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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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2025–1293; Special Conditions No. 25–881–SC]

Special Conditions: Dassault Aviation Model Falcon 10X Airplane; Limit Pilot Forces

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for the Dassault Aviation Falcon Model 10X series airplanes. These airplanes will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport-category airplanes. This design feature is an electronic flight control system with a side stick controller instead of a conventional control column and wheel. This kind of controller is designed for one hand only operation. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: This action is effective on Dassault Aviation on August 22, 2025. Send comments on or before October 6, 2025.

ADDRESSES: Send comments identified by Docket No. FAA–2025–1293 using any of the following methods:

- *Federal e-Regulations Portal:* Go to www.regulations.gov and follow the online instructions for sending your comments electronically.

- *Mail:* Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W12–140, West

Building Ground Floor, Washington, DC, 20590–0001.

- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- *Fax:* Fax comments to Docket Operations at 202–493–2251.

Docket: Background documents or comments received may be read at www.regulations.gov at any time. Follow the online instructions for accessing the docket or go to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Todd Martin, Airframe Section, AIR–622, Technical Policy Branch, Policy and Standards Division, Aircraft Certification Service, Federal Aviation Administration, 2200 S 216th St., Des Moines, WA 98198; telephone phone no. 206–231–3210; email, todd.martin@faa.gov.

SUPPLEMENTARY INFORMATION: The substance of these special conditions has been published in the **Federal Register** for public comment in several prior instances with no substantive comments received. Therefore, the FAA finds, pursuant to 14 CFR 11.38(b), that new comments are unlikely, and notice and comment prior to this publication are unnecessary.

Privacy

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 www.regulations.gov, including any personal information you provide. The FAA will also post a report summarizing each substantive verbal contact received about these special conditions.

Confidential Business Information

Confidential Business Information (CBI) is commercial or financial information that is both customarily and 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 these special conditions contain commercial or financial information that is customarily treated as private, that you treat as private, and that is relevant or responsive to these special conditions, 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 the indicated comments will not be placed in the public docket of these proposed special conditions. Send submissions containing CBI to the individual listed in the **FOR FURTHER INFORMATION CONTACT** section above. Comments the FAA receives, which are not specifically designated as CBI, will be placed in the public docket for these proposed special conditions.

Comments Invited

The FAA invites interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data.

The FAA will consider all comments received by the closing date for comments. The FAA may change these special conditions based on the comments received.

Background

On September 11, 2019, Dassault Aviation applied for a new type certificate for its Falcon 10X model. Dassault Aviation filed for an extension of this application date to December 18, 2023. The Dassault Model Falcon 10X is a twin-engine, transport-category airplane with a maximum passenger seating for 19 passengers and a maximum takeoff weight of 110,000 pounds.

Type Certification Basis

Under the provisions of title 14, Code of Federal Regulations (14 CFR) 21.17, Dassault Aviation must show that the Model Falcon 10X series airplanes meet the applicable provisions of 14 CFR part 25. If the Administrator finds that the applicable airworthiness regulations (e.g., 14 CFR part 25) do not contain adequate or appropriate safety standards for the Dassault Aviation Falcon 10X

model airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Dassault Aviation Model Falcon 10X series airplanes must comply with the exhaust-emission requirements of 14 CFR part 34, and the noise-certification requirements of 14 CFR part 36.

The FAA issues special conditions, as defined in § 11.19, in accordance with § 11.38, and they become part of the type certification basis under § 21.17(a)(2).

Novel or Unusual Design Features

The Dassault Aviation Model Falcon 10X series airplanes will incorporate the following novel or unusual design feature:

The Dassault Aviation Falcon 10X model is equipped with an electronic flight control system that utilizes a side stick controller instead of a conventional control column and wheel. This kind of controller is designed for one hand only operation.

Discussion

The requirements of § 25.397(c), which define limit pilot forces and torques for conventional wheel or stick controls, are not adequate for a side stick controller. Current regulations reference pilot effort loads for the cockpit pitch and roll controls that are based on a two-handed effort. Pilot forces are applied to side stick controllers with only the wrist, not arms. Therefore, special conditions are necessary to specify the appropriate loading conditions for this kind of controller.

These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Applicability

As discussed above, these special conditions are applicable to the Dassault Aviation Model Falcon 10X series airplanes. Should Dassault Aviation apply later for a change to the type certificate to include another model

incorporating the same novel or unusual design feature, these special conditions would apply to that model as well.

Conclusion

This action affects only a certain novel or unusual design feature on Model Falcon 10X series airplanes. It is not a rule of general applicability.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

Authority Citation

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40113, 44701, 44702, and 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued, in lieu of the aileron-control and elevator-control forces specified in § 25.397(c), as part of the type certification basis for Dassault Aviation Model Falcon 10X series airplanes. For Dassault Aviation Model Falcon 10X series airplanes equipped with side-stick controls designed for forces to be applied by one wrist and not arms, the limit pilot forces are as follows.

1. For all components between and including the side-stick control-assembly handle and its control stops:

Pitch	Roll
Nose up, 200 lbs. force .. Nose down, 200 lbs. force.	Nose left, 100 lbs. force. Nose right, 100 lbs. force.

2. For all other components of the side-stick control assembly, but excluding the internal components of the electrical sensor assemblies, to avoid damage to the control system as the result of an in-flight jam:

Pitch	Roll
Nose up, 125 lbs. force .. Nose down, 125 lbs. force.	Nose left, 50 lbs. force. Nose right, 50 lbs. force.

Issued in Kansas City, Missouri, on August 19, 2025.

Patrick R. Mullen,
Manager, Technical Policy Branch, Policy and Standards Division, Aircraft Certification Service.

[FR Doc. 2025–16081 Filed 8–21–25; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–1737; Project Identifier MCAI–2025–01210–R; Amendment 39–23113; AD 2025–17–03]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

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 Helicopters Model AS332L, AS 332L1, AS 332L2, and EC 225LP helicopters. This AD was prompted by a report of a corroded emergency sea anchor pin. This AD requires inspecting the emergency sea anchor and, depending on the result, replacing the emergency sea anchor. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective September 8, 2025.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of September 8, 2025.

The FAA must receive comments on this AD by October 6, 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–2025–1737; 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; phone: +49 221 8999 000; email: ADs@easa.europa.eu; website: easa.europa.eu. You may find the EASA material on the EASA website at ad.easa.europa.eu.

- You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Parkway, Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available at regulations.gov under Docket No. FAA–2025–1737.

FOR FURTHER INFORMATION CONTACT: David Enns, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (316) 946–4147; email: david.enns@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–2025–1737; Project Identifier MCAI–2