide high-quality care—would give UnitedHealth significant and additional bargaining leverage with third-party Medicare Advantage insurers and enable UnitedHealth to command higher reimbursement rates.

50. So, too, the acquisition threatens to substantially lessen competition in the employment prospects, compensation, and other employment terms for home health nurses and hospice nurses. Today, these nurses benefit from direct competition between UnitedHealth and Amedisys to employ them; the complete loss of that competition that would inevitably follow this merger would harm them as well. Experienced home health and hospice nurses, many of whom prefer the unique attributes of home health and hospice nursing, would likely be directly and negatively impacted by the diminished labor-market competition between Defendants.

51. In addition to the elimination of beneficial head-to-head competition, in hundreds of local markets for home health services, hospice services, and nursing employment, UnitedHealth's post-merger market share and concentration levels would be so high that the proposed merger is presumptively anticompetitive and illegal.

#### A. Relevant Markets for Home Health Services

##### 1. Home Health Is a Relevant Service Market

52. Home health services is a relevant service market, and the sale of those services to Medicare Advantage plans is also a relevant service market. In Medicare Advantage markets, insurers negotiate on price with home health providers, unlike in traditional Medicare markets, where CMS sets compensation rates for home health providers.

53. Most patients who can receive home health services prefer to do so rather than remain in an inpatient facility. As well, both CMS and Medicare Advantage insurers recognize that, in addition to satisfying patient demand, home health services are cost effective relative to inpatient or post-acute care received in a facility. UnitedHealth, Amedisys, and other industry participants treat home health services as distinct from other healthcare services when organizing and reporting on their businesses, and CMS

has distinct criteria, often mirrored by Medicare Advantage insurers, that providers and patients must meet to offer or receive home health services.

54. Home health services are used predominantly by patients who are insured by Medicare, either through traditional Medicare or Medicare Advantage plans. For traditional Medicare, home health providers are reimbursed for services provided to patients at non-negotiable rates set by statute and by regulations promulgated by CMS. In contrast to traditional Medicare, Medicare Advantage insurers negotiate with home health providers on rates and terms. Unlike traditional Medicare, patients covered by Medicare Advantage, who often have lower than average incomes, may receive a more limited number of home health visits, owe a co-pay or co-insurance for home health services, and can be restricted to home health providers in their insurer's network. These practical indicia and market realities establish that home health services is a relevant services market.

55. Home health services satisfy the well-accepted "hypothetical monopolist" test set forth in the DOJ and Federal Trade Commission's ("FTC") *Merger Guidelines*.<sup>3</sup> The hypothetical monopolist test helps determine if a group of products or services is sufficiently broad to be a properly defined antitrust market. If a single firm (*i.e.*, a hypothetical monopolist) that controlled all sellers of a set of products or services would impose a small but significant and non-transitory increase in price ("SSNIP") or other worsening of terms ("SSNIPT") without losing sufficient customers to make the SSNIP or SSNIPT unprofitable, then that group of products or services is a properly defined antitrust product or service market.

56. Home health services satisfy the hypothetical monopolist test. Patients would not substitute to other healthcare services (for example, receiving post-acute care in a hospital) to deter a hypothetical monopolist of home health services from imposing a SSNIPT.

57. Similarly, home health services sold to Medicare Advantage insurers satisfy the hypothetical monopolist test. Medicare Advantage insurers and their members would not substitute to other healthcare services in sufficient numbers to deter a hypothetical

monopolist of home health services from imposing a SSNIP or SSNIPT.<sup>4</sup>

##### 2. Local Areas Where Patients Are Treated Constitute Relevant Geographic Markets for Home Health Services

58. Home health patients receive care in their homes from professionals who travel to them. In turn, those professionals typically travel within areas that are a reasonable commute to the home health patients that they serve and the offices of the agencies that employ them. So, patients seeking home health services can only practically turn to agencies who have offices and offer services where those patients live. Medicare Advantage insurers—who market and sell their insurance plans at the county level—require in-network home health agencies in the local areas where their members live. Moreover, in many areas, laws and regulations, such as certificate of need laws, limit the geographic area that a home health provider can serve. As a result, competition to serve patients primarily occurs locally.

59. Localized markets where UnitedHealth or Amedisys treat home health patients are relevant geographic markets in which to assess the competitive effects of the proposed acquisition. A hypothetical monopolist of home health services in each localized geography would profitably impose a SSNIPT (for example, provide fewer services) or, for Medicare Advantage plans, either a SSNIP (for example, higher rates) or a SSNIPT.

##### 3. The Proposed Acquisition Is Presumptively Anticompetitive and Illegal in Hundreds of Home Health Markets

60. Under controlling law, the merger would increase concentration enough to render it presumptively anticompetitive and illegal. *See United States v. Phila. Nat'l Bank*, 374 U.S. 321, 362–64 (1963); *Merger Guidelines*, § 5.3. The proposed acquisition would result in a presumptively unlawful increase in concentration in hundreds of local home health markets, and local markets for home health services sold to Medicare Advantage plans, in at least 23 states and the District of Columbia. Appendix A is a non-exhaustive list of Defendants' home health locations in markets that, after the proposed merger, would become highly concentrated and in which anticompetitive effects can therefore be presumed. The proposed merger is presumptively unlawful in all

<sup>3</sup> Dep't of Justice & Fed. Trade Comm'n, *Merger Guidelines* (2023), available at <https://www.justice.gov/atr/merger-guidelines>.

<sup>4</sup> In the alternative, even if home health services provided to traditional Medicare patients were analyzed as a separate relevant service market, the proposed acquisition is unlawful.

of these markets. In some of these local markets, Defendants' post-merger share would reach monopoly levels. For example, in Maryland's Eastern Shore, UnitedHealth would control more than 75% of home health services provided to traditional Medicare and Medicare Advantage patients. Under any plausible geographic market definition, the volume of commerce in presumptively unlawful home health markets is at least \$1.6 billion annually.

#### *B. Relevant Markets for Hospice Services*

##### *1. Hospice Services Provided to Medicare Beneficiaries Is a Relevant Service Market*

61. Traditional Medicare covers the vast majority of hospice services in the United States. For hospice providers to be reimbursed by traditional Medicare, their services must satisfy distinct CMS regulations unique to hospice. Defendants and other industry participants regard hospice services as distinct from other healthcare services in how they organize and report on their businesses. These practical indicia and market realities establish that hospice services provided to Medicare patients is a relevant service market.

62. A hypothetical monopolist of hospice services provided to traditional Medicare patients would likely impose a SSNIPT without losing sales sufficient to make its worsened terms, including decreased quality or service, unprofitable. In the face of a SSNIPT, traditional Medicare patients would continue to require hospice services, and patients would not shift to services other than hospice in sufficient numbers to make the SSNIPT unprofitable.

##### *2. Local Areas Where Patients Are Treated Constitute Relevant Geographic Markets for Hospice Services*

63. Hospice patients typically receive care in their homes from caregivers who travel to them. And, in turn, those hospice caregivers typically travel within areas that are a reasonable commute to the hospice patients that they serve and the offices of the agencies that employ them. So, patients seeking hospice care can only practicably turn to agencies who have offices and offer services where those patients live. As with home health, in many areas, certificate of need laws, other laws, or regulations limit the geographic area that a hospice provider can serve. Hospice competition therefore primarily occurs locally.

64. Localized markets where UnitedHealth or Amedisys treat hospice

patients are relevant geographic markets in which to assess the competitive effects of the proposed acquisition. A hypothetical monopolist of all hospice services provided to traditional Medicare patients in each localized market would profitably impose a SSNIPT.

##### *3. The Proposed Acquisition Is Presumptively Anticompetitive and Illegal in Dozens of Hospice Markets*

65. The proposed acquisition would result in a presumptively unlawful increase in concentration in dozens of hospice markets in at least eight states. Appendix B is a non-exhaustive list of Defendants' hospice locations in markets that, after the proposed merger, would become highly concentrated and in which anticompetitive effects can therefore be presumed. The merger is presumptively unlawful in all of these markets.

66. As with home health, UnitedHealth's acquisition of Amedisys would result in near-monopoly shares in some local markets. In the area of Parkersburg, West Virginia, for example, after the transaction, UnitedHealth would control more than 90% of hospice services provided to traditional Medicare patients. Under any plausible geographic market definition, the volume of commerce in presumptively unlawful hospice markets is at least \$300 million annually.

#### *C. Relevant Markets for the Labor of Home Health and Hospice Nurses*

##### *1. Home Health and Hospice Nurses Are Relevant Labor Markets*

67. RNs and LPN/LVNs working in home health are each a relevant labor market. RNs working in hospice constitute a separate relevant labor market. The characteristics of home health and hospice work distinguish the nurses who work in these markets from one another, as well as from nurses who work in other healthcare settings. Home health and hospice nursing each involve providing different services to treat different patients in their homes and offer different compensation and working conditions from each other and from other nursing opportunities. Both nurses and employers recognize that home health and hospice nursing have different characteristics from nursing services provided in other settings. These practical indicia and market realities establish that both employment for home health nurses and hospice nurses are each relevant labor markets.

68. A hypothetical monopsonist employer (*i.e.*, a monopolist purchaser of labor) of either home health or

hospice nurses would be able to impose a SSNIPT in the form of lower wages, worse benefits or other employment terms, or worse working conditions. Not enough home health or hospice nurses would shift to alternative forms of nursing to make a SSNIPT unprofitable.

##### *2. The Relevant Geographic Markets for Nurse Labor Are Local*

69. Nurses who work in home health or hospice settings commute to multiple patients each day and to the offices of the agencies that employ them. Thus, the areas where they offer services must be within a reasonable distance of their homes. This means that home health and hospice nurses can only practicably turn to alternative employers who have offices and serve patients residing within a reasonable commuting distance. As a result, the relevant geographic markets for home health and hospice nurse labor are the county or set of counties where a predominant number of nurses reside who are willing to commute to the patients of UnitedHealth or Amedisys for their home health or hospice locations. A hypothetical monopsonist in each of the local markets for home health and hospice nurses would profitably impose a SSNIPT. In response to a SSNIPT, home health and hospice nurses are unlikely to relocate themselves (and potentially their families) outside of their local area to work for another home health or hospice provider or to leave either home health or hospice employment.

##### *3. The Transaction Is Presumptively Anticompetitive and Illegal in Hundreds of Labor Markets*

70. The proposed acquisition would result in a presumptively unlawful increase in concentration in hundreds of local labor markets in at least 24 states. Appendix C is a non-exhaustive list of Defendants' locations in markets in which the transaction would result in a significantly increased concentration for the employment of home health and hospice nurses. In each of these markets, UnitedHealth's proposed acquisition of Amedisys is presumptively unlawful. UnitedHealth's acquisition of Amedisys would cause the combined firm to have near total monopsony shares in several markets. For example, in Maryland's Eastern Shore, after the transaction, UnitedHealth would employ more than 70% of both home health RNs and LPN/LVNs. Under any plausible geographic market definition, the presumptively unlawful labor markets would impact at least 8,000 nurses.

#### **IV. Defendants' Proposed Divestitures Fail To Eliminate the Proposed Acquisition's Threat to Competition**

71. For some markets in which the proposed transaction results in presumptively unlawful increases in concentration, UnitedHealth proposes to divest home health and hospice locations to a much smaller competitor, VitalCaring. But VitalCaring is unlikely to replace the competition that would be lost by UnitedHealth's acquisition of Amedisys, or eliminate the threat to competition the acquisition poses; VitalCaring is an unproven company with only three years of operational experience, poor financial performance, and potentially catastrophic legal exposure.

72. Unlike Defendants' successful home health and hospice businesses, VitalCaring has struggled. Founded in 2021, VitalCaring is owned equally by two private equity firms, The Vistria Group ("Vistria") and Nautic Partners ("Nautic"), as well as VitalCaring's current CEO. To date, VitalCaring's business, which consists of 57 home health and 7 hospice locations in six states in the southeastern United States, performs less than a million visits annually and has continued to underperform financially. VitalCaring's valuation has plummeted since the end of 2021, and its two private equity owners have significantly written down their investments in the company. If the merger is consummated and the divestiture occurs, VitalCaring would acquire—and need to successfully integrate—mix-and-match assets that would double its current size, as well as begin providing services in new local markets in many states where it has no current presence, all in order to have any hope of matching Defendants' present services. VitalCaring's quality metrics also fall short of both Defendants', and, after acquisition by VitalCaring, other providers saw their quality scores decline.

73. Worse still, VitalCaring faces significant liability stemming from Ms. Anthony's alleged breaches of her fiduciary duties to her former employer, rival Encompass (now Enhabit). A Texas state court found in 2022 that VitalCaring's current CEO violated her contractual obligations to Encompass. Specifically, that while CEO of Encompass, she clandestinely worked with Nautic and Vistria "from the shadows" to form VitalCaring before she formally joined it, poaching many of Encompass's employees in the process. These same facts underpin Enhabit's pending lawsuit filed in the Delaware Court of Chancery against VitalCaring,

several of its executives and directors, and its private-equity sponsors for aiding Ms. Anthony's alleged breaches of her fiduciary duties. Enhabit seeks nearly half a billion dollars in damages, and a decision in the case is expected any day. An adverse judgment in this lawsuit could imperil VitalCaring's corporate viability or its ability to operate the divested assets with the competitive intensity sufficient to replace the competition lost from Defendants' unlawful merger.

74. Apart from VitalCaring's inadequacies that draw into question whether a divestiture of any assets to it could be successful, UnitedHealth's divestiture would still leave over 100 home health, hospice, and nurse labor markets unremedied. UnitedHealth's acquisition of Amedisys would increase concentration in these markets to levels at which anticompetitive effects are presumed and the transaction is unlawful. These unremedied markets annually generate at least a billion dollars in revenue and serve at least 200,000 patients; they also employ at least 4,000 nurses.

75. Further, UnitedHealth's proposed divestiture would also create an additional anticompetitive overlap in the area of Biloxi and Gulfport, Mississippi. In this market, VitalCaring's acquisition of divestiture assets would increase concentration to a level that is presumptively unlawful.

#### **V. No Countervailing Factors Rebut the Presumption of Competitive Harm From the Proposed Acquisition**

76. Entry or expansion by other home health and hospice providers would not alleviate the substantial harm to competition threatened by this proposed merger. Home health and hospice markets feature high barriers to entry and expansion. Among other barriers to entry, laws and regulations, such as certificate of need laws, prevent or significantly delay new entry in many areas. UnitedHealth's and Amedisys's strategies of growth by acquiring other home health and hospice providers reflect the difficulty of entry or expansion in home health and hospice services.

77. In addition, the merger is unlikely to generate verifiable, merger-specific efficiencies in the relevant markets, let alone enough to sufficiently prevent or outweigh the significant anticompetitive effects that are likely to occur.

#### **VI. Amedisys Violated Section 7A of the Clayton Act**

##### *A. The HSR Act and HSR Rules*

78. The HSR Act, also known as Section 7A of the Clayton Act, 15 U.S.C. 18a, is an essential part of modern antitrust enforcement. Among other things, it requires the buyer and seller of voting securities or assets above a certain value<sup>5</sup> to notify the DOJ's Antitrust Division and the FTC prior to consummating the acquisition, so as to provide the agencies with sufficient opportunity to review proposed transactions and to determine whether to seek an injunction to prevent transactions that may violate the antitrust laws.

79. Section 7A(e) of the HSR Act authorizes the investigating agency to require merging parties to produce "additional information or documentary material relevant to the proposed acquisition." 15 U.S.C. 18a(e)(1)(A). Demands for information under Section 7A(e) are commonly known as "Second Requests." Second Requests prevent the parties from closing their transaction until 30 days after the parties have provided the investigating agency with "all the information and documentary material" requested. 15 U.S.C. 18a(e)(2)(A). A party that does not provide all materials required by the Second Request must provide "a statement of the reasons for such noncompliance." 15 U.S.C. 18a(e)(2)(B). The FTC, with the concurrence of the Antitrust Division, is authorized to promulgate rules defining terms used in the Act and other rules that are necessary and appropriate to carry out the purposes of the notification and waiting period provisions. 15 U.S.C. 18a(d)(2). The HSR Act Rules are promulgated at 16 CFR 801–803.

80. For transactions such as the proposed acquisition of Amedisys, the waiting period ends 30 days after a party provides all the information required by the Second Request or provides a partial response along with a statement of reasons for noncompliance. 15 U.S.C. 18a(b)(1)(B), (e)(2)(b). Accordingly, the HSR Rules require that a party's final submission in response to a Second Request be accompanied by a certification attesting that the information provided is "true, correct, and complete in accordance with the statute and rules." 16 CFR 803.6(a)(2), (b); Notification and Report Form, appendix to 16 CFR pt. 803.

<sup>5</sup> UnitedHealth's \$3.3 billion acquisition of Amedisys is subject to the HSR Act's notification requirements.

81. Under Section 7A(g) of the Clayton Act, 15 U.S.C. 18a(g), a corporation that fails to comply with the HSR Act is liable to the United States for a civil penalty for each day it is in violation. The maximum amount of civil penalty during the period relevant to this Complaint was \$51,744 per day. Federal Civil Penalties Inflation Adjustment Act of 2015, Public Law 114–74 § 701 (further amending the Federal Civil Penalties Inflation Adjustment Act of 1990); Rule 1.98, 16 CFR 1.98, 89 FR 1,445 (Jan. 10, 2024).

*B. Despite Providing an Erroneous and Inaccurate Submission, Amedisys Certified That It Was Complete and Did Not Identify What Was Missing*

82. On July 5, 2023, UnitedHealth and Amedisys filed HSR notifications with the FTC and the Antitrust Division. On August 4, 2023, the Antitrust Division issued Second Requests to UnitedHealth and Amedisys requiring documents, data, and information about the companies, the industry, and the merger. These Second Requests included detailed instructions for compliance. If any responsive documents or information had been lost or destroyed, Section (e)(2)(B) of the HSR Act, Section 803.3 of the HSR Rules, and Instruction 15 of the Second Requests required each Defendant to inform the Antitrust Division and explain what happened.

83. In summer 2023, Amedisys first became aware of a potential problem with the email archiving system that it relied on to maintain documents related to litigation or responsive to regulatory requests. This problem persisted for an approximately 30-day period between May–June 2023, coinciding with UnitedHealth and Amedisys’s negotiation of their proposed merger. After discovery of the problem with the email archiving system, the May–June 2023 emails were not recovered from that system, and the issue remained unresolved by the vendor on December 18, 2023.

84. On December 18, 2023, Amedisys certified that that it had complied with its Second Request and that its response was “true, correct, and complete in accordance with the statute and rules” as required by Section 803.6 of the HSR Rules. But that certification was erroneous and inaccurate because Amedisys failed to provide a statement of reasons for its partial compliance with the Second Request and to disclose the missing emails from May–June 2023, during which UnitedHealth and Amedisys were negotiating the proposed merger.

85. Amedisys also failed to produce any hard copy documents from any custodian prior to its December 18, 2023 certification, despite Amedisys’s knowledge of the existence of such hard copy documents. For example, in his June 2023 book, Amedisys’s former CEO and current Chairman of the Board touted his copious handwritten notes about his “Amedisys journey.”

86. Amedisys also knew of, but failed to produce, text messages for over half of its custodians prior to its December 18, 2023 certification. In a few instances, some text messages called for by the Second Request may have been permanently lost.

87. Amedisys did not acknowledge its deficiencies until the Division found and presented evidence of them. For over eight months after its erroneous and inaccurate December 18, 2023 certification, Amedisys produced more than 2.5 million additional documents—including hundreds of thousands of emails, hard copy documents, and text messages that predated its December 18, 2023 certification—to complete its response to the Second Request. These post-December 18, 2023 productions represent a greater volume of documents than Amedisys produced before certifying compliance with the Second Request on December 18, 2023. And these belated productions included materials from earlier in 2023 that were clearly relevant to the potential impact of this merger on competition in the markets for home health and hospice services and for nurses’ labor. They included, for example: an email from Amedisys’s current CEO to other C-Suite executives debating the risks related to the transaction and likely divestitures; a text message from Amedisys’s Senior Vice President of Revenue Cycle Management discussing how UnitedHealth is “[l]ocking up the home health and hospice market in many locations;” and a hard copy document from Amedisys’s Chief Financial Officer and Chief Operating Officer describing UnitedHealth’s offer as “opportunistic.”

88. More than eight months after its erroneous and inaccurate certification, on August 26, 2024, Amedisys submitted a second certification in accordance with Section 803.6 of the Rules attesting compliance with its Second Request.

89. Amedisys was continuously in violation of the requirements of the HSR Act each day beginning on December 18, 2023, until it submitted a second certification attesting that it had submitted a complete response to its Second Request on August 26, 2024.

## VII. Jurisdiction and Venue

90. Plaintiff United States brings this action pursuant to Section 15 of the Clayton Act, 15 U.S.C. 25, to restrain Defendants from violating Section 7 of the Clayton Act, 15 U.S.C. 18.

91. Plaintiff States, by and through their respective Attorneys General, bring this action in their respective sovereign capacities and as *parens patriae* on behalf of the citizens, general welfare, and economy of their respective States under their statutory, equitable, or common law powers, and pursuant to Section 16 of the Clayton Act, 15 U.S.C. 26, to prevent and restrain Defendants from violating Section 7 of the Clayton Act, 15 U.S.C. 18.

### A. Jurisdiction

92. Defendants are both engaged in, and their activities substantially affect, interstate commerce. UnitedHealth provides home health and hospice services in many states. Amedisys also provides home health and hospice services in numerous states. The Court therefore has subject-matter jurisdiction over this action under 15 U.S.C. 25 and 28 U.S.C. 1331, 1337(a), and 1345.

### B. Personal Jurisdiction and Venue

93. Defendants conduct business within the District of Maryland; UnitedHealth has 14 home health locations in Maryland, and Amedisys has 12 home health and hospice locations in the state. UnitedHealth also has both an orientation and training center and a separate “Network Management” center in Columbia, Maryland, as well as a remote billing office, that employs 100 individuals, in Frederick, Maryland to support its home health business. Defendants are thus subject to personal jurisdiction within this District and venue is proper under 15 U.S.C. 22 and 28 U.S.C. 1391.

## VIII. Violations Alleged

### COUNT I: SECTION 7 OF THE CLAYTON ACT

(By Plaintiffs Against UnitedHealth and Amedisys)

94. Plaintiffs hereby incorporate paragraphs 1 through 93 above as if set forth fully herein.

95. Unless enjoined, the effect of the proposed acquisition may be to substantially lessen competition for home health services in hundreds of local markets throughout the United States (“relevant home health markets”), in violation of Section 7 of the Clayton Act, 15 U.S.C. 18, by:

a. Increasing concentration in the relevant home health markets to levels that are so clearly indicative of lessened

competition as to render UnitedHealth's acquisition presumptively unlawful;

b. Eliminating head-to-head competition in the relevant home health markets;

c. Stagnating or worsening non-price dimensions of competition, such as quality and service, in the relevant home health markets;

d. Raising prices and worsening terms for patients in markets for home health services sold to Medicare Advantage; and

e. Reducing competition generally in the relevant home health markets.

96. Unless enjoined, the effect of the proposed acquisition may be to substantially lessen competition for hospice services provided to traditional Medicare beneficiaries in dozens of local markets throughout the United States ("relevant hospice markets"), in violation of Section 7 of the Clayton Act, 15 U.S.C. 18, by:

a. Increasing concentration in the relevant hospice markets to levels that are so clearly indicative of lessened competition as to render UnitedHealth's acquisition presumptively unlawful;

b. Eliminating head-to-head competition in the relevant hospice markets;

c. Stagnating or worsening non-price dimensions of competition, such as quality and service, in the relevant hospice markets; and

d. Reducing competition generally in the relevant hospice markets.

97. Unless enjoined, the effect of the proposed acquisition may be to substantially lessen competition for the labor of home health and hospice nurses in hundreds of local markets throughout the United States ("relevant labor markets"), in violation of Section 7 of the Clayton Act, 15 U.S.C. 18, by:

a. Increasing concentration in the relevant labor markets to levels that are so clearly indicative of lessened competition as to render UnitedHealth's acquisition presumptively unlawful;

b. Eliminating head-to-head competition in the relevant labor markets for (1) home health nurses and (2) hospice nurses;

c. Stagnating or worsening wages and other employment terms in the relevant labor markets; and

d. Reducing competition generally in the relevant labor markets.

## COUNT II: VIOLATION OF THE HSR ACT

(By the United States Against Amedisys)

98. Plaintiff United States hereby incorporates paragraphs 1 through 97 above as if set forth fully herein.

99. On December 18, 2023, Amedisys chose to submit to the Antitrust

Division a certification attesting that it had complied with its Second Request and that its response was "true, correct, and complete" in accordance with the statute and the Rules. At the time of the certification, as Amedisys was aware, its response was not true, correct, or complete in accordance with the statute and the Rules. Amedisys did not identify, as required by statute, the information missing from its production.

100. Amedisys submitted a second certification attesting compliance with its Second Request on August 26, 2024, asserting that its compliance was complete.

101. Amedisys was in continuous violation of the requirements of the HSR Act each day beginning on December 18, 2023, until at least August 26, 2024.

## IX. Request for Relief

102. Plaintiffs collectively request that, as to Defendants, the Court:

a. Adjudge and decree UnitedHealth's acquisition of Amedisys to violate Section 7 of the Clayton Act, 15 U.S.C. 18;

b. Permanently enjoin Defendants from consummating the proposed acquisition or from entering into or carrying out any other contract, agreement, or understanding, the effect of which would be to combine UnitedHealth and Amedisys;

c. Award Plaintiffs an amount equal to their costs and fees incurred in bringing this action; and

d. Grant Plaintiffs other such relief that the Court deems just and proper.

103. Plaintiff United States requests that, as to Defendant Amedisys, the Court:

a. Adjudge and decree that Defendant Amedisys violated the HSR Act, 15 U.S.C. 18a, and that Defendant Amedisys was in violation of the Act for, at a minimum, each day of the period from the time of its erroneous and inaccurate certification on December 18, 2023, through at least the date it re-certified compliance on August 26, 2024;

b. Order Defendant Amedisys to pay the United States an appropriate civil penalty as provided by the HSR Act, 15 U.S.C. 18a(g), the Federal Civil Penalties Inflation Adjustment Improvements Act of 2015, Public Law 114-74, 129 Stat. 599 (2015) (amending the Federal Civil Penalties Inflation Adjustment Act, Pub. L. 101-410, 104 Stat. 890 (codified at 28 U.S.C. 2461 note)), and the Federal Trade Commission Rule 16 CFR Part 1, 89 FR 1446 (Jan. 10, 2024);

c. Award Plaintiff an amount equal to its costs and fees incurred in bringing this action;

d. Grant Plaintiff other such relief that the Court deems just and proper.

Dated: November 12, 2024.

Respectfully submitted,

FOR PLAINTIFF UNITED STATES OF AMERICA:

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### United States District Court for the District of Maryland

UNITED STATES OF AMERICA, *Et al.*,  
Plaintiffs, v. UNITEDHEALTH GROUP  
INCORPORATED and AMEDISYS, INC.  
Defendants.

Case No. 1:24-cv-03267  
Judge James K. Bredar

### Proposed Final Judgment

Whereas, Plaintiff, United States of  
America, along with the Attorneys  
General of Maryland, Illinois, New  
Jersey, and New York (collectively, the

“Plaintiff States”), filed their Complaint  
on November 12, 2024;

And whereas, the United States,  
Plaintiff States, and Defendants,  
UnitedHealth Group Incorporated and  
Amedisys, Inc., have consented to entry  
of this Final Judgment without the  
taking of testimony, without trial or  
adjudication of any issue of fact or law,  
and without this Final Judgment  
constituting any evidence against or  
admission by any party relating to any  
issue of fact or law;

And whereas, Defendants agree to  
make certain divestitures and to  
undertake certain actions to resolve  
claims that Defendants’ merger would  
allegedly violate Section 7 of the  
Clayton Act, 15 U.S.C. 18, and  
Defendant Amedisys agrees to  
undertake certain actions to resolve the  
claim that Amedisys allegedly violated  
Section 7A of the Clayton Act, also  
known as the Hart-Scott-Rodino  
Antitrust Improvements Act of 1976  
(“HSR Act”), 15 U.S.C. 18a;

And whereas, Defendants represent  
that the divestitures and other relief  
required by this Final Judgment can and  
will be made and that Defendants will  
not later raise a claim of hardship or  
difficulty as grounds for asking the  
Court to modify any provision of this  
Final Judgment or claim that any  
provision of this Final Judgment is  
unenforceable because it is unclear or  
ambiguous;

Now therefore, it is ordered, adjudged,  
and decreed:

### I. Jurisdiction

The Court has jurisdiction over the  
subject matter of and each of the parties  
to this action. The Complaint states a  
claim upon which relief may be granted  
against Defendants under Section 7 of  
the Clayton Act (15 U.S.C. 18) and  
against Defendant Amedisys under  
Section 7A of the Clayton Act (15 U.S.C.  
18a).

### II. Definitions

As used in this Final Judgment:

A. “UnitedHealth” means Defendant  
UnitedHealth Group Incorporated, a  
Delaware corporation with its  
headquarters in Eden Prairie,  
Minnesota, its successors and assigns,  
and its subsidiaries, and divisions, and  
controlled groups, affiliates,  
partnerships, and joint ventures, and  
their directors, officers, managers,  
agents, and employees.

B. “Amedisys” means Defendant  
Amedisys, Inc., a Delaware corporation  
with its headquarters in Baton Rouge,  
Louisiana, its successors and assigns,  
and its subsidiaries, and divisions, and  
controlled groups, affiliates,

partnerships, and joint ventures, and  
their directors, officers, managers,  
agents, and employees.

C. “BrightSpring” means BrightSpring  
Health Services, Inc., a Delaware  
corporation with its headquarters in  
Louisville, Kentucky, its successors and  
assigns, and its subsidiaries, divisions,  
groups, affiliates, partnerships, and joint  
ventures, and their directors, officers,  
managers, agents, and employees.

D. “Pennant” means The Pennant  
Group, Inc., a Delaware corporation  
with its headquarters in Eagle, Idaho, its  
successors and assigns, and its  
subsidiaries, divisions, groups,  
affiliates, partnerships, and joint  
ventures, and their directors, officers,  
managers, agents, and employees.

E. “Acquirer(s)” means BrightSpring,  
Pennant, or another entity approved by  
the United States, in its sole discretion,  
to which Defendants divest the  
Divestiture Assets.

F. “Additional Divestiture Assets”  
means the home health branches or  
agencies listed in Schedule C.

G. “Additional Regulatory  
Approval(s)” means any approval or  
clearance from any local, state, or  
federal healthcare authority (including  
approval from any certificate-of-need  
authority or the Centers for Medicare  
and Medicaid Services) for the Schedule  
B Assets (without reducing the service  
areas of the Schedule B Assets as they  
existed as of July 17, 2025) required to:  
(i) operate as home health branches or  
agencies separately from any home  
health branch or agency that will not be  
divested to an Acquirer pursuant to this  
Final Judgment; or (ii) be reassigned to  
home health agencies that either are  
already owned by an Acquirer as of the  
date of the initial filing of the Proposed  
Final Judgment in this matter or will be  
owned by an Acquirer following a  
divestiture required by this Final  
Judgment.

H. “Divestiture Assets” means:

1. all of Defendants’ rights, titles, and  
interests in and to the following  
property and assets, wherever located,  
related to or used in the branches and  
agencies identified in the Divestiture  
Schedules and used in the business of  
providing home health or hospice  
services:

1. all branch or agency offices and  
facilities, and all other real property,  
including fee simple interests, real  
property leasehold interests and  
renewal rights thereto, improvements to  
real property, and options to purchase  
any adjoining or other property, together  
with all buildings, facilities, and other  
structures;

2. all contracts, contractual rights, or  
other agreements, commitments, and

understandings relating to employment of Relevant Personnel who elect employment with an Acquirer pursuant to Paragraph IV.M within 180 calendar days of the Divestiture Date;

3. all interests in any joint venture listed in Schedule D;

4. all contracts, contractual rights, and customer relationships, and all other agreements, and commitments, including supply agreements, teaming agreements, and leases, and all outstanding offers or solicitations to enter into a similar arrangement;

5. all licenses, permits, certifications, approvals, consents, registrations, waivers, and authorizations, including those issued or granted by any governmental organization, and all pending applications or renewals;

6. records and data reflecting (a) current and historical patient contact information, claims and remittance information, clinical information, underlying electronic data, and files that contain any current or historical patient records, (b) employment, wage, salary, and personnel records relating to Relevant Personnel who elect employment with an Acquirer pursuant to Paragraph IV.M within 180 calendar days of the Divestiture Date, (c) customer lists, accounts, sales, and credit records, and (d) production, repair, maintenance, and performance records; and

2. all of Defendants' rights, titles, and interests in and to all other property and assets, tangible and intangible, wherever located, primarily related to or used in the branches and agencies identified in the Divestiture Schedules and used in the business of providing home health or hospice services, including:

1. all tangible personal property, including fixed assets, machinery and manufacturing equipment, tools, vehicles, inventory, materials, office equipment and furniture, computer hardware, and supplies;

2. all records and data not described in Paragraph II.H.1.f, including manuals and technical information Defendants provide to their own employees, customers, suppliers, agents, or licensees;

3. all intellectual property owned, licensed, or sublicensed, either as licensor or licensee, including (a) patents, patent applications, and inventions and discoveries that may be patentable, (b) registered and unregistered copyrights and copyright applications, and (c) registered and unregistered trademarks, trade dress, service marks, trade names, and trademark applications; and

4. all other intangible property, including (a) commercial names and d/

b/a names, (b) technical information, (c) know-how, trade secrets, design protocols, specifications for materials, specifications for parts, specifications for devices, safety procedures (e.g., for the handling of materials and substances), quality assurance and control procedures, and (d) design tools and simulation capabilities.

*Provided, however*, that the assets specified in this Paragraph II.H do not include the Excluded Assets, Payer Contracts, or Shared Contracts.

I. "Divestiture Date" means the date, separately for each Acquirer, on which any Divestiture Assets or Additional Divestiture Assets are divested to that Acquirer pursuant to this Final Judgment. There may be multiple Divestiture Dates.

J. "Divestiture Schedules" means the home health, hospice, or palliative care branches or agencies listed in Schedules A and B and, if the conditions in Paragraph IV.B are satisfied, the Additional Divestiture Assets listed in Schedule C.

K. "Excluded Assets" means the assets listed in Schedule E.

L. "Including" means including, but not limited to.

M. "Merger Clearances" refers to the completion of any notice and waiting period prescribed by Ind. Code § 25–1–8.5–4 or the suspensory review period prescribed by West Virginia Code § 16–2D–8.

N. "Payer Contracts" means contracts, contractual rights, customer relationships, agreements, commitments, or understandings with any private payer relating to negotiated rates for home health or hospice services.

O. "Regulatory Approval(s)" means any approval or clearance from any local, state, or federal healthcare authority (including approval from any certificate-of-need authority or the Centers for Medicare and Medicaid Services), or any notice to such an authority, required for Acquirers to own or operate each branch and agency listed in Schedule A within its service area as of July 17, 2025.

P. "Relevant Personnel" means all full-time, part-time, or contract employees (including nurses, other healthcare professionals, and business development and account executives) of the Defendants, wherever located, who: (i) were assigned solely to a branch or agency listed in the Divestiture Schedules as of July 17, 2025; (ii) conduct patient visits and who treated patients assigned to the branches and agencies identified in the Divestiture Schedules in at least 50% of their patient visits conducted between July 1,

2024 and June 30, 2025; or (iii) if not responsible for patient visits, spent at least 50% of their time between July 1, 2024 and June 30, 2025, supporting the branches and agencies identified in the Divestiture Schedules. *Provided, however*, that (a) Relevant Personnel does not include employees employed by the Salisbury, Maryland branch listed in Schedule A (CMS Branch ID 21Q711000) as of July 17, 2025, except for those personnel whom Defendants have agreed will be subject to Paragraph IV.M; and (b) Relevant Personnel includes personnel employed by the HomeCall Salisbury, Maryland branch located at 910 Eastern Shore Drive, Salisbury, Maryland (CMS Branch ID 21Q7066007) as of July 17, 2025. The United States, in its sole discretion, will resolve any disagreement relating to which employees are Relevant Personnel.

Q. "Schedule B Assets" means the home health branches or agencies listed in Schedule B.

R. "Shared Contracts" means contracts, contractual rights, agreements, commitments, or understandings that relate to both a branch or agency listed in the Divestiture Schedules and a branch or agency retained by the Defendants.

### III. Applicability

A. This Final Judgment applies to UnitedHealth and Amedisys, as defined above, and all other persons in active concert or participation with any Defendant who receive actual notice of this Final Judgment.

B. If, prior to complying with Section IV and Section V of this Final Judgment, Defendants sell or otherwise dispose of all or substantially all of their assets or of business units that include the Divestiture Assets, Defendants must require any purchaser to be bound by the provisions of this Final Judgment. Defendants need not obtain such an agreement from BrightSpring or Pennant.

### IV. Divestitures

A. For each of the respective divestitures required pursuant to this Paragraph IV.A, Defendants are ordered and directed, within 75 calendar days after the Court's entry of the Asset Preservation/Hold Separate Stipulation and Order in this matter or within 60 calendar days of receipt of all necessary Merger Clearances, whichever is later, to divest the relevant Divestiture Assets, except for the Additional Divestiture Assets, in a manner consistent with this Final Judgment to BrightSpring and Pennant, as specified in the Divestiture Schedules, or to another Acquirer

acceptable to the United States, in its sole discretion, after consultation with any affected Plaintiff State. The United States, in its sole discretion, may agree to one or more extensions of this time period and will notify the Court of any extensions. For the avoidance of doubt, the timelines set forth above shall apply individually to each specific divestiture transaction such that the Merger Clearances required for one divestiture transaction will not provide a basis to delay the closing of another divestiture transaction.

B. If at any time after the Court's entry of the Asset Preservation/Hold Separate Stipulation and Order in this matter, an Acquirer is notified in writing of a final determination (1) by a state or local healthcare authority that a Schedule B Asset will not be permitted to maintain home health operations in its service area as it existed as of July 17, 2025, because the Schedule B Asset did not receive a necessary Additional Regulatory Approval, as a result of that Schedule B Asset not being associated with an Additional Divestiture Asset; or (2) by the Centers for Medicare & Medicaid Services ("CMS") that Acquirer will not be permitted to bill for the treatment of Medicare or Medicaid patients by (i) obtaining a CMS Certification Number ("CCN") or enrolling under the CCN of an agency owned by the Acquirer, or (ii) before obtaining a CCN or enrolling under the CCN of an agency owned by the Acquirer, using a Billing Services Agreement, then Defendants must, within 75 calendar days from the date of the notification to that Acquirer, divest to the Acquirer the Additional Divestiture Assets originally associated with the Schedule B Asset, unless a longer period is approved by the United States in its sole discretion. *Provided, however,* that if any Additional Regulatory Approvals for one or more Schedule B Asset have not been obtained within 18 months after the Court's entry of the Asset Preservation/Hold Separate Stipulation and Order in this matter, Defendants must divest the corresponding Additional Divestiture Assets to the relevant Acquirer. If the United States determines, in its sole discretion, that Defendants are using best efforts to obtain Additional Regulatory Approvals and the Acquirer is likely to obtain Additional Regulatory Approvals if additional time is granted, the United States will agree to one or more extensions of the 18-month time period and will notify the Court of any extensions.

C. Defendants must use best efforts to facilitate BrightSpring, Pennant, or another Acquirer to obtain the

Regulatory Approvals and the Additional Regulatory Approvals as promptly as possible.

D. For all contracts, agreements, and customer relationships (or portions of such contracts, agreements, and customer relationships) included in the Divestiture Assets, Defendants must assign or otherwise transfer all contracts, agreements, and customer relationships to Acquirers within the deadlines set forth in Paragraph IV.A and, if applicable IV.B; *provided, however,* that for any contract or agreement that requires the consent of another party to assign or otherwise transfer, Defendants must use best efforts to accomplish the assignment or transfer. Defendants must not interfere with any negotiations between Acquirers and a contracting party.

E. For all joint ventures listed in Schedule D, Defendants must assign or otherwise transfer all interests in the joint ventures to an Acquirer within the deadlines set forth in Paragraph IV.A; *provided, however,* that for any contract or agreement that requires the consent of another party to assign or otherwise transfer, Defendants must use best efforts to accomplish the assignment or transfer. Defendants must not interfere with any negotiations between any Acquirer and any other party to joint venture listed in Schedule D. For 12 months following entry of the Final Judgment, Defendants may not, without the prior written authorization of the United States in its sole discretion, enter into any new joint venture relating to the provision of home health or hospice care with any of the parties to the joint ventures listed in Schedule D where such new joint venture would operate within the service area of a joint venture in Schedule D.

F. Defendants must use best efforts to divest the Divestiture Assets as expeditiously as possible. Defendants must take no action that would jeopardize the completion of the divestitures ordered by the Court, including any action to impede the permitting, operation, or divestiture of the Divestiture Assets.

G. Unless the United States otherwise consents in writing, the divestitures pursuant to this Final Judgment must include the entire Divestiture Assets and must be accomplished in such a way as to satisfy the United States, in its sole discretion, after consultation with any affected Plaintiff State, that the Divestiture Assets can and will be used by Acquirers as part of viable, ongoing businesses providing home health care and hospice care.

H. The divestiture must be made to Acquirers that, in the United States' sole

judgment, after consultation with any affected Plaintiff State, have the intent and capability, including the necessary managerial, operational, technical, and financial capability, to compete effectively in the provision of home health care and hospice care in the areas in which the Divestiture Assets are located.

I. The divestiture must be accomplished in a manner that satisfies the United States, in its sole discretion, after consultation with any affected Plaintiff State, that none of the terms of any agreement between an Acquirer and Defendants give Defendants the ability unreasonably to raise an Acquirer's costs, to lower an Acquirer's efficiency, to lower an Acquirer's quality, or otherwise interfere in the ability of an Acquirer to compete effectively in the provision of home health care and hospice care in the area in which the Divestiture Asset to be acquired by the Acquirer is located.

J. Divestiture of the Divestiture Assets may be made to one or more Acquirers, provided that it is demonstrated to the sole satisfaction of the United States, after consultation with any affected Plaintiff State, that the criteria required by Paragraphs IV.G, IV.H, and IV.I will still be met.

K. In the event Defendants are attempting to divest the Divestiture Assets to an Acquirer other than BrightSpring or Pennant, Defendants promptly must make known, by usual and customary means, the availability of the Divestiture Assets. Defendants must inform any person making an inquiry relating to a possible purchase of the Divestiture Assets that the Divestiture Assets are being divested in accordance with this Final Judgment and must provide that person with a copy of this Final Judgment. Defendants must offer to furnish to all prospective Acquirers, subject to customary confidentiality assurances, all information and documents relating to the Divestiture Assets that are customarily provided in a due diligence process; *provided, however,* that Defendants need not provide information or documents subject to the attorney-client privilege or work-product doctrine. Defendants must make all information and documents available to the United States and any affected Plaintiff State at substantially the same time that the information and documents are made available to any prospective Acquirer.

L. Defendants must provide prospective Acquirers with (1) access to make inspections of the Divestiture Assets; (2) access to all environmental, zoning, state licenses, certificates from the Centers for Medicare and Medicaid

Services, certificates of needs (or equivalent documents), and other permitting documents and information relating to the Divestiture Assets; and (3) access to all financial, operational, or other documents and information relating to the Divestiture Assets that would customarily be provided as part of a due diligence process. Defendants also must disclose all encumbrances on any part of the Divestiture Assets, including on intangible property.

M. Defendants must cooperate with and assist Acquirers in identifying and, at the option of Acquirers, hiring all Relevant Personnel, including:

1. Within 10 business days following the entry of the Asset Preservation/Hold Separate Stipulation and Order in this matter, Defendants must identify all Relevant Personnel to Acquirers, the United States, and any affected Plaintiff State, including by providing organization charts covering all Relevant Personnel.

2. Within 10 business days following receipt of a request by an Acquirer, the United States, any affected Plaintiff State, or the monitor, Defendants must provide to that Acquirer, the United States, any affected Plaintiff State, and the monitor additional information relating to Relevant Personnel, including name, job title, reporting relationships, past experience, responsibilities, training and educational histories, relevant certifications, and job performance evaluations. Defendants must also provide to Acquirers, the United States, and the monitor information relating to current and accrued compensation and benefits of Relevant Personnel, including most recent bonuses paid, aggregate annual compensation, current target or guaranteed bonus, if any, any retention agreement or incentives, and any other payments due, compensation or benefits accrued, or promises made to the Relevant Personnel. If Defendants are barred by any applicable law from providing any of this information, Defendants must provide, within 10 business days following receipt of the request, the requested information to the full extent permitted by law and also must provide a written explanation of Defendants' inability to provide the remaining information, including specifically identifying the provisions of the applicable laws. Defendants' obligations under this Paragraph IV.M.2 will expire 180 calendar days after the Court's entry of the Asset Preservation/Hold Separate Stipulation and Order.

3. At the request of an Acquirer, Defendants must promptly make Relevant Personnel available for private interviews with that Acquirer during

normal business hours at a mutually agreeable location.

4. Defendants must not interfere with any effort by an Acquirer to employ any Relevant Personnel. Interference includes offering to increase the compensation or improve the benefits of Relevant Personnel unless (a) the offer is part of an increase in compensation or improvement in benefits that is company-wide or for the Defendants' entire home health or entire hospice care business, or (b) the offer is approved by the United States in its sole discretion. Defendants' obligations under this Paragraph IV.M.4 will expire 180 calendar days after the Court's entry of the Asset Preservation/Hold Separate Stipulation and Order.

5. For Relevant Personnel who elect employment with an Acquirer within 180 calendar days of the Divestiture Date, Defendants must waive all non-compete and non-disclosure agreements; vest and pay to the Relevant Personnel (or to an Acquirer for payment to the employee) on a prorated basis any bonuses, incentives, other salary, benefits, or other compensation fully or partially accrued at the time of the transfer of the employee to an Acquirer; vest any unvested pension and other equity rights; and provide all other benefits that those Relevant Personnel otherwise would have been provided had the Relevant Personnel continued employment with Defendants, including any retention bonuses or payments. Defendants may maintain reasonable restrictions on disclosure by Relevant Personnel of Defendants' proprietary non-public information that is unrelated to the Divestiture Assets and not otherwise required to be disclosed by this Final Judgment.

6. For a period of 180 calendar days from the Divestiture Date, Defendants may not solicit to re-hire Relevant Personnel who were hired by an Acquirer unless (a) an individual is terminated or laid off by an Acquirer or (b) an Acquirer agrees in writing that Defendants may solicit to re-hire that individual. Nothing in this Paragraph IV.M.6. prohibits Defendants from advertising employment openings using general solicitations or advertisements and re-hiring Relevant Personnel who apply for an employment opening through a general solicitation or advertisement.

N. Defendants must warrant to each Acquirer that (1) the Divestiture Assets will be operational and without material defect on the date of their transfer to the Acquirer; (2) there are no material defects in the environmental, zoning, state licenses, certificates from the

Centers for Medicare and Medicaid Services, certificates of need (or equivalent documents), or other permits relating to the operation of the Divestiture Assets; and (3) Defendants have disclosed all encumbrances on any part of the Divestiture Assets, including on intangible property. Following the sale of the Divestiture Assets, Defendants must not undertake, directly or indirectly, challenges to the environmental, zoning, or other permits relating to the operation of the Divestiture Assets.

O. Defendants must use best efforts to assist Acquirers to obtain all necessary licenses, registrations, and permits to operate the Divestiture Assets. Until an Acquirer obtains the necessary licenses, registrations, and permits, Defendants must provide that Acquirer with the benefit of Defendants' licenses, registrations, and permits to the full extent permissible by law.

P. Defendants must make best efforts to transition the Divestiture Assets from each respective Defendant's instance of Homecare Homebase to each Acquirer's electronic health record system within 240 calendar days of the Divestiture Date.

Q. At the option of Acquirer, and subject to approval by the United States in its sole discretion, on or before the Divestiture Date, Defendants must enter into one or more contracts to provide transition services, which may include management service agreements and employee leasing agreements, related to human resources, employee health and safety, information technology services and support, clinical service delivery, clinical operations support, real estate, finance, accounting and tax, expense processing, cost reporting, legal, risk, and compliance, revenue cycle management, sales, and billing services for a period of up to 365 calendar days on terms and conditions reasonably related to market conditions for the provision of the transition services. At the option of an Acquirer, subject to approval by the United States in its sole discretion, Defendants must enter into one or more extensions of any such contracts for a total of up to an additional 180 calendar days, on terms and conditions reasonably related to market conditions for the provision of the transition services. Any amendment to or modification of any transition services contract or extension to a transition services contract must be approved by the United States, in its sole discretion. If an Acquirer seeks an extension of the term of any contract for transition services, Defendants must notify the United States in writing (i) at least 30 calendar days prior to the date

the contract expires or (ii) within three calendar days of an Acquirer notifying Defendant it is seeking an extension. An Acquirer may terminate a contract (including an extension) for transition services, or any portion of a contract (including an extension) for transition services, without cost or penalty at any time upon 30 calendar days' written notice. As described further in Section XII, employees of Defendants tasked with providing transition services to an Acquirer must not share any competitively sensitive information of an Acquirer with any other employee of Defendants, except that those tasked with providing transition services may share competitively sensitive information if the sharing is reasonably necessary for the employees' duties regarding transition services, or with any employees of a different Acquirer.

R. If any term of an agreement between Defendants and an Acquirer, including an agreement to effectuate the divestiture required by this Final Judgment, varies from a term of this Final Judgment, to the extent that Defendants cannot fully comply with both, this Final Judgment determines Defendants' obligations.

#### **V. Appointment of Divestiture Trustee**

A. If Defendants have not divested all of the Divestiture Assets within the period specified in Paragraphs IV.A and, if applicable, IV.B, Defendants must immediately notify the United States and any affected Plaintiff State of that fact in writing. Upon application of the United States, which Defendants may not oppose, the Court will appoint a divestiture trustee selected by the United States and approved by the Court to effect the divestiture of any of the Divestiture Assets that have not been sold during the time periods specified in Paragraphs Paragraph IV.A and, if applicable, Paragraph IV.B.

B. After the appointment of a divestiture trustee by the Court, only the divestiture trustee will have the right to sell those Divestiture Assets that the divestiture trustee has been appointed to sell. The divestiture trustee will have the power and authority to accomplish the divestitures to Acquirers acceptable to the United States, in its sole discretion, after consultation with any affected Plaintiff State, at a price and on terms obtainable through reasonable effort by the divestiture trustee, subject to the provisions of Sections IV, V, and VI of this Final Judgment, and will have other powers as the Court deems appropriate. The divestiture trustee must sell the Divestiture Assets as quickly as possible.

C. Defendants may not object to a sale by the divestiture trustee on any ground other than malfeasance by the divestiture trustee. Objections by Defendants must be conveyed in writing to the United States and the divestiture trustee within 10 calendar days after the divestiture trustee has provided the notice of proposed divestiture required by Section VI.

D. The divestiture trustee will serve at the cost and expense of Defendants pursuant to a written agreement, on terms and conditions, including confidentiality requirements and conflict of interest certifications, approved by the United States in its sole discretion.

E. The divestiture trustee may hire at the cost and expense of Defendants any agents or consultants, including investment bankers, attorneys, and accountants, that are reasonably necessary in the divestiture trustee's judgment to assist with the divestiture trustee's duties. These agents or consultants will be accountable solely to the divestiture trustee and will serve on terms and conditions, including confidentiality requirements and conflict-of-interest certifications, approved by the United States in its sole discretion.

F. The compensation of the divestiture trustee and agents or consultants hired by the divestiture trustee must be reasonable in light of the value of the Divestiture Assets and based on a fee arrangement that provides the divestiture trustee with incentives based on the price and terms of the divestiture and the speed with which it is accomplished. If the divestiture trustee and Defendants are unable to reach agreement on the divestiture trustee's compensation or other terms and conditions of engagement within 14 calendar days of the appointment of the divestiture trustee by the Court, the United States, in its sole discretion, may take appropriate action, including by making a recommendation to the Court. Within three business days of hiring an agent or consultant, the divestiture trustee must provide written notice of the hiring and rate of compensation to Defendants and the United States.

G. The divestiture trustee must account for all monies derived from the sale of the Divestiture Assets by the divestiture trustee and all costs and expenses incurred, and the divestiture trustee must submit that accounting to the Court for approval. After approval by the Court of the divestiture trustee's accounting, including fees for unpaid services and those of agents or consultants hired by the divestiture

trustee, all remaining money must be paid to Defendants, and the trust will then be terminated.

H. Defendants must use best efforts to assist the divestiture trustee to accomplish the required divestitures. Subject to reasonable protection for trade secrets, other confidential research, development, or commercial information, or any applicable privileges, Defendants must provide the divestiture trustee and agents or consultants retained by the divestiture trustee with full and complete access to all personnel, books, records, and facilities of the Divestiture Assets. Defendants also must provide or develop financial and other information relevant to the Divestiture Assets that the divestiture trustee may reasonably request. Defendants must not take any action to interfere with or to impede the divestiture trustee's accomplishment of the divestitures.

I. The divestiture trustee must maintain complete records of all efforts made to sell the Divestiture Assets, including by filing monthly reports with the United States and any affected Plaintiff State setting forth the divestiture trustee's efforts to accomplish the divestitures ordered by this Final Judgment. The reports must include the name, address, and telephone number of each person who, during the preceding month, made an offer to acquire, expressed an interest in acquiring, entered into negotiations to acquire, or was contacted or made an inquiry about acquiring any interest in the Divestiture Assets and must describe in detail each contact.

J. If the divestiture trustee has not accomplished the divestitures ordered by this Final Judgment within 180 calendar days of appointment, the divestiture trustee must promptly provide the United States and any affected Plaintiff State with a report setting forth: (1) the divestiture trustee's efforts to accomplish the required divestitures; (2) the reasons, in the divestiture trustee's judgment, why the required divestitures have not been accomplished; and (3) the divestiture trustee's recommendations for completing the divestitures. Following receipt of that report, the United States may make additional recommendations to the Court. The Court thereafter may enter such orders as it deems appropriate to carry out the purpose of this Final Judgment, which may include extending the trust and the term of the divestiture trustee's appointment by a period requested by the United States.

K. The divestiture trustee will serve until divestiture of all Divestiture Assets

is completed or for a term otherwise ordered by the Court.

L. If the United States determines that the divestiture trustee is not acting diligently or in a reasonably cost-effective manner, the United States may recommend that the Court appoint a substitute divestiture trustee.

#### **VI. Notice of Proposed Divestiture**

A. Within two business days following execution of a definitive agreement with an Acquirer to divest any of the Divestiture Assets to an Acquirer other than the Acquirer specified in Schedules A, B, and C, Defendants or the divestiture trustee, whichever is then responsible for effecting the divestitures, must notify the United States and any affected Plaintiff State of the proposed divestiture. If the divestiture trustee is responsible for completing the divestiture, the divestiture trustee also must notify Defendants. The notice must set forth the details of the proposed divestiture and list the name, address, and telephone number of each person not previously identified who offered or expressed an interest in or desire to acquire any ownership interest in the Divestiture Assets.

B. After receipt by the United States and any affected Plaintiff State of the notice required by Paragraph VI.A, the United States, after consultation with any affected Plaintiff State, may make one or more requests to Defendants or the divestiture trustee for additional information concerning the proposed divestiture, the proposed Acquirer, and other prospective Acquirers. Defendants and the divestiture trustee must furnish any additional information requested within 15 calendar days of the receipt of each request unless the United States provides written agreement to a different period.

C. Within 45 calendar days after receipt of the notice required by Paragraph VI.A or within 20 calendar days after the United States has been provided the additional information requested pursuant to Paragraph VI.B, whichever is later, the United States will provide written notice to Defendants and any divestiture trustee that states whether the United States, in its sole discretion, after consultation with any affected Plaintiff State, objects to the proposed Acquirer or any other aspect of the proposed divestitures. Without written notice that the United States does not object, a divestiture may not be consummated. If the United States provides written notice that it does not object, the divestiture may be consummated, subject only to Defendants' limited right to object to the

sale under Paragraph V.C of this Final Judgment. Upon objection by Defendants pursuant to Paragraph V.C, a divestiture by the divestiture trustee may not be consummated unless approved by the Court.

#### **VII. Financing**

Defendants may not finance all or any part of any Acquirer's purchase of all or part of the Divestiture Assets.

#### **VIII. Asset Preservation and Hold Separate Obligations**

Defendants must take all steps necessary to comply with the Asset Preservation/Hold Separate Stipulation and Order entered by the Court.

#### **IX. Affidavits**

A. Within 20 calendar days of entry of the Asset Preservation/Hold Separate Stipulation and Order, and every 30 calendar days thereafter until the divestitures required by this Final Judgment have been completed, each Defendant must deliver to the United States and the Plaintiff States an affidavit, signed by each Defendant's Chief Development Officer and Chief Legal Officer, describing in reasonable detail the fact and manner of that Defendant's compliance with this Final Judgment. The United States, in its sole discretion, may approve different signatories for the affidavits.

B. In the event Defendants are attempting to divest the Divestiture Assets to an Acquirer other than BrightSpring or Pennant, each affidavit required by Paragraph IX.A must include: (1) the name, address, and telephone number of each person who, during the preceding 30 calendar days, made an offer to acquire, expressed an interest in acquiring, entered into negotiations to acquire, or was contacted or made an inquiry about acquiring, an interest in the Divestiture Assets and describe in detail each contact with such persons during that period; (2) a description of the efforts Defendants have taken to solicit buyers for and complete the sale of the Divestiture Assets and to provide required information to prospective Acquirers; and (3) a description of any limitations placed by Defendants on information provided to prospective Acquirers. Objection by the United States to information provided by Defendants to prospective Acquirers must be made within 14 calendar days of receipt of the affidavit, except that the United States may object at any time if the information set forth in the affidavit is not true or complete.

C. Defendants must keep all records of any efforts made to divest the

Divestiture Assets and, if applicable, Additional Divestiture Assets, until one year after all divestitures required by this Final Judgment have been completed.

D. Within 20 calendar days of entry of the Asset Preservation/Hold Separate Stipulation and Order, Defendants must separately deliver to the United States and the Plaintiff States an affidavit signed by each Defendant's Chief Development Officer and Chief Legal Officer that describes in reasonable detail all actions that Defendant has taken and all steps that Defendant has implemented on an ongoing basis to comply with Section VIII of this Final Judgment. The United States, in its sole discretion, may approve different signatories for the affidavits.

E. If a Defendant makes any changes to actions and steps described in affidavits provided pursuant to Paragraph IX.D, the Defendant must, within 15 calendar days after any change is implemented, deliver to the United States and any affected Plaintiff State an affidavit describing those changes.

F. Defendants must keep all records of any efforts made to comply with Section VIII until one year after all divestitures required by this Final Judgment have been completed.

#### **X. Appointment of Monitor**

A. Upon application of the United States, which Defendants may not oppose, the Court will appoint a monitor selected by the United States in its sole discretion, after consultation with Plaintiff States, and approved by the Court. Defendants may propose monitor candidates to the United States. Once approved, the court-appointed monitor should be considered by the United States and Defendants to be an arm and representative of the Court.

B. The monitor will have the power and authority to monitor Defendants' compliance with the terms of this Final Judgment and the Asset Preservation/Hold Separate Stipulation and Order entered by the Court and will have other powers as the Court deems appropriate. The monitor will have no responsibility or obligation for the operation of the Divestiture Assets or the operation of Defendants' businesses. No attorney-client relationship will be formed between Defendants and the monitor.

C. The monitor will have the authority to take such steps as, in the judgment of the monitor and the United States, may be necessary to accomplish the monitor's responsibilities. The monitor may seek information from Defendants' personnel, including in-house counsel, compliance personnel,

and internal auditors. Defendants must establish a policy, annually communicated to all employees, that employees may disclose any information to the monitor without reprisal for such disclosure. Defendants must not retaliate against any employee or third party for disclosing information to the monitor.

D. Defendants may not object to actions taken by the monitor in fulfillment of the monitor's responsibilities under any Order of the Court on any ground other than malfeasance by the monitor. Disagreements between the monitor and Defendants related to the scope of the monitor's responsibilities do not constitute malfeasance. Objections by Defendants must be conveyed in writing to the United States, any affected Plaintiff State, and the monitor within 20 calendar days of the monitor's action that gives rise to Defendants' objection, or the objection is waived.

E. The monitor will serve at the cost and expense of Defendants pursuant to a written agreement, on terms and conditions, including confidentiality requirements and conflict of interest certifications, approved by the United States in its sole discretion. If the monitor and Defendants are unable to reach such a written agreement within 14 calendar days of the Court's appointment of the monitor, or if the United States, in its sole discretion, declines to approve the proposed written agreement, the United States, in its sole discretion, may take appropriate action, including making a recommendation to the Court, which may set the terms and conditions for the monitor's work, including compensation, costs, and expenses.

F. The monitor may hire, at the cost and expense of Defendants, any agents and consultants, including investment bankers, attorneys, and accountants, that are reasonably necessary in the monitor's judgment to assist with the monitor's duties. These agents or consultants will be directed by and solely accountable to the monitor and will serve on terms and conditions, including confidentiality requirements and conflict-of-interest certifications, approved by the United States in its sole discretion. Within three business days of hiring any agents or consultants, the monitor must provide written notice of the hiring and the rate of compensation to Defendants and the United States.

G. The compensation of the monitor and agents or consultants retained by the monitor must be on reasonable and customary terms commensurate with the individuals' experience and responsibilities.

H. The monitor must account for all costs and expenses incurred.

I. Defendants' failure to promptly pay the monitor's accounted-for costs and expenses, including for agents and consultants, will constitute a violation of this Final Judgment and may result in sanctions ordered by the Court. If Defendants make a timely objection in writing to the United States to any part of the monitor's accounted-for costs and expenses, Defendants must establish an escrow account into which Defendants must pay the disputed costs and expenses until the dispute is resolved.

J. Defendants must use best efforts to cooperate fully with the monitor and to assist the monitor to monitor Defendants' compliance with their obligations under this Final Judgment and the Asset Preservation/Hold Separate Stipulation and Order. Subject to reasonable protection for trade secrets, other confidential research, development, or commercial information, or any applicable privileges, Defendants must provide the monitor and agents or consultants retained by the monitor with full and complete access to all personnel (current and former), agents, consultants, books, records, and facilities as reasonably necessary, as determined by the United States in its sole discretion, to carry out the monitor's duties. Defendants may not take any action to interfere with or to impede accomplishment of the monitor's responsibilities.

K. The monitor must investigate and report on Defendants' compliance with this Final Judgment and the Asset Preservation/Hold Separate Stipulation and Order, including (i) whether each of the Divestiture Assets has been divested in the time periods set forth in Paragraph IV.A and, if applicable, IV.B; (ii) Defendants' and Acquirers' efforts to obtain Merger Clearances; (iii) Defendants' and Acquirers' efforts to obtain Regulatory Approval(s) and Additional Regulatory Approval(s), including as set forth in Paragraph IV.C; (iv) Defendants' efforts to migrate the data contained in the Divestiture Assets' instance(s) of Homecare Homebase or any other electronic medical record, billing, financial, or employee management system from Defendants' systems to the Acquirers' respective systems, and (v) whether Defendants have complied with their obligations under Paragraphs IV.C–F, and IV.K–Q.

L. The monitor must provide periodic reports to the United States and any affected Plaintiff State setting forth Defendants' efforts to comply with their obligations under this Final Judgment and under the Asset Preservation/Hold

Separate Stipulation and Order. The United States, in its sole discretion, will set the frequency of the monitor's reports, but, at minimum, the monitor must provide reports every 90 calendar days.

M. Within 30 calendar days after appointment of the monitor by the Court, and on a yearly basis thereafter, the monitor must provide to the United States and Defendants a proposed written work plan consistent with the monitor's responsibilities as set forth in this Section X. Defendants may provide comments on the proposed written work plan to the United States and the monitor within 14 calendar days after receipt, after which the monitor must produce a final work plan to the United States and Defendants, for approval by the United States in its sole discretion. Any disputes between Defendants and the monitor with respect to any written work plan will be decided by the United States in its sole discretion. The United States retains the right, in its sole discretion, to require changes or additions to a work plan at any time.

N. The monitor may communicate *ex parte* with the Court when, in the monitor's judgment, such communication is reasonably necessary to the monitor's duties under this Final Judgment, including if Defendants fail to pay the monitor's costs and expenses in a timely manner or otherwise violate this Final Judgment.

O. With respect to the Divestiture Assets listed in Schedule A, the monitor will serve until 90 calendar days after the completion of all Regulatory Approvals. With respect to the Divestiture Assets listed in Schedule B, the monitor will serve until 90 calendar days after the later of the completion of (1) all Additional Regulatory Approvals, or (2) the divestiture of any Additional Divestiture Assets. The United States, in its sole discretion, may determine if a shorter period is appropriate.

P. If the United States determines that the monitor is not acting diligently or in a reasonably cost-effective manner, or if the monitor resigns or becomes unable to accomplish the monitor's duties, the United States may recommend that the Court appoint a substitute.

## **XI. Compliance Inspection**

A. For the purposes of determining or securing compliance with this Final Judgment or of related orders such as the Asset Preservation/Hold Separate Stipulation and Order or of determining whether this Final Judgment should be modified or vacated, upon the written request of an authorized representative of the Assistant Attorney General for the Antitrust Division and reasonable notice

to Defendants, Defendants must permit, from time to time and subject to legally recognized privileges, authorized representatives, including agents retained by the United States:

1. to have access during Defendants' business hours to inspect and copy, or at the option of the United States, to require Defendants to provide electronic copies of all books, ledgers, accounts, records, data, and documents, wherever located, in the possession, custody, or control of Defendants relating to any matters contained in this Final Judgment; and

2. to interview, either informally or on the record, Defendants' officers, employees, or agents, wherever located, who may have their individual counsel present, relating to any matters contained in this Final Judgment. The interviews must be subject to the reasonable convenience of the interviewee and without restraint or interference by Defendants.

B. Upon the written request of an authorized representative of the Assistant Attorney General for the Antitrust Division, Defendants must submit written reports or respond to written interrogatories, under oath if requested, relating to any matters contained in this Final Judgment.

## **XII. Firewalls**

A. Defendants must implement and maintain effective procedures to prevent Acquirers' competitively sensitive information from being shared or disclosed, by or through implementation and execution of the obligations required by this Final Judgment and any associated agreements, including agreements entered pursuant to Paragraph IV.Q, by the employees of Defendants tasked with providing transition services to Acquirers (collectively "Firewall Employees") and any other employees of Defendants.

B. Defendants must, within 30 calendar days of the entry of the Asset Preservation/Hold Separate Stipulation and Order, submit to the United States and the Plaintiff States a compliance plan setting forth in detail the procedures Defendants propose to implement to effect compliance with this Section XII. The United States must inform Defendants within 10 business days of receipt whether, in its sole discretion, the United States approves or rejects Defendants' compliance plan. Within 10 business days of receiving a notice of rejection, Defendants must submit a revised compliance plan. The United States may request that the Court determine whether Defendants'

proposed compliance plan fulfills the requirements of this Section XII.

C. At minimum, an effective compliance plan must include, for all Firewall Employees, prior to rendering services under any transition services contract, (1) initial written notice, followed by quarterly written reminders, (2) initial training, followed by training on a yearly basis, (3) provision of written acknowledgment of the obligations of this Section XII, (4) policies and technical controls prohibiting any employee of Defendants with any management, strategy, sales, or network negotiation responsibilities (wherever located at Defendants) from accessing or using data relating to the Divestiture Assets, (5) technical controls segregating data relating to the Divestiture Assets from data relating to any other home health or hospice agencies owned or controlled by Defendants, and (6) electronic logs tracking the access or downloading of any data relating to the Divestiture Assets. Defendants must maintain these electronic logs tracking the access or downloading of any data relating to the Divestiture Assets for four years after rendering the last services under any transition services contract. The form of all written notifications or policies must be approved by the United States in its sole discretion.

D. Defendants must maintain complete records of all written notices, permission and access logs, training employee acknowledgments, and all other efforts made to comply with this Section XII for four years following the completion of all divestitures required by this Final Judgment.

E. Defendants' obligations under this Section XII will expire at the completion of the Defendants' obligations under Paragraph IV.Q, except that (i) Defendants' obligations under Paragraph XII.D continue for the period described in that Paragraph and (ii) Defendants' obligations under Paragraph XII.A will continue until Defendants certify in writing to the United States and any affected Plaintiff State that all of Acquirers' competitively sensitive information received by Defendants has either been destroyed (consistent with applicable law) or returned to Acquirers or is no longer readily accessible to employees of Defendants in the ordinary course of business (e.g., information is on backup tapes).

## **XIII. No Reacquisition**

Defendants may not reacquire any part of or any interest in the Divestiture Assets during the term of this Final

Judgment without prior written authorization of the United States.

## **XIV. Section 7A Civil Penalties and Antitrust Compliance Training**

A. As satisfaction for the United States' claim under section 7A (15 U.S.C. 18a) against Defendant Amedisys, within 30 days of entry of this Final Judgment, Amedisys must pay to the United States a civil penalty in the amount of one million one hundred thousand dollars (\$1,100,000). Amedisys must also, within 365 calendar days of the Court's entry of the Asset Preservation/Hold Separate Stipulation and Order, conduct antitrust compliance training, the form and content of which must be approved by the United States in its sole discretion, for (i) Amedisys's corporate leadership (comprising the Chief Executive Officer, Chief Financial Officer, Chief Operating Officer, Chief People Officer, Chief Information Officer, Chief Compliance Officer, Chief Strategy Officer, and Chief Legal Officer) and their direct reports; and (ii) Amedisys's field leadership for all lines of business (comprising the Vice Presidents, Senior Vice Presidents, and Presidents). Within 370 calendar days of entry of the Asset Preservation/Hold Separate Stipulation and Order, the Chief Legal Officer of UnitedHealth must submit an affidavit certifying compliance with this training requirement. The United States, in its sole discretion, may approve a different signatory for the affidavit. Payment of the civil penalty must be made by wire transfer of funds or cashier's check. Prior to making a wire transfer, Defendant must contact the Budget and Fiscal Section of the Antitrust Division's Executive Office at [ATR.EXO-FiscallInquiries@usdoj.gov](mailto:ATR.EXO-FiscallInquiries@usdoj.gov) for instructions. A payment made by cashier's check, must be made payable to the: United States Department of Justice—Antitrust Division and delivered to: Chief, Budget & Fiscal Section, Executive Office, Antitrust Division, United States Department of Justice, Liberty Square Building, 450 5th Street NW, Room 3016, Washington, DC 20530.

B. In the event of a default or delay in payment, interest at the rate of 18 percent per annum will accrue from the date of the default to the date of payment.

## **XV. Public Disclosure**

A. No information or documents obtained pursuant to any provision in this Final Judgment, including reports the monitor provides to the United States and the Plaintiff States pursuant to Paragraphs X.K and X.L, may be

divulged by the United States, the Plaintiff States, or the monitor to any person other than an authorized representative of the executive branch of the United States, except in the course of legal proceedings to which the United States or the Plaintiff States are a party, including grand-jury proceedings, for the purpose of evaluating a proposed Acquirer or securing compliance with this Final Judgment, or as otherwise required by law.

B. In the event that the monitor receives a subpoena, court order, or other court process seeking or requiring production of information or documents obtained pursuant to any provision in this Final Judgment, including reports the monitor provides to the United States and the Plaintiff States pursuant to Paragraphs X.K and X.L, the monitor must notify the United States, the Plaintiff States, and Defendants immediately and prior to any disclosure, so that Defendants may address such potential disclosure and, if necessary, pursue alternative legal remedies, including if deemed appropriate by Defendants, intervention in the relevant proceedings.

C. In the event of a request by a third party, pursuant to the Freedom of Information Act, 5 U.S.C. 552 or similar state disclosure laws, for disclosure of information obtained pursuant to any provision of this Final Judgment, the United States will act in accordance with that statute and the Department of Justice regulations at 28 CFR part 16, including the provision on confidential commercial information at 28 CFR 16.7, and the Plaintiff States will act in accordance with their applicable disclosure laws. Defendants submitting information to the Antitrust Division or the Plaintiff States should designate the confidential commercial information portions of all applicable documents and information under 28 CFR 16.7. Designations of confidentiality expire 10 years after submission, “unless the submitter requests and provides justification for a longer designation period.” See 28 CFR 16.7(b).

D. If at the time that Defendants furnish information or documents to the United States or the Plaintiff States pursuant to any provision of this Final Judgment, Defendants represent and identify in writing information or documents for which a claim of protection may be asserted under Rule 26(c)(1)(G) of the Federal Rules of Civil Procedure, and Defendants mark each pertinent page of such material, “Subject to claim of protection under Rule 26(c)(1)(G) of the Federal Rules of

Civil Procedure,” the United States and the Plaintiff States must give Defendants 10 calendar days’ notice before divulging the material in any legal proceeding (other than a grand jury proceeding).

#### **XVI. Retention of Jurisdiction**

The Court retains jurisdiction to enable any party to this Final Judgment to apply to the Court at any time for further orders and directions as may be necessary or appropriate to carry out or construe this Final Judgment, to modify any of its provisions, to enforce compliance, and to punish violations of its provisions.

#### **XVII. Enforcement of Final Judgment**

A. The United States, or the Plaintiff States with respect to Divestiture Assets located in their respective states, retains and reserves all rights to enforce the provisions of this Final Judgment, including the right to seek an order of contempt from the Court. In a civil contempt action, a motion to show cause, or a similar action brought by the United States or any affected Plaintiff State relating to an alleged violation of this Final Judgment, the United States or any affected Plaintiff State may establish a violation of this Final Judgment and the appropriateness of a remedy therefor by a preponderance of the evidence, and Defendants waive any argument that a different standard of proof should apply.

B. The Final Judgment should be interpreted to give full effect to the procompetitive purposes of Section 7 of the Clayton Act and Section 7A of the Clayton Act and Regulations promulgated thereunder. Defendants may be held in contempt of, and the Court may enforce, any provision of this Final Judgment that, as interpreted by the Court in light of these procompetitive principles and applying ordinary tools of interpretation, is stated specifically and in reasonable detail. In any such interpretation, the terms of this Final Judgment should not be construed against any party as the drafter. As stated in Paragraph X.B, the monitor overseeing the Defendants’ compliance with the terms of this Final Judgment and the Asset Preservation/ Hold Separate Stipulation and Order will have no responsibility or obligation for the operation of the Divestiture Assets or the operation of Defendants’ businesses.

C. In an enforcement proceeding in which the Court finds that Defendants have violated this Final Judgment, the United States may apply to the Court for

an extension of this Final Judgment, together with other relief that may be appropriate. In connection with a successful effort by the United States or any affected Plaintiff State to enforce this Final Judgment against a Defendant, whether litigated or resolved before litigation, that Defendant must reimburse the United States or any affected Plaintiff State for the fees and expenses of its attorneys, as well as all other costs including experts’ fees, incurred in connection with that effort to enforce this Final Judgment, including during the investigation of the potential violation.

D. For a period of four years following the expiration of this Final Judgment, if the United States has evidence that a Defendant violated this Final Judgment before it expired, the United States may file an action against that Defendant in this Court requesting that the Court order: (1) Defendant to comply with the terms of this Final Judgment for an additional term of at least four years following the filing of the enforcement action; (2) all appropriate contempt remedies; (3) additional relief needed to ensure the Defendant complies with the terms of this Final Judgment; and (4) fees or expenses as called for by this Section XVII.

#### **XVIII. Expiration of Final Judgment**

Unless the Court grants an extension, this Final Judgment will expire 10 years from the date of its entry, except that after five years from the date of its entry, this Final Judgment may be terminated upon notice by the United States to the Court, Defendants, and the Plaintiff States that the divestitures have been completed and continuation of this Final Judgment is no longer necessary or in the public interest.

#### **XIX. Reservation of Rights**

This Final Judgment terminates only the claims stated in the Complaint against Defendants and does not affect other charges or claims the United States or the Plaintiff States may file.

#### **XX. Public Interest Determination**

The parties have complied with the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16, including by making available to the public copies of this Final Judgment and the Competitive Impact Statement, public comments thereon, and any response to comments by the United States. Based upon the record before the Court, which includes the Competitive Impact Statement and, if applicable, any comments and response to comments

filed with the Court, entry of this Final Judgment is in the public interest.

[Court approval subject to procedures of Antitrust Procedures and Penalties Act, 15 U.S.C. 16]

United States District Judge

Date: \_\_\_\_\_

### SCHEDULE A

| Service line          | CCN    | CMS Branch ID | Address                                                            | Acquirer      |
|-----------------------|--------|---------------|--------------------------------------------------------------------|---------------|
| 1. Hospice .....      | 011662 | N/A           | 1706 HIGHWAY 78 E JASPER, AL 35501 .....                           | Pennant.      |
| 2. Home Health .....  | 017014 | 01Q7014000    | 1979 AL HWY. 157, CULLMAN, AL 35058 .....                          | Brightspring. |
| 3. Home Health .....  | 017020 | 01Q7020000    | 3262 OLD SHELL ROAD, SUITE B, MOBILE, AL 36607 .....               | Pennant.      |
| 4. Home Health .....  | 017037 | 01Q7037000    | 400 S UNION STREET, SUITE 285, MONTGOMERY, AL 36104 ....           | Brightspring. |
| 5. Home Health .....  | 017039 | 01Q7039000    | 400 MERIDIAN STREET, SUITE 100, HUNTSVILLE, AL 35801 .....         | Brightspring. |
| 6. Home Health .....  | 017069 | 01Q7069000    | 200 W LAUREL AVENUE, SUITE 210, FOLEY, AL 36535 .....              | Pennant.      |
| 7. Home Health .....  | 017069 | 01Q7069001    | 107 NORTH HOYLE AVENUE, BAY MINETTE, AL 36507 .....                | Pennant.      |
| 8. Home Health .....  | 017072 | 01Q7072000    | 525 GREENVILLE BYPASS, GREENVILLE, AL 36037 .....                  | Brightspring. |
| 9. Home Health .....  | 017085 | 01Q7085000    | 640 W FORT WILLIAMS STREET, SUITE A, SYLACAUGA, AL 35150.          | Brightspring. |
| 10. Home Health ..... | 017086 | 01Q7086000    | 15 CLAIBORNE STREET, SUITE C, CAMDEN, AL 36726 .....               | Brightspring. |
| 11. Home Health ..... | 017088 | 01Q7088000    | 102 2ND AVENUE SE, FAYETTE, AL 35555 .....                         | Brightspring. |
| 12. Home Health ..... | 017094 | 01Q7094000    | 104C NORTHWOOD DR., SUITE A-1, CENTRE, AL 35960 .....              | Brightspring. |
| 13. Home Health ..... | 017097 | 01Q7097000    | 83825 HIGHWAY 9, ASHLAND, AL 36251 .....                           | Brightspring. |
| 14. Home Health ..... | 017100 | 01Q7100000    | 234 1ST AVENUE SW, SUITE 2, HAMILTON, AL 35570 .....               | Brightspring. |
| 15. Home Health ..... | 017107 | 01Q7107000    | 222-224 7TH STREET SOUTH, CLANTON, AL 35045 .....                  | Brightspring. |
| 16. Home Health ..... | 017115 | 01Q7115000    | 300 MEDICAL CENTER DRIVE, SUITE 102, GADSDEN, AL 35903 .....       | Brightspring. |
| 17. Home Health ..... | 017118 | 01Q7118000    | 14765 COURT STREET, MOULTON, AL 35650 .....                        | Brightspring. |
| 18. Home Health ..... | 017123 | 01Q7123000    | 1806 44TH STREET, VALLEY, AL 36854 .....                           | Brightspring. |
| 19. Home Health ..... | 017129 | 01Q7129000    | 2178 MOORES MILL ROAD, AUBURN, AL 36830 .....                      | Brightspring. |
| 20. Home Health ..... | 017158 | 01Q7158000    | 124 MCCURDY AVE. S, SUITE C, RAINSVILLE, AL 35986 .....            | Brightspring. |
| 21. Home Health ..... | 017159 | 01Q7159000    | 2560 COUNTY ROAD 112, DOTHAN, AL 36303 .....                       | Brightspring. |
| 22. Home Health ..... | 017163 | 01Q7163000    | 15 MAYFIELD STREET, MONROEVILLE, AL 36460 .....                    | Brightspring. |
| 23. Home Health ..... | 017165 | 01Q7165000    | 412 S COURT STREET, SUITE 403, FLORENCE, AL 35630 .....            | Brightspring. |
| 24. Home Health ..... | 017327 | 01Q7327000    | 1301 HIGHWAY 78 E, SUITE E & D, JASPER, AL 35501 .....             | Brightspring. |
| 25. Home Health ..... | 017328 | 01Q7328000    | 2554 DOUGLAS AVENUE, BREWTON, AL 36426 .....                       | Brightspring. |
| 26. Home Health ..... | 047056 | 04Q7056000    | 307 W STILLWELL AVENUE, DEQUEEN, AR 71832 .....                    | Brightspring. |
| 27. Home Health ..... | 047057 | 04Q7057000    | 404 LLAMA DRIVE, SEARCY, AR 72143 .....                            | Brightspring. |
| 28. Home Health ..... | 047057 | 04Q7057001    | 10800 FINANCIAL CENTER PKWY, SUITE 485, LITTLE ROCK, AR 72211.     | Brightspring. |
| 29. Home Health ..... | 047080 | 04Q7080000    | 2236 HARRISON STREET, BATESVILLE, AR 72501 .....                   | Brightspring. |
| 30. Home Health ..... | 047108 | 04Q7108000    | 1103 E MAIN ST., SUITE C, MOUNTAIN VIEW, AR 72560 .....            | Brightspring. |
| 31. Home Health ..... | 108168 | 10Q8168000    | 8880 UNIVERSITY PARKWAY, SUITE B, PENSACOLA, FL 32514 .....        | Brightspring. |
| 32. Home Health ..... | 117010 | 11Q7010000    | 101 E 2ND AVENUE, SUITE 200, ROME, GA 30161 .....                  | Brightspring. |
| 33. Home Health ..... | 117010 | 11Q7010001    | 117 JOHN PHILLIPS ROAD, CEDARTOWN, GA 30125 .....                  | Brightspring. |
| 34. Home Health ..... | 117010 | 11Q7010002    | 10891 COMMERCE ST, SUITE A, SUMMERVILLE, GA 30747 .....            | Brightspring. |
| 35. Home Health ..... | 117010 | 11Q7010003    | 162 W MAIN STREET, SUITE 302, CARTERSVILLE, GA 30120 ....          | Brightspring. |
| 36. Home Health ..... | 117025 | 11Q7025000    | 4106 COLUMBIA ROAD, SUITE 202, MARTINEZ, GA 30907 .....            | Brightspring. |
| 37. Home Health ..... | 117053 | 11Q7053000    | 1105 PLAZA AVENUE, SUITE A, EASTMAN, GA 31023 .....                | Brightspring. |
| 38. Home Health ..... | 117053 | 11Q7053002    | 145 E PEACOCK STREET, SUITE 3, COCHRAN, GA 31014 .....             | Brightspring. |
| 39. Home Health ..... | 117053 | 11Q7053003    | 205 INDUSTRIAL BOULEVARD, DUBLIN, GA 31021 .....                   | Brightspring. |
| 40. Home Health ..... | 117068 | 11Q7068000    | 1101 N LIBERTY STREET, WAYNESBORO, GA 30830 .....                  | Brightspring. |
| 41. Home Health ..... | 117068 | 11Q7068001    | 632 FERNCREST DRIVE, SANDERSVILLE, GA 31082 .....                  | Brightspring. |
| 42. Home Health ..... | 117087 | 11Q7087000    | 1221 W 4TH ST, STE 7, ADEL, GA 31620 .....                         | Pennant.      |
| 43. Home Health ..... | 117087 | 11Q7087002    | 515 NORTH SAINT AUGUSTINE ROAD, SUITES E & F, VAL-DOSTA, GA 31601. | Pennant.      |
| 44. Home Health ..... | 117101 | 11Q7101000    | 157 ADAMS DRIVE, DEMOREST, GA 30535 .....                          | Brightspring. |
| 45. Home Health ..... | 117105 | 11Q7105000    | 320 LANIER AVE. W, SUITES 240 & 250, FAYETTEVILLE, GA 30214.       | Brightspring. |
| 46. Home Health ..... | 117105 | 11Q7105001    | 2927 ETHERIDGE MILL RD, GRIFFIN, GA 30224 .....                    | Brightspring. |
| 47. Home Health ..... | 117123 | 11Q7123000    | 115 NORTHWEST MAIN STREET, VIDALIA, GA 30474 .....                 | Brightspring. |
| 48. Home Health ..... | 117135 | 11Q7135000    | 1760 BASS ROAD, SUITE 103, MACON, GA 31210 .....                   | Brightspring. |
| 49. Home Health ..... | 117135 | 11Q7135001    | 470 SOUTH HOUSTON LAKE ROAD, SUITE B, WARNER ROB-INS, GA 31088.    | Brightspring. |
| 50. Home Health ..... | 117135 | 11Q7135002    | 116 WRIGHTS DRIVE, MILLEDGEVILLE, GA 31061 .....                   | Brightspring. |
| 51. Home Health ..... | 117142 | 11Q7142000    | 1710 BOULEVARD SQUARE, SUITE C, WAYCROSS, GA 31501 ...             | Brightspring. |
| 52. Home Health ..... | 117153 | 11Q7153000    | 2131 & 2133 PACE STREET, COVINGTON, GA 30014 .....                 | Brightspring. |
| 53. Home Health ..... | 117156 | 11Q7156000    | 915 INTERSTATE RIDGE DRIVE, SUITE A1, GAINESVILLE, GA 30501.       | Brightspring. |
| 54. Home Health ..... | 117158 | 11Q7158000    | 9 PARK OF COMMERCE BLVD., SUITE 201, SAVANNAH, GA 31405.           | Brightspring. |
| 55. Home Health ..... | 117308 | 11Q7308000    | 136 REMCO SHOPS LANE, RINGGOLD, GA 30736 .....                     | Brightspring. |
| 56. Home Health ..... | 117316 | 11Q7316000    | 302 WESTSIDE DRIVE, DOUGLAS, GA 31533 .....                        | Brightspring. |
| 57. Home Health ..... | 117317 | 11Q7317000    | 664 SCRANTON ROAD, SUITE 204, BRUNSWICK, GA 31520 .....            | Brightspring. |
| 58. Home Health ..... | 117318 | 11Q7318000    | 1200 BROOKSTONE CENTRE PARKWAY, SUITE 210, COLUMBUS, GA 31904.     | Brightspring. |

## SCHEDULE A—Continued

| Service line          | CCN    | CMS Branch ID | Address                                                            | Acquirer      |
|-----------------------|--------|---------------|--------------------------------------------------------------------|---------------|
| 59. Home Health ..... | 117318 | 11Q7318002    | 300 WEST BROOME STREET, SUITE 108, LAGRANGE, GA 30240.             | Brightspring. |
| 60. Home Health ..... | 148004 | 14Q8004000    | 1901 FRANK SCOTT PKWY., SUITE 4, O'FALLON, IL 62269 .....          | Brightspring. |
| 61. Home Health ..... | 157221 | 15Q7221000    | 303 QUARTERMASTER COURT, JEFFERSONVILLE, IN 47130 .....            | Brightspring. |
| 62. Home Health ..... | 157583 | 15Q7583000    | 2200 LAKE AVE., SUITE 150, FORT WAYNE, IN 46805 .....              | Brightspring. |
| 63. Home Health ..... | 187059 | 18Q7059000    | 13101 MAGISTERIAL DRIVE, SUITE 101, LOUISVILLE, KY 40223           | Brightspring. |
| 64. Home Health ..... | 187093 | 18Q7093000    | 101 BRUCE PROFESSIONAL PLAZA, MOUNT STERLING, KY 40353.            | Brightspring. |
| 65. Home Health ..... | 187119 | 18Q7119000    | 937 CAMPBELLSVILLE ROAD, SUITE 903, COLUMBIA, KY 42728             | Brightspring. |
| 66. Home Health ..... | 187119 | 18Q7119004    | 1724 ROCKINGHAM AVENUE, SUITE 300, BOWLING GREEN, KY 42104.        | Brightspring. |
| 67. Home Health ..... | 187119 | 18Q7119005    | 1332 NORTH RACE STREET, GLASGOW, KY 42141 .....                    | Brightspring. |
| 68. Home Health ..... | 187119 | 18Q7119006    | 124 FOOTHILLS AVENUE, ALBANY, KY 42602 .....                       | Brightspring. |
| 69. Home Health ..... | 187119 | 18Q7119007    | 102 SOUTH MAIN STREET, GREENSBURG, KY 42743 .....                  | Brightspring. |
| 70. Home Health ..... | 187119 | 18Q7119009    | 40 TURPEN COURT, SUITE A, SOMERSET, KY 42503 .....                 | Brightspring. |
| 71. Home Health ..... | 187119 | 18Q7119010    | 175 WEST BEAR TRACK ROAD, CAMPBELLSVILLE, KY 42718 ....            | Brightspring. |
| 72. Home Health ..... | 187119 | 18Q7119015    | 1690 RING ROAD, SUITE 200, ELIZABETHTOWN, KY 42701 .....           | Brightspring. |
| 73. Home Health ..... | 187143 | 18Q7143000    | 9000 WESSEX PLACE, SUITE 304, LOUISVILLE, KY 40222 .....           | Brightspring. |
| 74. Home Health ..... | 187163 | 18Q7163000    | 2480 FORTUNE DRIVE, SUITE 120, LEXINGTON, KY 40509 .....           | Brightspring. |
| 37. Home Health ..... | 117053 | 11Q7053000    | 1105 PLAZA AVENUE, SUITE A, EASTMAN, GA 31023 .....                | Brightspring. |
| 38. Home Health ..... | 117053 | 11Q7053002    | 145 E. PEACOCK STREET, SUITE 3, COCHRAN, GA 31014 .....            | Brightspring. |
| 39. Home Health ..... | 117053 | 11Q7053003    | 205 INDUSTRIAL BOULEVARD, DUBLIN, GA 31021 .....                   | Brightspring. |
| 40. Home Health ..... | 117068 | 11Q7068000    | 1101 N. LIBERTY STREET, WAYNESBORO, GA 30830 .....                 | Brightspring. |
| 41. Home Health ..... | 117068 | 11Q7068001    | 632 FERNCREST DRIVE, SANDERSVILLE, GA 31082 .....                  | Brightspring. |
| 42. Home Health ..... | 117087 | 11Q7087000    | 1221 W. 4TH ST., STE. 7, ADEL, GA 31620 .....                      | Pennant.      |
| 43. Home Health ..... | 117087 | 11Q7087002    | 515 NORTH SAINT AUGUSTINE ROAD, SUITES E & F, VAL-DOSTA, GA 31601. | Pennant.      |
| 44. Home Health ..... | 117101 | 11Q7101000    | 157 ADAMS DRIVE, DEMOREST, GA 30535 .....                          | Brightspring. |
| 45. Home Health ..... | 117105 | 11Q7105000    | 320 LANIER AVE. W, SUITES 240 & 250, FAYETTEVILLE, GA 30214.       | Brightspring. |
| 46. Home Health ..... | 117105 | 11Q7105001    | 2927 ETHERIDGE MILL RD, GRIFFIN, GA 30224 .....                    | Brightspring. |
| 47. Home Health ..... | 117123 | 11Q7123000    | 115 NORTHWEST MAIN STREET, VIDALIA, GA 30474 .....                 | Brightspring. |
| 48. Home Health ..... | 117135 | 11Q7135000    | 1760 BASS ROAD, SUITE 103, MACON, GA 31210 .....                   | Brightspring. |
| 49. Home Health ..... | 117135 | 11Q7135001    | 470 SOUTH HOUSTON LAKE ROAD, SUITE B, WARNER ROB-INS, GA 31088.    | Brightspring. |
| 50. Home Health ..... | 117135 | 11Q7135002    | 116 WRIGHTS DRIVE, MILLEDGEVILLE, GA 31061 .....                   | Brightspring. |
| 51. Home Health ..... | 117142 | 11Q7142000    | 1710 BOULEVARD SQUARE, SUITE C, WAYCROSS, GA 31501 ...             | Brightspring. |
| 52. Home Health ..... | 117153 | 11Q7153000    | 2131 & 2133 PACE STREET, COVINGTON, GA 30014 .....                 | Brightspring. |
| 53. Home Health ..... | 117156 | 11Q7156000    | 915 INTERSTATE RIDGE DRIVE, SUITE A1, GAINESVILLE, GA 30501.       | Brightspring. |
| 54. Home Health ..... | 117158 | 11Q7158000    | 9 PARK OF COMMERCE BLVD., SUITE 201, SAVANNAH, GA 31405.           | Brightspring. |
| 55. Home Health ..... | 117308 | 11Q7308000    | 136 REMCO SHOPS LANE, RINGGOLD, GA 30736 .....                     | Brightspring. |
| 56. Home Health ..... | 117316 | 11Q7316000    | 302 WESTSIDE DRIVE, DOUGLAS, GA 31533 .....                        | Brightspring. |
| 57. Home Health ..... | 117317 | 11Q7317000    | 664 SCRANTON ROAD, SUITE 204, BRUNSWICK, GA 31520 .....            | Brightspring. |
| 58. Home Health ..... | 117318 | 11Q7318000    | 1200 BROOKSTONE CENTRE PARKWAY, SUITE 210, COLUMBUS, GA 31904.     | Brightspring. |
| 59. Home Health ..... | 117318 | 11Q7318002    | 300 WEST BROOME STREET, SUITE 108, LAGRANGE, GA 30240.             | Brightspring. |
| 60. Home Health ..... | 148004 | 14Q8004000    | 1901 FRANK SCOTT PKWY., SUITE 4, O'FALLON, IL 62269 .....          | Brightspring. |
| 61. Home Health ..... | 157221 | 15Q7221000    | 303 QUARTERMASTER COURT, JEFFERSONVILLE, IN 47130 .....            | Brightspring. |
| 62. Home Health ..... | 157583 | 15Q7583000    | 2200 LAKE AVE., SUITE 150, FORT WAYNE, IN 46805 .....              | Brightspring. |
| 63. Home Health ..... | 187059 | 18Q7059000    | 13101 MAGISTERIAL DRIVE, SUITE 101, LOUISVILLE, KY 40223           | Brightspring. |
| 64. Home Health ..... | 187093 | 18Q7093000    | 101 BRUCE PROFESSIONAL PLAZA, MOUNT STERLING, KY 40353.            | Brightspring. |
| 65. Home Health ..... | 187119 | 18Q7119000    | 937 CAMPBELLSVILLE ROAD, SUITE 903, COLUMBIA, KY 42728             | Brightspring. |
| 66. Home Health ..... | 187119 | 18Q7119004    | 1724 ROCKINGHAM AVENUE, SUITE 300, BOWLING GREEN, KY 42104.        | Brightspring. |
| 67. Home Health ..... | 187119 | 18Q7119005    | 1332 NORTH RACE STREET, GLASGOW, KY 42141 .....                    | Brightspring. |
| 68. Home Health ..... | 187119 | 18Q7119006    | 124 FOOTHILLS AVENUE, ALBANY, KY 42602 .....                       | Brightspring. |
| 69. Home Health ..... | 187119 | 18Q7119007    | 102 SOUTH MAIN STREET, GREENSBURG, KY 42743 .....                  | Brightspring. |
| 70. Home Health ..... | 187119 | 18Q7119009    | 40 TURPEN COURT, SUITE A, SOMERSET, KY 42503 .....                 | Brightspring. |
| 71. Home Health ..... | 187119 | 18Q7119010    | 175 WEST BEAR TRACK ROAD, CAMPBELLSVILLE, KY 42718 ....            | Brightspring. |
| 72. Home Health ..... | 187119 | 18Q7119015    | 1690 RING ROAD, SUITE 200, ELIZABETHTOWN, KY 42701 .....           | Brightspring. |
| 73. Home Health ..... | 187143 | 18Q7143000    | 9000 WESSEX PLACE, SUITE 304, LOUISVILLE, KY 40222 .....           | Brightspring. |
| 74. Home Health ..... | 187163 | 18Q7163000    | 2480 FORTUNE DRIVE, SUITE 120, LEXINGTON, KY 40509 .....           | Brightspring. |
| 63. Home Health ..... | 187059 | 18Q7059000    | 13101 MAGISTERIAL DRIVE, SUITE 101, LOUISVILLE, KY 40223           | Brightspring. |
| 64. Home Health ..... | 187093 | 18Q7093000    | 101 BRUCE PROFESSIONAL PLAZA, MOUNT STERLING, KY 40353.            | Brightspring. |
| 65. Home Health ..... | 187119 | 18Q7119000    | 937 CAMPBELLSVILLE ROAD, SUITE 903, COLUMBIA, KY 42728             | Brightspring. |

## SCHEDULE A—Continued

| Service line           | CCN    | CMS Branch ID | Address                                                            | Acquirer      |
|------------------------|--------|---------------|--------------------------------------------------------------------|---------------|
| 66. Home Health .....  | 187119 | 18Q7119004    | 1724 ROCKINGHAM AVENUE, SUITE 300, BOWLING GREEN, KY 42104.        | Brightspring. |
| 67. Home Health .....  | 187119 | 18Q7119005    | 1332 NORTH RACE STREET, GLASGOW, KY 42141 .....                    | Brightspring. |
| 68. Home Health .....  | 187119 | 18Q7119006    | 124 FOOTHILLS AVENUE, ALBANY, KY 42602 .....                       | Brightspring. |
| 69. Home Health .....  | 187119 | 18Q7119007    | 102 SOUTH MAIN STREET, GREENSBURG, KY 42743 .....                  | Brightspring. |
| 70. Home Health .....  | 187119 | 18Q7119009    | 40 TURPEN COURT, SUITE A, SOMERSET, KY 42503 .....                 | Brightspring. |
| 71. Home Health .....  | 187119 | 18Q7119010    | 175 WEST BEAR TRACK ROAD, CAMPBELLSVILLE, KY 42718 ....            | Brightspring. |
| 72. Home Health .....  | 187119 | 18Q7119015    | 1690 RING ROAD, SUITE 200, ELIZABETHTOWN, KY 42701 .....           | Brightspring. |
| 73. Home Health .....  | 187143 | 18Q7143000    | 9000 WESSEX PLACE, SUITE 304, LOUISVILLE, KY 40222 .....           | Brightspring. |
| 74. Home Health .....  | 187163 | 18Q7163001    | 2480 FORTUNE DRIVE, SUITE 120, LEXINGTON, KY 40509 .....           | Brightspring. |
| 75. Home Health .....  | 187168 | 18Q7168000    | 2200 EAST PARRISH AVENUE, SUITE 103E, OWENSBORO, KY 42303.         | Brightspring. |
| 76. Home Health .....  | 187171 | 18Q7171000    | 833 VALLEY COLLEGE DRIVE, SUITE 5, LOUISVILLE, KY 40272            | Brightspring. |
| 77. Home Health .....  | 187302 | 18Q7302000    | 1539 GREENUP AVE., SUITE 503, ASHLAND, KY 41101 .....              | Brightspring. |
| 78. Hospice .....      | 191534 | N/A           | 4017 COMMON STREET, LAKE CHARLES, LA 70607 .....                   | Brightspring. |
| 79. Home Health .....  | 217045 | 21Q7045000    | 134 INDUSTRY LANE, SUITE 3, FOREST HILL, MD 21050 .....            | Brightspring. |
| 80. Home Health .....  | 217048 | 21Q7048000    | 511 JERMOR LANE, SUITE 200, WESTMINSTER, MD 21157 .....            | Brightspring. |
| 81. Home Health .....  | 217048 | 21Q7048001    | 7360 GUILFORD DRIVE, SUITE 201-A, FREDERICK, MD 21704 ...          | Brightspring. |
| 82. Home Health .....  | 217111 | 21Q7111000    | 6512 DEER POINTE DRIVE, SUITE B, SALISBURY, MD 21804-1669.         | Brightspring. |
| 83. Home Health .....  | 217111 | 21Q7111001    | 604 SUNBURST HWY., CAMBRIDGE, MD 21613 .....                       | Brightspring. |
| 84. Home Health .....  | 257087 | 25Q7087000    | 18 MELODY LANE, COLLINS, MS 39428 .....                            | Brightspring. |
| 85. Home Health .....  | 257087 | 25Q7087001    | 132 MAYFAIR ROAD, SUITE 1, HATTIESBURG, MS 39402 .....             | Brightspring. |
| 86. Home Health .....  | 257100 | 25Q7100000    | 925 TOMMY MUNRO DR., SUITE K, BILOXI, MS 39532 .....               | Brightspring. |
| 87. Home Health .....  | 257103 | 25Q7103000    | 2080 SOUTH FRONTAGE ROAD, SUITE 105, VICKSBURG, MS 39180.          | Brightspring. |
| 88. Home Health .....  | 257103 | 25Q7103001    | 310 BYRAM PLACE, SUITE E, BYRAM, MS 39272 .....                    | Brightspring. |
| 89. Home Health .....  | 257103 | 25Q7103002    | 4294 LAKELAND DRIVE, SUITE 200, FLOWOOD, MS 39232 .....            | Brightspring. |
| 90. Home Health .....  | 257121 | 25Q7121000    | 2900 NORTH HILLS STREET, MERIDIAN, MS 39305 .....                  | Brightspring. |
| 91. Home Health .....  | 257143 | 25Q7143000    | 11010 HIGHWAY 49, SUITE 4, GULFPORT, MS 39503 .....                | Brightspring. |
| 92. Home Health .....  | 267499 | 26Q7499000    | 1226 LINN STREET, SUITE F, SIKESTON, MO 63801 .....                | Brightspring. |
| 93. Home Health .....  | 317006 | 31Q7006000    | 149 LEFANTE WAY, SUITE 144 & 146, BAYONNE, NJ 07002 .....          | Brightspring. |
| 94. Home Health .....  | 337268 | 33Q7268000    | 105 EARHART DRIVE, SUITE 100, AMHERST, NY 14221 .....              | Brightspring. |
| 95. Home Health .....  | 337268 | 33Q7268001    | 608 W 3RD STREET, SUITE 608A, JAMESTOWN, NY 14701 .....            | Brightspring. |
| 96. Home Health .....  | 337268 | 33Q7268002    | 88 N MAIN STREET, WELLSVILLE, NY 14895 .....                       | Brightspring. |
| 97. Home Health .....  | 368268 | 36Q8268000    | 606 WASHINGTON BLVD., BELPRE, OH 45714 .....                       | Brightspring. |
| 98. Home Health .....  | 397767 | 39Q7767000    | 4000 TOWN CENTER BLVD., SUITE 260, CANONSBURG, PA 15317.           | Brightspring. |
| 99. Home Health .....  | 427034 | 42Q7034000    | 901 W MEETING ST., SUITE 201, LANCASTER, SC 29720 .....            | Brightspring. |
| 100. Home Health ..... | 427058 | 42Q7058000    | 1945 W PALMETTO STREET, SUITE 105, FLORENCE, SC 29501              | Brightspring. |
| 101. Home Health ..... | 427119 | 42Q7119000    | 690 MEDICAL PARK DR., SUITE 400, AIKEN, SC 29801 .....             | Brightspring. |
| 102. Home Health ..... | 427300 | 42Q7300000    | 802 EAST MARTINTOWN ROAD, SUITE 401, NORTH AUGUSTA, SC 29841.      | Brightspring. |
| 103. Hospice .....     | 441529 | N/A           | 116 JACK WHITE DRIVE, SUITE 6, KINGSPORT, TN 37664 .....           | Pennant.      |
| 104. Hospice .....     | 441529 | N/A           | 903 MAIN STREET, NEW TAZEVELL, TN 37825 .....                      | Pennant.      |
| 105. Hospice .....     | 441547 | N/A           | 4435 VALLEY VIEW DRIVE, SUITE 104, KNOXVILLE, TN 37917 ...         | Pennant.      |
| 106. Hospice .....     | 441578 | N/A           | 3301 WEST ANDREW JOHNSON HIGHWAY, SUITE 102, MORRISTOWN, TN 37814. | Pennant.      |
| 107. Hospice .....     | 441581 | N/A           | 1939 CEDAR STREET, SUITE A, MCKENZIE, TN 38201 .....               | Pennant.      |
| 108. Hospice .....     | 441581 | N/A           | 37 SANDSTONE CIRCLE, SUITE 96, JACKSON, TN 38305 .....             | Pennant.      |
| 109. Hospice .....     | 441581 | N/A           | 1539 ASHLAND CITY ROAD, STE C, CLARKSVILLE, TN 37040 ....          | Pennant.      |
| 110. Home Health ..... | 447138 | 44Q7138000    | 1010 PLEASANT GROVE PLACE, SUITE 200, MT. JULIET, TN 37122.        | Pennant.      |
| 111. Home Health ..... | 447138 | 44Q7138001    | 2527 HIGHWAY 111 NORTH, SUITE A, COOKEVILLE, TN 38506 ..           | Pennant.      |
| 112. Home Health ..... | 447150 | 44Q7150000    | 1225 E WEISGARBER ROAD, SUITE 370S, KNOXVILLE, TN 37909.           | Pennant.      |
| 113. Home Health ..... | 447176 | 44Q7176000    | 117 C. EAST BRYANT STREET, SMITHVILLE, TN 37166 .....              | Pennant.      |
| 114. Home Health ..... | 447176 | 44Q7176002    | 1101 NEAL STREET, SUITE 101, COOKEVILLE, TN 38501 .....            | Pennant.      |
| 115. Home Health ..... | 447176 | 44Q7176004    | 417 NORTH CHANCERY STREET, MCMINNVILLE, TN 37110 .....             | Pennant.      |
| 116. Home Health ..... | 447176 | 44Q7176005    | 115 WINWOOD DRIVE, SUITE 210, LEBANON, TN 37087 .....              | Pennant.      |
| 117. Home Health ..... | 447230 | 44Q7230000    | 900 E HILL AVE., SUITE 310, KNOXVILLE, TN 37915 .....              | Pennant.      |
| 118. Home Health ..... | 447230 | 44Q7230002    | 629 SMITHVIEW DR., MARYVILLE, TN 37803 .....                       | Pennant.      |
| 119. Home Health ..... | 447230 | 44Q7230003    | 1101 FOX MEADOWS BLVD., SUITE 104, SEVIERVILLE, TN 37862.          | Pennant.      |
| 120. Home Health ..... | 447269 | 44Q7269000    | 2440 OAKLAND DRIVE NW, CLEVELAND, TN 37311 .....                   | Pennant.      |
| 121. Home Health ..... | 447277 | 44Q7277000    | 1255 LYNNFIELD ROAD, SUITE 110, MEMPHIS, TN 38119 .....            | Pennant.      |
| 122. Home Health ..... | 447277 | 44Q7277001    | 1921 HIGHWAY 51 SOUTH, UNIT C, COVINGTON, TN 38019 .....           | Pennant.      |
| 123. Home Health ..... | 447278 | 44Q7278000    | 8 STONEBRIDGE BOULEVARD, SUITE L, JACKSON, TN 38305 ...            | Pennant.      |
| 124. Home Health ..... | 447278 | 44Q7278001    | 2490 PARR AVENUE, SUITE 1, DYERSBURG, TN 38024 .....               | Pennant.      |
| 125. Home Health ..... | 447278 | 44Q7278002    | 331 JIM ADAMS DRIVE, SUITE A, PARIS, TN 38242 .....                | Pennant.      |
| 126. Home Health ..... | 447278 | 44Q7278003    | 880 PICKWICK STREET, UNIT 1, SAVANNAH, TN 38372 .....              | Pennant.      |

## SCHEDULE A—Continued

| Service line             | CCN         | CMS Branch ID | Address                                                            | Acquirer      |
|--------------------------|-------------|---------------|--------------------------------------------------------------------|---------------|
| 127. Home Health .....   | 447278      | 44Q7278004    | 1509 E. REELFOOT AVENUE, UNION CITY, TN 38261 .....                | Pennant.      |
| 128. Home Health .....   | 447451      | 44Q7451000    | 1655 WYNNE ROAD, SUITE 101, CORDOVA, TN 38016 .....                | Pennant.      |
| 129. Home Health .....   | 447471      | 44Q7471000    | 2030 HAMILTON PLACE, SUITE 120, CHATTANOOGA, TN 37421 .....        | Pennant.      |
| 130. Home Health .....   | 447500      | 44Q7500000    | 3301 WEST ANDREW JOHNSON HIGHWAY, SUITE 100, MORRISTOWN, TN 37814. | Pennant.      |
| 131. Home Health .....   | 447500      | 44Q7500004    | 661 E. BROADWAY BLVD., SUITE A, JEFFERSON CITY, TN 37760.          | Pennant.      |
| 132. Home Health .....   | 447513      | 44Q7513000    | 220 TOWN CENTER PARKWAY, SUITE 105, SPRING HILL, TN 37174.         | Pennant.      |
| 133. Home Health .....   | 447513      | 44Q7513001    | 762 HIGHWAY 46 S, DICKSON, TN 37055 .....                          | Pennant.      |
| 134. Home Health .....   | 447513      | 44Q7513007    | 125 TOWN CREEK ROAD E, SUITE 4, LENOIR CITY, TN 37772 ...          | Pennant.      |
| 135. Home Health .....   | 447528      | 44Q7528000    | 661 E BROADWAY BLVD., SUITE B2, JEFFERSON CITY, TN 37760.          | Pennant.      |
| 136. Home Health .....   | 447528      | 44Q7528001    | 116 JACK WHITE DRIVE, SUITE 10, KINGSPORT, TN 37664 .....          | Pennant.      |
| 137. Home Health .....   | 447538      | 44Q7538000    | 8245 TOURNAMENT DRIVE, SUITE 255, MEMPHIS, TN 38125 .....          | Pennant.      |
| 138. Home Health .....   | 447552      | 44Q7552000    | 4245 NORTH OCOEE STREET, SUITE 4, CLEVELAND, TN 37312 .....        | Pennant.      |
| 139. Home Health .....   | 447558      | 44Q7558000    | 900 CONFERENCE DRIVE, SUITE 1A, GOODLETTSVILLE, TN 37072.          | Pennant.      |
| 140. Home Health .....   | 447563      | 44Q7563000    | 537 STONECREST PARKWAY, SUITE 109, SMYRNA, TN 37167 ..             | Pennant.      |
| 141. Home Health .....   | 447563      | 44Q7563001    | 1127 E COLLEGE STREET, SUITE B, PULASKI, TN 38478 .....            | Pennant.      |
| 142. Home Health .....   | 447563      | 44Q7563002    | 220 TOWN CENTER PARKWAY, SUITE 201, SPRING HILL, TN 37174.         | Pennant.      |
| 143. Home Health .....   | 497289      | 49Q7289000    | 6 DOCTORS DRIVE, SUITE A, EMPORIA, VA 23847 .....                  | Brightspring. |
| 144. Home Health .....   | 497463      | 49Q7463000    | 1330 ARMORY DRIVE, FRANKLIN, VA 23851 .....                        | Brightspring. |
| 145. Hospice .....       | 511509      | N/A           | 417 GRAND PARK DRIVE, SUITE 204, PARKERSBURG, WV 26105.            | Brightspring. |
| 146. Hospice .....       | 511516      | N/A           | 21 EAST MAIN STREET, SUITE 301, BUCKHANNON, WV 26201 ..            | Brightspring. |
| 147. Home Health .....   | 517054      | 51Q7054000    | 108 SUNSET DRIVE, BECKLEY, WV 25801 .....                          | Brightspring. |
| 148. Home Health .....   | 517054      | 51Q7054001    | 545 AIRPORT ROAD, SUITE 101, BLUEFIELD, WV 24701 .....             | Brightspring. |
| 149. Home Health .....   | 517074      | 51Q7074000    | 2200 GRAND CENTRAL AVE., SUITE 101, VIENNA, WV 26105 .....         | Brightspring. |
| 150. Home Health .....   | 517074      | 51Q7074001    | 208 STONE STREET, RIPLEY, WV 25271 .....                           | Brightspring. |
| 151. Home Health .....   | 517115      | 51Q7115000    | 2345 CHESTERFIELD AVENUE, SUITE 201, CHARLESTON, WV 25304.         | Brightspring. |
| 152. Home Health .....   | 517115      | 51Q7115001    | 5447 MAPLE LANE, SUITE A, FAYETTEVILLE, WV 25840 .....             | Brightspring. |
| 153. Home Health .....   | 517115      | 51Q7115002    | 8942 SENECA TRAIL SOUTH, RONCEVERTE, WV 24970 .....                | Brightspring. |
| 154. Home Health .....   | 517115      | 51Q7115003    | 3135 16TH STREET, SUITE 22, HUNTINGTON, WV 25701 .....             | Brightspring. |
| 155. Home Health .....   | 517122      | 51Q7122000    | 5007 MID ATLANTIC DRIVE, MORGANTOWN, WV 26508 .....                | Brightspring. |
| 156. Home Health .....   | 517122      | 51Q7122001    | 67 CASINO DRIVE, SUITE 104, ANMOORE, WV 26323 .....                | Brightspring. |
| 157. Home Health .....   | 517122      | 51Q7122002    | 215 WARWOOD AVENUE, WHEELING, WV 26003 .....                       | Brightspring. |
| 158. Palliative Care ... | DY5311/0685 | N/A           | 4435 VALLEY VIEW DRIVE, SUITE 102, KNOXVILLE, TN 37917 ...         | Pennant.      |

## SCHEDULE B

| Service line         | CCN    | CMS Branch ID | Address                                                   | Acquirer      |
|----------------------|--------|---------------|-----------------------------------------------------------|---------------|
| 1. Home Health ..... | 047010 | 04Q7010000    | 117 NORTHRIDGE DRIVE, SUITE C, VAN BUREN, AR 72956 .....  | Brightspring. |
| 2. Home Health ..... | 317017 | 31Q7017000    | 777 PASSAIC AVENUE, SUITE 595, CLIFTON, NJ 07012 .....    | Brightspring. |
| 3. Home Health ..... | 317017 | 31Q7017005    | 299 MARKET ST., STE. 400, SADDLE BROOK, NJ 07663 .....    | Brightspring. |
| 4. Home Health ..... | 447107 | 44Q7107003    | 2690 MADISON STREET, SUITE 200, CLARKSVILLE, TN 37043 ... | Pennant.      |
| 5. Home Health ..... | 447291 | 44Q7291000    | 119 & 121 NORTH IRWIN ST., MANCHESTER, TN 37355 .....     | Pennant.      |
| 6. Home Health ..... | 497275 | 49Q7275001    | 1077 SPRUCE STREET, MARTINSVILLE, VA 24112 .....          | Brightspring. |

## SCHEDULE C

| Service line         | CCN    | CMS Branch ID | Address                                                     | Acquirer      |
|----------------------|--------|---------------|-------------------------------------------------------------|---------------|
| 1. Home Health ..... | 047010 | 04Q7010001    | 83 W COLT SQUARE DR., FAYETTEVILLE, AR 72703 .....          | Brightspring. |
| 2. Home Health ..... | 317017 | 31Q7017004    | 1700 ROUTE 23 N, SUITE 125, WAYNE, NJ 07470 .....           | Brightspring. |
| 3. Home Health ..... | 317017 | 31Q7017006    | 299 CHERRY HILL ROAD, SUITE 302, PARSIPPANY, NJ 07054 ...   | Brightspring. |
| 4. Home Health ..... | 447107 | 44Q7107000    | 783 OLD HICKORY BLVD., SUITE 300, BRENTWOOD, TN 37027 ..... | Pennant.      |
| 5. Home Health ..... | 447291 | 44Q7291003    | 215 CASTLEWOOD DRIVE, SUITE C, MURFREESBORO, TN 37129.      | Pennant.      |
| 6. Home Health ..... | 497275 | 49Q7275000    | 5221 VALLEY PARK DRIVE, SUITE 1A, ROANOKE, VA 24019 .....   | Brightspring. |
| 7. Home Health ..... | 497275 | 49Q7275003    | 2050 LANGHORNE ROAD, SUITE 103, LYNCHBURG, VA 24501 ...     | Brightspring. |
| 8. Home Health ..... | 497275 | 49Q7275004    | 305 N WASHINGTON AVENUE, SUITE 305, PULASKI, VA 24301 ..    | Brightspring. |

## SCHEDULE D

| Counterparty<br>("JV Partner")                                                                                              | JV legal entity name(s)                                                                                                                                                                         | JV DBA(s)                                                                                                                                                                                                                                                                                                 | Service lines in JV(s)                 | Divested service lines                 | Acquirer      |
|-----------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|----------------------------------------|---------------|
| 1. UHS Ventures, Inc. c/o University of Tennessee Medical Center.                                                           | University of TN Medical Center Home Care Services, LLC.<br>Morristown-Hamblen HomeCare and Hospice, LLC.<br>University of TN Medical Center Home Care Services, LLC.<br>LHCG CXXXII, LLC ..... | University of TN Medical Center Home Care Services—Home Health.<br>University of TN Medical Center Home Health Services.<br>University of TN Medical Center Hospice Services.<br>University of TN Medical Center Home Care Services—Hospice.<br>University of TN Medical Center Palliative Care Services. | Home Health, Hospice, Palliative Care. | Home Health, Hospice, Palliative Care. | Pennant.      |
| 2. Clay County Healthcare Authority.                                                                                        | Clay County Hospital Home Care, LLC.                                                                                                                                                            | Clay County Hospital Home Care.                                                                                                                                                                                                                                                                           | Home Health .....                      | Home Health .....                      | BrightSpring. |
| 3. Fayette Medical Center .....                                                                                             | Fayette Medical Center HomeCare, LLC.                                                                                                                                                           | Fayette Medical Center HomeCare.                                                                                                                                                                                                                                                                          | Home Health .....                      | Home Health .....                      | BrightSpring. |
| 4. Marion Regional Medical Center d/b/a NMMC-Hamilton.                                                                      | Marion Regional HomeCare, LLC.                                                                                                                                                                  | Marion Regional HomeCare                                                                                                                                                                                                                                                                                  | Home Health .....                      | Home Health .....                      | BrightSpring. |
| 5. East Alabama Health Care Authority d/b/a East Alabama Medical Center.                                                    | East Alabama Medical Center HomeCare, LLC.                                                                                                                                                      | HomeCare of East Alabama Medical Center.                                                                                                                                                                                                                                                                  | Home Health .....                      | Home Health .....                      | BrightSpring. |
| 6. EAMC-Lanier, LLC .....                                                                                                   | LHCG LI, LLC .....                                                                                                                                                                              | EAMC—Lanier Home Health                                                                                                                                                                                                                                                                                   | Home Health .....                      | Home Health .....                      | BrightSpring. |
| 7. Northeast Georgia Health Resources.                                                                                      | LHCG CLXI, LLC .....                                                                                                                                                                            | Northeast Georgia Home Health.                                                                                                                                                                                                                                                                            | Home Health .....                      | Home Health .....                      | BrightSpring. |
| 8. University Health Resources, Inc. ("UHR").                                                                               | Eastern Georgia Partnership, LLC.                                                                                                                                                               | Trinity Home Health, Trinity Home Health of Aiken, Trinity Hospice, Trinity Hospice of Aikem, University Home Health Services.                                                                                                                                                                            | Home Health, Hospice                   | Home Health .....                      | BrightSpring. |
| 9. Board of Trustees of the University of Arkansas acting for and on behalf of University of Arkansas for Medical Sciences. | UAMS Health Comprehensive Care at Home, LLC.                                                                                                                                                    | UAMS Health-Home Health, an Amedisys Partner.                                                                                                                                                                                                                                                             | Home Health, Hospital at Home.         | Home Health .....                      | BrightSpring. |
| 10. Attentus Moulton, LLC .....                                                                                             | Amedisys Home Health, a Lawrence Medical Center Partner, LLC.                                                                                                                                   | Amedisys Home Health, a Lawrence Medical Center Partner.                                                                                                                                                                                                                                                  | Home Health .....                      | Home Health .....                      | BrightSpring. |

## SCHEDULE E TO THE PROPOSED FINAL JUDGMENT

## Excluded Assets

- The Alabama state trademarks for "ALABAMA HOMECARE" (No. 111–632) and "COOSA VALLEY HOMECARE" (No. 111–532), and unregistered equivalents of and commercial names and d/b/a names incorporating the same.
- All commercial names and d/b/a names incorporating "LHC", "LHC Group", "Amedisys", "Suncrest", "Suncrest Omni", "Housecalls Hospice", "Housecalls Home Health", "Omni Homecare", "Home Care Solutions", "Willcare", "Georgia Home Health", "Alabama Hospice Care", "Patient Care", "Erlanger", "Deaconess HomeCare", and/or "Tennova", as well as the logos used at the branches and facilities operating under such names.
- All licenses, permits, certifications, approvals, consents, registrations, waivers, and authorizations, including those issued or granted by any governmental organization, and all pending applications or renewals for the agency with a parent location at 5221 Valley Park Drive, Suite 1A, Roanoke, VA 24019 (CCN 497275), provided however that this will cease to be an Excluded Asset if the location at 5221 Valley Park Drive, Suite 1A, Roanoke, VA 24019 (CMS Branch ID 49Q7275000) is divested pursuant to Paragraph IV.B.
- All licenses, permits, certifications, approvals, consents, registrations, waivers, and authorizations, including those issued or granted by any governmental organization, and all pending applications or renewals for the agency with a parent location at 783 Old Hickory Blvd., Suite 300, Brentwood, TN 37027 (CCN 447107), provided however that this will cease to be an Excluded Asset if the location at 783 Old Hickory Blvd., Suite 300, Brentwood, TN 37027 (CMS Branch ID 44Q7107000) is divested pursuant to Paragraph IV.B.
- The right to operate in Morris County, NJ held on July 17, 2025 by the agency with parent location at 777 Passaic Avenue, Suite 595, Clifton, NJ 07012 (CCN 317017). *Provided, however*, that Excluded Assets do not include any licenses, permits, certifications, approvals, consents, registrations, waivers, or authorizations held on July 17, 2025 by the agency with parent location at 777 Passaic Avenue, Suite 595, Clifton, NJ 07012 (CCN 317017) that are required to operate in Bergen County, NJ and Passaic County, NJ.
- All of the rights, titles, and interests of Eastern Georgia Partnership, LLC in and to property and assets, tangible and intangible, primarily used to support hospice locations at 4106 Columbia Road, Suite 201, Martinez, GA 30907 and 690 Medical Park Drive, Suite 200, Aiken, SC 29801.
- All of the rights, titles, and interests of UAMS Health Comprehensive Care at Home, LLC in and to property and assets, tangible and intangible, primarily used to support hospital at home or other high acuity care locations at 4301 West Markham Street, Little Rock, AR 72205 and 10800 Financial Center Pkwy., Suite 485, Little Rock, AR 72211, including the License Agreement, dated as of October 7, 2022, by and among UAMS Health Comprehensive Care at Home, L.L.C., Board of Trustees of the University of Arkansas, acting for and on behalf of the University of Arkansas for Medical Sciences and Contessa Health Management, LLC.
- All assets primarily relating to or used in the business of providing home health services by the location at 6512 Deer Pointe Drive, Suite B, Salisbury, MD 21804 (CMS Branch ID 21Q7111000) other than the real estate lease, Certificate of Need, license, Medicare/Medicaid identifiers, and all other licenses, registrations, and permits required to operate the agency with parent location at 6512 Deer Pointe Drive, Suite B, Salisbury, MD 21804 (CCN 217111) within its service area as of July 17, 2025.

## SCHEDULE E TO THE PROPOSED FINAL JUDGMENT—Continued

All information technology hardware and equipment at branches and agencies identified in the Divestiture Schedules other than computer monitors, keyboards, and mice for desktop computers.

### United States District Court for the District of Maryland

*UNITED STATES OF AMERICA, Et al.,*  
Plaintiffs, v. *UNITEDHEALTH GROUP*  
*INCORPORATED* and *AMEDISYS, INC.*  
Defendants.

Case No. 1:24-cv-03267

Judge James K. Bredar

### Competitive Impact Statement

In accordance with the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h) (the “APPA” or “Tunney Act”), the United States of America files this Competitive Impact Statement related to the proposed Final Judgment filed in this civil antitrust proceeding.

### I. Nature and Purpose of the Proceeding

On June 26, 2023, UnitedHealth Group Incorporated (“UnitedHealth”) agreed to acquire Amedisys, Inc. (“Amedisys”) for approximately \$3.3 billion. The United States, along with the Attorneys General of Maryland, Illinois, New Jersey, and New York (collectively, the “Plaintiff States”), filed a civil antitrust Complaint on November 12, 2024, seeking to enjoin the proposed acquisition. The Complaint alleges that UnitedHealth’s acquisition threatens to substantially lessen competition in local home health, hospice, and nurse labor markets throughout the country in violation of Section 7 of the Clayton Act, 15 U.S.C. 18. In the Complaint, the United States also alleges that Amedisys erroneously and inaccurately certified compliance with its obligations under Section 7A of the Clayton Act, also known as the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (“HSR Act”), in violation of the HSR Act, 15 U.S.C. 18a.

After eight months of intensive litigation, the United States and Plaintiff States reached a proposed settlement with UnitedHealth and Amedisys. The litigation resulted in a significantly larger divestiture package than had been previously offered by Defendants as well as new divestiture buyers more likely to successfully replicate competition in their service areas. With the benefit of discovery, Plaintiffs concluded that the proposed settlement, embodied in a proposed Final Judgment and an Asset Preservation and Hold Separate Stipulation and Order (“Stipulation and Order”) filed on August 7, 2025 (ECF Nos. 198–1 and 198–2), is designed to remedy most of the lost competition that would

otherwise have resulted from UnitedHealth’s acquisition of Amedisys. The proposed Final Judgment is also designed to remedy Amedisys’s HSR Act violation.

Under the proposed Final Judgment, which is explained more fully below, Defendants are required to divest 152 home health, 11 hospice, and 1 palliative care locations in local markets in 19 states throughout the country to BrightSpring Health Services, Inc. (“BrightSpring”), The Pennant Group, Inc. (“Pennant”), or another acquirer acceptable to the United States. Additionally, under the proposed Final Judgment, Defendant Amedisys is required to (1) pay to the United States a civil penalty of one million one hundred thousand dollars (\$1,100,000) within thirty days of entry of the proposed Final Judgment and (2) conduct antitrust compliance training, approved by the Antitrust Division, for certain Amedisys employees, within 365 calendar days of the Court’s entry of the Stipulation and Order.

Under the terms of the Stipulation and Order, Defendants must take certain steps to operate, preserve, and maintain the full economic viability, marketability, and competitiveness of the assets that must be divested. In addition, management, sales, and operations of the assets that must be divested must be held entirely separate, distinct, and apart from Defendants’ other operations. The purpose of these terms in the Stipulation and Order is to ensure that competition is maintained during the pendency of the required divestitures.

The United States and Defendants have stipulated that the proposed Final Judgment may be entered after compliance with the APPA. Entry of the proposed Final Judgment will terminate this action, except that the Court will retain jurisdiction to construe, modify, or enforce the provisions of the proposed Final Judgment and to punish violations thereof.

### II. Description of Events Giving Rise to the Alleged Violations

#### A. The Defendants and the Proposed Transaction

At the time the Complaint was filed, UnitedHealth was the fifth-largest company in the United States. Today, UnitedHealth is the fourth-largest company in the United States, with

revenues of more than \$400 billion in 2024. It is a vertically integrated corporation, comprising the largest commercial health insurer; the largest employer of physicians; the third-largest pharmacy benefit manager; and one of the largest healthcare technology and service vendors in the United States. This transaction represents UnitedHealth’s second major home health and hospice services acquisition in under three years. In February 2023, UnitedHealth acquired LHC Group, Inc. (“LHC”), which is currently the nation’s largest home health provider and a large provider of hospice services. Before being acquired by UnitedHealth, LHC collected approximately \$2.3 billion in revenue in 2022, making about 12 million visits to patients in 37 states and the District of Columbia that year. Through LHC, UnitedHealth now operates over 530 home health locations and over 120 hospice locations and employs more than 5,000 nurses who provide home health and hospice services.

UnitedHealth’s acquisition target, Amedisys, is the second-largest home health provider and third-largest provider of hospice services in the United States. In 2024, Amedisys earned approximately \$2.3 billion in revenue and provided more than 10.7 million visits to patients in 38 states and the District of Columbia. Amedisys currently operates over 340 home health locations and over 160 hospice locations and employs more than 3,600 nurses who provide home health and hospice services.

Pursuant to an agreement and plan of merger dated June 26, 2023, as amended, UnitedHealth proposes to acquire Amedisys for approximately \$3.3 billion.

#### B. Competitive Effects of This Transaction

##### 1. Relevant Markets

##### a. Home Health Markets

As alleged in the Complaint, home health services is a relevant service market under Section 7 of the Clayton Act. Home health consists of skilled nursing and therapy services that are provided to millions of Americans each year in the comfort of their homes. Home health patients may need help recovering from recent hospitalizations or managing chronic conditions but are well enough to require only part-time or

intermittent care that can be provided at home.

Most patients who receive home health services are seniors enrolled in either traditional Medicare, administered by the Centers for Medicare and Medicaid Services (“CMS”), or privately administered Medicare Advantage plans. Medicare Advantage plans negotiate with home health providers, such as UnitedHealth’s LHC subsidiary and Amedisys, for the amounts that a Medicare Advantage plan will reimburse the provider for the home health services it renders to patients insured by that plan. For traditional Medicare enrollees, reimbursement amounts are not negotiated. They are set by CMS. Both CMS and Medicare Advantage plans prefer that eligible patients use home health services because these services are more cost effective than options for care provided in hospitals, rehabilitation centers, or skilled nursing facilities.

#### b. Hospice Markets

As alleged in the Complaint, hospice services provided to Medicare beneficiaries is a relevant service market under Section 7 of the Clayton Act. Each year in the United States, hospice services allow millions of patients, usually seniors, who face terminal conditions to enjoy the last days of their lives primarily in their own homes. Hospice providers and the interdisciplinary teams of doctors, nurses, therapists, aides, chaplains, counselors, and social workers they employ offer a wide range of services to support the physical, psychosocial, spiritual, and emotional needs of terminally ill patients and their family members.

Traditional Medicare covers the vast majority of hospice services in the United States. For hospice providers to be reimbursed by traditional Medicare, their services must satisfy distinct CMS regulations unique to hospice, and CMS tracks individual hospice provider locations on a variety of hospice quality metrics. Under Medicare, patients become eligible for hospice coverage once a doctor certifies that a patient has less than six months left to live, and the patient has chosen to stop any care that aims to cure their underlying disease or illness. This requirement distinguishes hospice from nearly all other healthcare services, which are curative.

#### c. Home Health and Hospice Nurses

As alleged in the Complaint, registered nurses (“RNs”) working in home health and hospice and licensed practical nurses or licensed vocational

nurses (“LPN/LVNs”) working in home health are each a relevant labor market. Home health and hospice services rely on skilled nurses to provide effective, high-quality, and personalized care. Home health and hospice nurses develop close and meaningful relationships with patients, which many nurses find particularly fulfilling. These nurses spend hours in patients’ homes providing care and comfort, which can influence patients’ recovery and satisfaction with their treatment. Home health and hospice nursing differ from other types of nursing and generally involve fewer and more flexible hours and greater independence. For example, nurses in hospitals work at a fixed location and side-by-side with doctors and other nurses to provide around-the-clock care, while home health and hospice nurses travel to patients’ homes and largely work alone. The Complaint also alleges that hospice nurses often particularly feel a specific “calling” to the field.

State licensure laws and both state and Medicare regulations specific to home health and hospice distinguish between RNs and LPN/LVNs. As providers of basic medical care, LPN/LVNs have a smaller scope of duties. In home health, they cannot perform initial assessments of patients or work without supervision. Home health and hospice RNs can perform more advanced clinical duties, including conducting specific types of visits, coordinating care, and supervising other members of a patient’s care team, including LPN/LVNs.

#### 2. Geographic Markets

Because home health and hospice services are typically offered to patients in their homes, physicians, hospitals, and other healthcare facilities generally refer patients to home health and hospice agencies that operate in the local area around, and are willing to send their nurses and other caregivers to, a patient’s home. State laws and regulations often limit the areas in which home health and hospice providers can offer services. Accordingly, the relevant geographic markets for home health and hospice services are local areas around patient homes. For home health and hospice nurses, their job opportunities are bounded by the time it takes them to travel to the homes of the patients they care for. As a result, the relevant geographic markets for home health and hospice nurse labor markets are the local areas around these nurses’ homes where they can travel to care for patients. The Complaint alleges that hundreds of local home health, hospice,

and nursing markets will be affected by UnitedHealth’s acquisition of Amedisys.

#### 3. Competitive Effects

As alleged in the Complaint, UnitedHealth’s acquisition of Amedisys would increase concentration enough to render the acquisition presumptively anticompetitive in hundreds of local home health markets, local hospice markets, and local home health and hospice nurse labor markets. According to the Complaint, the acquisition would also eliminate substantial competition that occurs directly between UnitedHealth and Amedisys. The loss of this direct or “head-to-head” competition between the Defendants is another reason the acquisition would be anticompetitive.

##### a. Home Health and Hospice Markets

Currently, both UnitedHealth and Amedisys compete fiercely against each other to care for home health and hospice patients in numerous local markets. This head-to-head competition takes many forms. For example, each company competes against the other to gain preference with referral sources such as the physicians, hospitals, and other healthcare providers that refer patients to home health and hospice services. The companies further compete against each other with their ability to admit home health and hospice patients quickly. UnitedHealth and Amedisys also compete by offering patients more touchpoints with nurses outside of in-home visits, such as having their staff call patients to follow up, because having those additional touchpoints is valuable to patients. In addition, UnitedHealth and Amedisys compete on their selection of specialty home health and hospice programs offered to patients.

As alleged in the Complaint, in home health and hospice, UnitedHealth and Amedisys compete on a variety of quality dimensions, including delivering better clinical outcomes and lower readmission rates to hospitals and skilled nursing facilities. One key metric that UnitedHealth and Amedisys compete heavily on are CMS “star ratings.” CMS “star ratings” are a rating system that CMS publishes online in which the performance of home health and hospice agencies are rated on a scale of one to five stars. The companies constantly compare their quality scores to each other and celebrate when their respective scores increase and their competitor’s do not.

In addition, as alleged in the Complaint, home health providers like UnitedHealth and Amedisys compete on price and quality to be in-network with

Medicare Advantage plans. Because Medicare Advantage insurers' members pay less for in-network home health services than for out-of-network services, in-network home health providers are likely to attract more members from an insurer than are out-of-network providers. UnitedHealth and Amedisys compete by offering lower rates and better terms to third-party Medicare Advantage insurers for inclusion in insurers' networks.

The acquisition would eliminate the benefits of competition for home health and hospice services between UnitedHealth and Amedisys. The Complaint alleges that non-price dimensions of home health and hospice services, including the quality of the services, would likely either deteriorate or improve more slowly than they would if competition still existed between the two companies. The Complaint further alleges that the proposed acquisition may increase the price of home health services or worsen the terms on which these services are provided for patients covered by Medicare Advantage plans.

#### b. Home Health and Hospice Nurses

As alleged in the Complaint, Defendants each employ thousands of home health and hospice nurses and compete intensely to hire and retain them. UnitedHealth and Amedisys try to poach each other's nurses by offering higher pay or better conditions of employment. Their poaching efforts are especially intense following acquisitions, leadership changes, and other major company events. UnitedHealth identified Amedisys as one of its main competitors when reporting on its value proposition for its home health and hospice employees. The two rivals use the other as a comparison when creating competitive benefits offerings. For example, UnitedHealth tracks Amedisys's provision of fleet cars—a highly desirable benefit for some home health and hospice nurses, who travel frequently as part of their job—while Amedisys compares its full suite of benefits, including health insurance, disability insurance, paid leave, and 401(k) matches, to UnitedHealth's. In addition to this enterprise-level competition, there are numerous examples of both companies making competing employment offers to individual nurses and of nurses using these rival offers to improve the terms of their employment.

As the Complaint alleges, UnitedHealth's acquisition of Amedisys may substantially lessen competition for home health and hospice nurses,

affecting their employment choices, compensation, and other employment terms.

#### 4. Difficulty of Entry and Expansion

Sufficient, timely entry of additional competitors into the relevant home health, hospice, and nurse labor markets is unlikely to prevent the harm to competition that is likely to result from UnitedHealth's acquisition of Amedisys. Expansion among existing competitors is similarly unlikely to occur in a sufficient and timely fashion to prevent harm to patients and nurses. Home health and hospice markets feature high barriers to entry and expansion. Among other barriers to entry, laws and regulations, such as certificate of need laws, prevent or significantly delay new entry in many areas. UnitedHealth's strategy of growth by acquiring other home health and hospice providers reflects the difficulty of entry or expansion in home health and hospice services.

#### C. Amedisys's Violation of Section 7A

As the Complaint alleges, Amedisys violated Section 7A of the Clayton Act, 15 U.S.C. 18a, by providing to the United States an erroneous and inaccurate certification related to its production of documents and information during the Antitrust Division's investigation into this acquisition.

As part of its investigation of this acquisition, on August 4, 2023, the Antitrust Division required Amedisys to produce "additional information or documentary material relevant to the proposed acquisition" under Section 18a(e)(1)(A) of the Clayton Act, which is known as a "Second Request." The Second Request included detailed instructions for compliance. Amedisys was required to provide the Antitrust Division with "all the information and documentary material" responsive to the Second Request; if all materials were not provided, Amedisys was required to also include "a statement of the reasons for such noncompliance." 15 U.S.C. 18a(e)(2)(A), 18a(e)(2)(B); 16 CFR 801–803.

Amedisys first certified to the United States that it had complied with the Second Request on December 18, 2023, attesting that the information provided by Amedisys was "true, correct, and complete in accordance with the statute and rules."<sup>6</sup> Amedisys did not submit a statement of reasons for non-

compliance, indicate that it had chosen not to produce relevant materials in its possession, or explain that certain relevant materials were no longer retrievable.<sup>7</sup> Prior to its December 18, 2023 certification of compliance, Amedisys failed to produce large swaths of emails, texts, and hard copy documents:

*Emails:* Amedisys first became aware of a potential problem with its email archiving system in summer 2023. This problem persisted for a period between May and June 2023 that coincided with UnitedHealth and Amedisys's merger negotiations. By October 2023, Amedisys understood that it could not locate these archived emails, and, as of December 18, 2023, the issue remained unresolved.

*Text messages:* Without informing the Antitrust Division, Amedisys unilaterally determined that it did not need to collect or produce text messages for over half of its custodians prior to its December 18, 2023 certification.

*Hard copy documents:* Amedisys also knew of, but failed to produce, any hard copy documents from any custodian prior to its December 18, 2023 certification (despite its former CEO and current Chairman of the Board touting his work-related notetaking in a book published immediately before Defendants announced this proposed acquisition).

Despite the significant known issues described above, Amedisys still certified compliance on December 18, 2023. Amedisys did not acknowledge any of these deficiencies until months later, when the Antitrust Division discovered and presented evidence of them to Amedisys. Even then, Amedisys continued to delay producing relevant documents and refused for months to make the individual who certified compliance with the Second Request available for examination.

After Amedisys submitted its erroneous and inaccurate December 18, 2023 certification, Amedisys produced more than 2.5 million additional relevant documents—substantially more than it had produced in its original production—to complete its Second Request response, including hundreds of thousands of emails, hard copy documents, and text messages that predated its December 18, 2023

<sup>6</sup> 16 CFR 803.6(a)(2), (b); Notification and Report Form, appendix to 16 CFR pt. 803; see 15 U.S.C. 18a(b)(1)(B), (e)(2)(b). Amedisys submitted its first certification of compliance with the Second Request on December 18, 2023.

<sup>7</sup> "A complete response shall be supplied to each item on the Notification and Report Form and to any request for additional information pursuant to section 7A(e) and § 803.20. Whenever the person filing notification is unable to supply a complete response, that person shall provide, for each item for which less than a complete response has been supplied, a statement of reasons for noncompliance." 16 CFR 803.3.

certification. These subsequent productions more than doubled Amedisys's pre-December 18, 2023 productions and included materials clearly relevant to the potential impact of this acquisition on competition in the markets for home health and hospice services and for nurses' labor.

More than eight months after its initial certification, on August 26, 2024, Amedisys submitted a second certification in accordance with 16 CFR 803.6 attesting compliance with its Second Request.

### III. Explanation of the Proposed Final Judgment

#### A. Divestitures

The relief required by the proposed Final Judgment is designed to remedy the loss of competition alleged in the Complaint in many local markets for home health services, hospice services, and home health and hospice nursing by establishing in those markets at least two independent and economically viable competitors. Paragraph IV.A of the proposed Final Judgment requires Defendants, within seventy-five (75) calendar days after the Court's entry of the Stipulation and Order in this matter or within sixty (60) calendar days of receipt of all necessary Merger Clearances, to divest all offices and contracts related to the 152 home health, 11 hospice, and 1 palliative care branches and agencies identified in the Divestiture Schedules attached to the proposed Final Judgment, as well as the interests in all joint ventures associated with those branches and agencies, to BrightSpring, Pennant, or an alternative buyer acceptable to the United States, in its sole discretion. The assets must be divested in such a way as to satisfy the United States, in its sole discretion, that the assets can and will be operated by the acquirer as a viable, ongoing business that can compete effectively in these local markets for home health services, hospice services, and home health and hospice nursing. Defendants must take all reasonable steps necessary to accomplish the divestitures quickly and must cooperate with the acquirer.

##### 1. Divestiture Assets

Paragraph IV.A of the proposed Final Judgment requires Defendants to divest all offices and contracts related to the 152 home health, 11 hospice, and 1 palliative care branches and agencies identified in the Divestiture Schedules attached to the proposed Final Judgment. The home health agencies and branches being divested provide care in 18 states, while the hospice agencies being divested provide care in

4 states, and the palliative care location serves patients in Tennessee. The divestitures will be made to BrightSpring, Pennant, and/or to another acquirer acceptable to the United States, in its sole discretion after consultation with any affected Plaintiff State.

Six of the home health locations that Paragraph IV.A of the proposed Final Judgment requires Defendants to divest share licenses or certifications and CMS identification numbers with home health locations that Defendants will retain after the acquisition. Paragraph IV.B of the proposed Final Judgment requires Defendants to divest up to 8 additional home health locations if the acquirers of the 6 "sharing" divested locations receive a final written determination that they are (a) not able to obtain the necessary regulatory approvals to maintain the home health operations of the divested locations as they existed as of July 17, 2025 or (b) not permitted to bill CMS for the treatment of Medicare or Medicaid patients. In addition, Defendants must divest these additional 8 home health locations if the necessary regulatory approvals for the associated "sharing" divested location have not been obtained within 18 months after the entry of the Stipulation and Order in this matter, unless the United States determines, in its sole discretion, that Defendants are using best efforts to obtain the necessary regulatory approvals and are likely to succeed if provided with additional time.

##### 2. Relevant Personnel

The proposed Final Judgment contains provisions intended to facilitate the acquirer's efforts to hire certain employees. The proposed Final Judgment requires that the Divestiture Assets include the employment contracts for more than 1,800 "Relevant Personnel," *i.e.*, full-time, part-time, or contract employees (including nurses, other healthcare professionals, and business development and account executives) of the Defendants, wherever located, whose work supports the operation of the Divestiture Assets, *i.e.*, the divested home health, hospice, and palliative care agencies and branches described above. Among other requirements, Defendants must waive all non-compete and non-disclosure agreements, vest all unvested pension and other equity rights, provide any pay pro rata, provide all compensation and benefits that those employees have fully or partially accrued, and provide all other benefits that the employees would generally be provided had those employees continued employment with

Defendants, including, but not limited to, any retention bonuses or payments. The United States retains sole discretion to resolve any disagreement relating to which employees are Relevant Personnel.

##### 3. Transition Services Agreements

The proposed Final Judgment requires Defendants to provide certain transition services to maintain the viability and competitiveness of the divestiture assets during the transition to the acquirers. Paragraph IV.Q of the proposed Final Judgment requires Defendants, at an acquirer's option, to enter into a transition services agreement for services related to related to human resources, employee health and safety, information technology services and support, clinical service delivery, clinical operations support, real estate, finance, accounting and tax, expense processing, cost reporting, legal, risk, and compliance, revenue cycle management, sales, and billing services for a period of up to 365 calendar days on terms and conditions reasonably related to market conditions for the provision of the transition services. An acquirer may terminate the transition services agreement, or any portion of it, without cost or penalty at any time upon 30 days' notice. The paragraph further provides that the United States, in its sole discretion, may approve one or more extensions of a transition services agreement for a total of up to an additional 180 calendar days and that any amendments to or modifications of any provisions of a transition services agreement are subject to approval by the United States in its sole discretion.

##### 4. Firewalls

The proposed Final Judgment requires that Defendants implement and maintain effective procedures to prevent divestiture acquirers' competitively sensitive information from being shared or disclosed by Defendants' employees working to effectuate the divestitures to Defendants' employees engaged in competing with BrightSpring, Pennant, or other acquirers. These obligations extend at least until an acquirer's competitively sensitive information is no longer readily accessible to Defendants' employees in the ordinary course of business.

##### 5. Divestiture Trustee

If Defendants do not accomplish the divestitures within the period prescribed in Paragraph IV.A, or, if applicable, Paragraph IV.B of the proposed Final Judgment, Section V of the proposed Final Judgment provides

that the Court will appoint a divestiture trustee selected by the United States to effect the divestiture. If a divestiture trustee is appointed, the proposed Final Judgment provides that Defendants must pay all costs and expenses of the trustee. The divestiture trustee's commission must be structured so as to provide an incentive for the trustee based on the price obtained and the speed with which the divestiture is accomplished. After the divestiture trustee's appointment becomes effective, the trustee must provide monthly reports to the United States setting forth his or her efforts to accomplish the divestiture. If the divestiture has not been accomplished within 180 calendar days of the divestiture trustee's appointment, the United States may make recommendations to the Court, which will enter such orders as appropriate, in order to carry out the purpose of the Final Judgment, including by extending the term of the divestiture trustee's appointment.

#### 6. Monitor

The proposed Final Judgment provides that the United States may select a monitoring trustee to be recommended to and appointed by the Court. The monitor will have the power and authority to investigate and report on Defendants' compliance with the terms of the proposed Final Judgment and the Stipulation and Order, including (i) whether the divestitures have been effected as required under the proposed Final Judgment; (ii) Defendants' efforts to migrate the data related to the divested assets contained in the electronic medical record, billing, financial, or employee management system from Defendants' systems to the systems of BrightSpring, Pennant, or another acquirer, and (iii) whether Defendants have complied with their obligations related to Relevant Personnel and transition services, among other obligations (*e.g.*, Paragraphs IV.C–F and IV.K–Q of the proposed Final Judgment). The monitoring trustee will not have any responsibility or obligation for the operation of the Divestiture Assets or Defendants' businesses. The monitoring trustee will serve at Defendants' expense, on such terms and conditions as the United States approves, and Defendants must assist the monitoring trustee in fulfilling his or her obligations. The monitoring trustee will provide periodic reports to the United States and will serve until 90 calendar days after the completion of all Regulatory Approvals related to divestitures, or the divestiture of any additional assets.

#### B. Amedisys's 7A Violation

##### 1. Civil Penalty

A company's failure to comply with the HSR Act makes it liable to the United States for a civil penalty for each day it is in violation. 15 U.S.C. 18a(g). The maximum amount of civil penalty during the period relevant to this Complaint was \$51,744 per day.<sup>8</sup> The Complaint alleges that Amedisys violated the requirements of the HSR Act each day beginning on December 18, 2023, when it submitted its erroneous and inaccurate certification, until it submitted a second certification attesting that it had submitted a complete response to its Second Request on August 26, 2024. The United States has accepted \$1.1 million—less than the maximum penalty permitted under the HSR Act—as an appropriate civil penalty for settlement purposes for this matter only. The penalty here is appropriate because Amedisys agreed to take corrective action internally and because it is willing to resolve the matter by the proposed Final Judgment, thereby avoiding the risks and costs associated with litigation.

##### 2. Corrective Action

As satisfaction for the United States' claim under Section 7A (15 U.S.C. 18a) against Amedisys, within 30 days of the Court's entry of the Final Judgment, Amedisys must pay to the United States a civil penalty in the amount of \$1.1 million. In addition, Paragraph XIV.A of the proposed Final Judgment requires that Amedisys, within 365 calendar days of the Court's entry of the Stipulation and Order, conduct antitrust compliance training, the form and content of which must be approved by the United States in its sole discretion, for (i) Amedisys's corporate leadership and their direct reports, and (ii) certain of Amedisys's field leadership for all lines of business. Within 370 calendar days of entry of the Court's entry of the Stipulation and Order, UnitedHealth's Chief Legal Officer must submit an affidavit certifying compliance with this training requirement.

#### C. Other Provisions To Ensure Compliance

The proposed Final Judgment also contains provisions designed to promote compliance with and make enforcement of the Final Judgment as effective as possible. Paragraph XVII.A of the

proposed Final Judgment provides that the United States retains and reserves all rights to enforce the Final Judgment, including the right to seek an order of contempt from the Court. Under the terms of this paragraph, Defendants have agreed that in any civil contempt action, any motion to show cause, or any similar action brought by the United States regarding an alleged violation of the Final Judgment, the United States may establish the violation and the appropriateness of any remedy by a preponderance of the evidence and that Defendants have waived any argument that a different standard of proof should apply. This provision aligns the standard for compliance with the Final Judgment with the standard of proof that applies to the underlying offense that the Final Judgment addresses.

Paragraph XVII.B provides additional clarification regarding the interpretation of the provisions of the proposed Final Judgment. The proposed Final Judgment should be interpreted to give full effect to the procompetitive purposes of Sections 7 and 7A of the Clayton Act. Defendants agree that they will abide by the proposed Final Judgment and that they may be held in contempt of the Court for failing to comply with any provision of the proposed Final Judgment that is stated specifically and in reasonable detail, as interpreted in light of this procompetitive purpose.

Paragraph XVII.C provides that, if the Court finds in an enforcement proceeding that a Defendant has violated the Final Judgment, the United States may apply to the Court for an extension of the Final Judgment, together with such other relief as may be appropriate. In addition, to compensate American taxpayers for any costs associated with investigating and enforcing violations of the Final Judgment, Paragraph XVII.C provides that, in any successful effort by the United States to enforce the Final Judgment against a Defendant, whether litigated or resolved before litigation, the Defendant must reimburse the United States for attorneys' fees, experts' fees, and other costs incurred in connection with that effort to enforce the Final Judgment, including the investigation of the potential violation.

Paragraph XVII.D states that the United States may file an action against a Defendant for violating the Final Judgment for up to four years after the Final Judgment has expired or been terminated. This provision is meant to address circumstances such as when evidence that a violation of the Final Judgment occurred during the term of the Final Judgment is not discovered until after the Final Judgment has

<sup>8</sup> Federal Civil Penalties Inflation Adjustment Improvements Act of 2015, Public Law 114–74 § 701, 129 Stat. 599–600 (further amending the Federal Civil Penalties Inflation Adjustment Act of 1990); Rule 1.98, 16 CFR 1.98, 89 FR 1,445 (Jan. 10, 2024).

expired or been terminated or when there is not sufficient time for the United States to complete an investigation of an alleged violation until after the Final Judgment has expired or been terminated. This provision, therefore, makes clear that, for four years after the Final Judgment has expired or been terminated, the United States may still challenge a violation that occurred during the term of the Final Judgment.

Finally, Section XVIII of the proposed Final Judgment provides that the Final Judgment will expire ten years from the date of its entry, except that after five years from the date of its entry, the Final Judgment may be terminated upon notice by the United States to the Court and Defendants that the divestitures have been completed and continuation of the Final Judgment is no longer necessary or in the public interest.

#### IV. Remedies Available to Potential Private Plaintiffs

Section 4 of the Clayton Act, 15 U.S.C. 15, provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages the person has suffered, as well as costs and reasonable attorneys' fees. Entry of the proposed Final Judgment neither impairs nor assists the bringing of any private antitrust damages action. Under the provisions of Section 5(a) of the Clayton Act, 15 U.S.C. 16(a), the proposed Final Judgment has no prima facie effect in any subsequent private lawsuit that may be brought against Defendants.

#### V. Procedures Available for Modification of the Proposed Final Judgment

The United States and Defendants have stipulated that the proposed Final Judgment may be entered by the Court after compliance with the provisions of the APPA, provided that the United States has not withdrawn its consent. The APPA conditions entry upon the Court's determination that the proposed Final Judgment is in the public interest.

The APPA provides a period of at least 60 days preceding the effective date of the proposed Final Judgment within which any person may submit to the United States written comments regarding the proposed Final Judgment. Any person who wishes to comment should do so within 60 days of the date of publication of this Competitive Impact Statement in the **Federal Register**, or within 60 days of the first date of publication in a newspaper of the summary of this Competitive Impact Statement, whichever is later. All

comments received during this period will be considered by the U.S. Department of Justice, which remains free to withdraw its consent to the proposed Final Judgment at any time before the Court's entry of the Final Judgment. The comments and the response of the United States will be filed with the Court. In addition, the comments and the United States' responses will be published in the **Federal Register** unless the Court agrees that the United States instead may publish them on the U.S. Department of Justice, Antitrust Division's internet website.

Written comments should be submitted in English to: Jill C. Maguire, Acting Chief, Healthcare & Consumer Products Section, Antitrust Division, United States Department of Justice, 450 Fifth St. NW, Suite 4100, Washington, DC 20530, [ATR.Public-Comments-Tunney-Act-MB@usdoj.gov](mailto:ATR.Public-Comments-Tunney-Act-MB@usdoj.gov).

The proposed Final Judgment provides that the Court retains jurisdiction over this action, and the parties may apply to the Court for any order necessary or appropriate for the modification, interpretation, or enforcement of the Final Judgment.

#### VI. Alternatives to the Proposed Final Judgment

As an alternative to the proposed Final Judgment, the United States considered continuing its litigation, including its request for a permanent injunction against UnitedHealth's acquisition of Amedisys and additional monetary penalties against Amedisys, through a full trial on the merits. Under the circumstances present here, however, the United States concludes that entry of the proposed Final Judgment is in the public interest insofar as it avoids the time, expense, and uncertainty of a full trial on the merits.

#### VII. Standard of Review Under the APPA for the Proposed Final Judgment

Under the Clayton Act and APPA, proposed Final Judgments, or "consent decrees," in antitrust cases brought by the United States are subject to a 60-day comment period, after which the Court shall determine whether entry of the proposed Final Judgment "is in the public interest." 15 U.S.C. 16(e)(1). In making that determination, the Court, in accordance with the statute as amended in 2004, is required to consider:

(A) the competitive impact of such judgment, including termination of alleged violations, provisions for enforcement and modification, duration of relief sought, anticipated effects of alternative remedies actually

considered, whether its terms are ambiguous, and any other competitive considerations bearing upon the adequacy of such judgment that the court deems necessary to a determination of whether the consent judgment is in the public interest; and

(B) the impact of entry of such judgment upon competition in the relevant market or markets, upon the public generally and individuals alleging specific injury from the violations set forth in the complaint including consideration of the public benefit, if any, to be derived from a determination of the issues at trial.

15 U.S.C. 16(e)(1)(A) & (B). In considering these statutory factors, the Court's inquiry is necessarily a limited one as the government is entitled to "broad discretion to settle with the defendant within the reaches of the public interest." *United States v. Microsoft Corp.*, 56 F.3d 1448, 1461 (D.C. Cir. 1995); *United States v. U.S. Airways Grp., Inc.*, 38 F. Supp. 3d 69, 75 (D.D.C. 2014) (explaining that the "court's inquiry is limited" in Tunney Act settlements); *United States v. InBev N.V./S.A.*, No. 08–1965 (JR), 2009 U.S. Dist. LEXIS 84787, at \*3 (D.D.C. Aug. 11, 2009) (noting that a court's review of a proposed Final Judgment is limited and only inquires "into whether the government's determination that the proposed remedies will cure the antitrust violations alleged in the complaint was reasonable, and whether the mechanisms to enforce the final judgment are clear and manageable"); *United States v. Charleston Area Med. Ctr., Inc.*, No. 2:16–3664, 2016 U.S. Dist. LEXIS 145963 at \*5–6 (S.D.W.V. Oct. 21, 2016) ("In evaluating whether the proposed final judgment is in the public interest, the inquiry is 'a narrow one.'" (quoting *Massachusetts v. Microsoft Corp.*, 372 F.3d 1199, 1236 (D.C. Cir. 2004))).

As the U.S. Court of Appeals for the District of Columbia Circuit has held, under the APPA, a court considers, among other things, the relationship between the remedy secured and the specific allegations in the government's complaint, whether the proposed Final Judgment is sufficiently clear, whether its enforcement mechanisms are sufficient, and whether it may positively harm third parties. *See Microsoft*, 56 F.3d at 1458–62. With respect to the adequacy of the relief secured by the proposed Final Judgment, a court may not "make de novo determination of facts and issues." *United States v. W. Elec. Co.*, 993 F.2d 1572, 1577 (D.C. Cir. 1993) (quotation marks omitted); *see also Microsoft*, 56 F.3d at 1460–62; *United States v. Alcoa, Inc.*, 152 F.

Supp. 2d 37, 40 (D.D.C. 2001); *United States v. Enova Corp.*, 107 F. Supp. 2d 10, 16 (D.D.C. 2000); *InBev*, 2009 U.S. Dist. LEXIS 84787, at \*3. Instead, “[t]he balancing of competing social and political interests affected by a proposed antitrust decree must be left, in the first instance, to the discretion of the Attorney General.” *W. Elec. Co.*, 993 F.2d at 1577 (quotation marks omitted). “The court should also bear in mind the flexibility of the public interest inquiry: the court’s function is not to determine whether the resulting array of rights and liabilities is the one that will best serve society, but only to confirm that the resulting settlement is within the reaches of the public interest.” *Microsoft*, 56 F.3d at 1460 (quotation marks omitted); see also *United States v. Deutsche Telekom AG*, No. 19–2232 (TJK), 2020 WL 1873555, at \*7 (D.D.C. Apr. 14, 2020). More demanding requirements would “have enormous practical consequences for the government’s ability to negotiate future settlements,” contrary to congressional intent. *Microsoft*, 56 F.3d at 1456. “The Tunney Act was not intended to create a disincentive to the use of the consent decree.” *Id.*

The United States’ predictions about the efficacy of the remedy are to be afforded deference by the Court. See, e.g., *Microsoft*, 56 F.3d at 1461 (recognizing courts should give “due respect to the Justice Department’s . . . view of the nature of its case”); *United States v. Iron Mountain, Inc.*, 217 F. Supp. 3d 146, 152–53 (D.D.C. 2016) (“In evaluating objections to settlement agreements under the Tunney Act, a court must be mindful that [t]he government need not prove that the settlements will perfectly remedy the alleged antitrust harms[;] it need only provide a factual basis for concluding that the settlements are reasonably adequate remedies for the alleged harms.” (internal citations omitted)); *United States v. Republic Servs., Inc.*,

723 F. Supp. 2d 157, 160 (D.D.C. 2010) (noting “the deferential review to which the government’s proposed remedy is accorded”); *United States v. Archer-Daniels-Midland Co.*, 272 F. Supp. 2d 1, 6 (D.D.C. 2003) (“A district court must accord due respect to the government’s prediction as to the effect of proposed remedies, its perception of the market structure, and its view of the nature of the case.”). The ultimate question is whether “the remedies [obtained by the Final Judgment are] so inconsonant with the allegations charged as to fall outside of the ‘reaches of the public interest.’” *Microsoft*, 56 F.3d at 1461 (quoting *W. Elec. Co.*, 900 F.2d at 309).

Moreover, the Court’s role under the APPA is limited to reviewing the remedy in relationship to the violations that the United States has alleged in its Complaint and does not authorize the Court to “construct [its] own hypothetical case and then evaluate the decree against that case.” *Microsoft*, 56 F.3d at 1459; see also *U.S. Airways*, 38 F. Supp. 3d at 75 (noting that the court must simply determine whether there is a factual foundation for the government’s decisions such that its conclusions regarding the proposed settlements are reasonable); *InBev*, 2009 U.S. Dist. LEXIS 84787, at \*20 (“[T]he ‘public interest’ is not to be measured by comparing the violations alleged in the complaint against those the court believes could have, or even should have, been alleged”). Because the “court’s authority to review the decree depends entirely on the government’s exercising its prosecutorial discretion by bringing a case in the first place,” it follows that “the court is only authorized to review the decree itself,” and not to “effectively redraft the complaint” to inquire into other matters that the United States did not pursue. *Microsoft*, 56 F.3d at 1459–60.

In its 2004 amendments to the APPA, Congress made clear its intent to preserve the practical benefits of using

judgments proposed by the United States in antitrust enforcement, and added the unambiguous instruction that “[n]othing in this section shall be construed to require the court to conduct an evidentiary hearing or to require the court to permit anyone to intervene.” Public Law 108–237, 221, 118 Stat. 668–69 (codified as amended at 15 U.S.C. 16(e)(2); see also *U.S. Airways*, 38 F. Supp. 3d at 76 (indicating that a court is not required to hold an evidentiary hearing or to permit intervenors as part of its review under the Tunney Act). This language explicitly wrote into the statute what Congress intended when it first enacted the Tunney Act in 1974. As Senator Tunney explained: “The court is nowhere compelled to go to trial or to engage in extended proceedings which might have the effect of vitiating the benefits of prompt and less costly settlement through the consent decree process.” 119 Cong. Rec. 24,598 (1973) (statement of Sen. Tunney). “A court can make its public interest determination based on the competitive impact statement and response to public comments alone.” *U.S. Airways*, 38 F. Supp. 3d at 76 (citing *Enova Corp.*, 107 F. Supp. 2d at 17).

#### VIII. Determinative Documents

There are no determinative materials or documents within the meaning of the APPA that were considered by the United States in formulating the proposed Final Judgment.

Dated: August 8, 2025.

Respectfully submitted,

FOR PLAINTIFF UNITED STATES OF AMERICA:

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[FR Doc. 2025–15486 Filed 8–13–25; 8:45 am]

BILLING CODE 4410–11–P



# FEDERAL REGISTER

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Vol. 90

Thursday,

No. 155

August 14, 2025

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## Part III

### The President

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Executive Order 14333—Declaring a Crime Emergency in the District of Columbia

Executive Order 14334—Further Modifying Reciprocal Tariff Rates To Reflect Ongoing Discussions With the People's Republic of China



# Presidential Documents

Title 3—

Executive Order 14333 of August 11, 2025

The President

## Declaring a Crime Emergency in the District of Columbia

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 740 of the District of Columbia Self-Government and Governmental Reorganization Act (Public Law 93–198), as amended (section 740 of the Home Rule Act), and section 301 of title 3, United States Code, it is hereby ordered:

**Section 1.** Crime is out of control in the District of Columbia. Washington, District of Columbia, is our Nation’s capital and home to the central institutions of American governance. Yet rising violence in the capital now urgently endangers public servants, citizens, and tourists, disrupts safe and secure transportation and the proper functioning of the Federal Government, and forces the diversion of critical public resources toward emergency response and security measures. The city government’s failure to maintain public order and safety has had a dire impact on the Federal Government’s ability to operate efficiently to address the Nation’s broader interests without fear of our workers being subjected to rampant violence.

The increase in violent crime in the heart of our Republic has consequences beyond the individual tragedies that have dominated media coverage. Such lawlessness also poses intolerable risks to the vital Federal functions that take place in the District of Columbia. Violence and crime hamper the recruitment and retention of essential Federal employees, undermine critical functions of Government and thus the well-being of the entire Nation, and erode confidence in the strength of the United States. These conditions are disgraceful anywhere, but particularly in the capital of our Nation and the seat of the Federal Government. Citizens, tourists, and Federal workers deserve peace and security, not fear and violence. The smooth functioning of executive departments and agencies, courts, diplomatic missions, and the Federal Government demands an effective law-enforcement mechanism capable of halting the precipitous rise in violent crime, not one that permits Government workers to be violently attacked by mobs or fatally shot close to the Federal buildings where they work.

The magnitude of the violent crime crisis places the District of Columbia among the most violent jurisdictions in the United States. In 2024, the District of Columbia averaged one of the highest robbery and murder rates of large cities nationwide. Indeed, the District of Columbia now has a higher violent crime, murder, and robbery rate than all 50 States, recording a homicide rate in 2024 of 27.54 per 100,000 residents. It also experienced the Nation’s highest vehicle theft rate with 842.4 thefts per 100,000 residents—over three times the national average of 250.2 thefts per 100,000 residents. The District of Columbia is, by some measures, among the top 20 percent of the most dangerous cities in the world.

As President, I have a solemn duty to take care that our laws are faithfully executed, and a sacred responsibility to protect the safety and security of United States citizens who live in and visit our Nation’s capital, including Federal workers who live or commute into the District of Columbia. These conditions cannot persist. We will make the District of Columbia one of the safest cities in the world, not the most dangerous.

**Sec. 2.** *Services of the Metropolitan Police Department of the District of Columbia.* I determine that special conditions of an emergency nature exist that require the use of the Metropolitan Police Department of the District

of Columbia (Metropolitan Police force) for Federal purposes, including maintaining law and order in the Nation's seat of Government; protecting Federal buildings, national monuments, and other Federal property; and ensuring conditions necessary for the orderly functioning of the Federal Government. Effective immediately, the Mayor of the District of Columbia (Mayor) shall provide the services of the Metropolitan Police force for Federal purposes for the maximum period permitted under section 740 of the Home Rule Act.

**Sec. 3. *Operational Control of the Metropolitan Police Department of the District of Columbia.*** (a) The authority of the President conferred by section 740(a) of the Home Rule Act to direct the Mayor with respect to the current special conditions of an emergency nature is delegated to the Attorney General.

(b) In accordance with section 740(a) of the Home Rule Act, the Mayor shall provide such services of the Metropolitan Police force as the Attorney General may deem necessary and appropriate.

**Sec. 4. *Monitoring and Recommendations.*** (a) The Attorney General shall monitor and regularly consult with any senior official the Attorney General deems appropriate on the special conditions of an emergency nature that exist in the District of Columbia that require the use of the Metropolitan Police force for Federal purposes.

(b) The Attorney General shall regularly update me on the status of the special conditions of an emergency nature that exist in the District of Columbia that require the use of the Metropolitan Police force for Federal purposes.

(c) The Attorney General shall inform me of any circumstances that, in the Attorney General's opinion, might indicate the need for further action by the President or that the action in this order is no longer necessary.

**Sec. 5. *Severability.*** If any provision of this order, or the application of any provision to any individual or circumstance, is held to be invalid, the remainder of this order and the application of its other provisions to any other individuals or circumstances shall not be affected thereby.

**Sec. 6. *General Provisions.*** (a) Nothing in this order shall be construed to impair or otherwise affect:

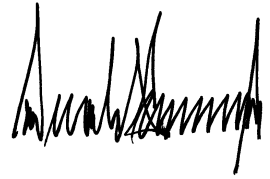
(i) the authority granted by law to an executive department or agency, or the head thereof; or

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

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

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

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

A handwritten signature in black ink, appearing to be "Donald Trump", located in the upper right quadrant of the page.

THE WHITE HOUSE,  
*August 11, 2025.*

[FR Doc. 2025-15550  
Filed 8-13-25; 11:15 am]  
Billing code 4410-CW-P

## Presidential Documents

Executive Order 14334 of August 11, 2025

### Further Modifying Reciprocal Tariff Rates To Reflect Ongoing Discussions With the People's Republic of China

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), section 604 of the Trade Act of 1974, as amended (19 U.S.C. 2483), and section 301 of title 3, United States Code, I hereby determine and order:

**Section 1. Background.** In Executive Order 14257 of April 2, 2025 (Regulating Imports With a Reciprocal Tariff to Rectify Trade Practices That Contribute to Large and Persistent Annual United States Goods Trade Deficits), I found that conditions reflected in large and persistent annual U.S. goods trade deficits, including the consequences of those exploding trade deficits, constitute an unusual and extraordinary threat to the national security and economy of the United States that has its source in whole or substantial part outside the United States. I declared a national emergency with respect to that threat, and to deal with that threat, I imposed certain *ad valorem* duties that I deemed necessary and appropriate.

In Executive Order 14259 of April 8, 2025 (Amendment to Reciprocal Tariffs and Updated Duties as Applied to Low-Value Imports From the People's Republic of China), and Executive Order 14266 of April 9, 2025 (Modifying Reciprocal Tariff Rates to Reflect Trading Partner Retaliation and Alignment), I ordered modifications of the Harmonized Tariff Schedule of the United States (HTSUS) to raise the applicable *ad valorem* duty rate for imports from the People's Republic of China (PRC) established in Executive Order 14257, in recognition of the fact that the State Council Tariff Commission of the PRC announced that it would retaliate against the United States in response to Executive Order 14257 and Executive Order 14259.

Subsequently, the United States entered into discussions with the PRC to address the lack of trade reciprocity in our economic relationship and our resulting national and economic security concerns. Therefore, in Executive Order 14298 of May 12, 2025 (Modifying Reciprocal Tariff Rates to Reflect Discussions With the People's Republic of China), I determined that it was necessary and appropriate to address the national emergency declared in Executive Order 14257 by modifying the HTSUS to suspend for a period of 90 days application of the additional *ad valorem* duties imposed on the PRC listed in Annex I to Executive Order 14257, as amended, and to instead impose on articles of the PRC an additional *ad valorem* rate of duty as set forth in Executive Order 14298, pursuant to the terms of, and except as otherwise provided in, Executive Order 14257, as amended. This 90-day suspension expires at 12:01 a.m. eastern daylight time on August 12, 2025.

The United States continues to have discussions with the PRC to address the lack of trade reciprocity in our economic relationship and our resulting national and economic security concerns. Through these discussions, the PRC continues to take significant steps toward remedying non-reciprocal trade arrangements and addressing the concerns of the United States relating to economic and national security matters. Based on this additional information and recommendations from various senior officials, among other things, I have determined that it is necessary and appropriate to continue the

suspension effectuated by Executive Order 14298 until 12:01 a.m. eastern standard time on November 10, 2025.

**Sec. 2. Continued Suspension of Country-Specific Ad Valorem Rate of Duty.** Heading 9903.01.63 and subdivision (v)(xiv)(10) of U.S. note 2 to subchapter III of chapter 99 of the HTSUS shall continue to be suspended until 12:01 a.m. eastern standard time on November 10, 2025.

**Sec. 3. Implementation.** The Secretary of Commerce, the Secretary of Homeland Security, and the United States Trade Representative, as applicable, in consultation with the Secretary of State, the Secretary of the Treasury, the Assistant to the President for National Security Affairs, the Assistant to the President for Economic Policy, the Senior Counselor to the President for Trade and Manufacturing, the Chair of the United States International Trade Commission, and the Postmaster General, are directed to take all necessary actions to implement and effectuate this order, consistent with applicable law, including through temporary suspension or amendment of regulations or notices in the *Federal Register* and adopting rules and regulations, and are authorized to take such actions, and to employ all powers granted to the President by IEEPA, as may be necessary to implement this order. Each executive department and agency shall take all appropriate measures within its authority to implement this order.

**Sec. 4. General Provisions.** (a) Nothing in this order shall be construed to impair or otherwise affect:

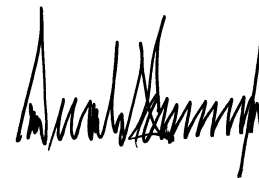
(i) the authority granted by law to an executive department, agency, or the head thereof; or

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

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

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

(d) The costs for publication of this order shall be borne by the Office of the United States Trade Representative.



THE WHITE HOUSE,  
August 11, 2025.

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**Note:** No public bills which have become law were received by the Office of the Federal Register for inclusion

in today's **List of Public Laws**.

Last List August 5, 2025

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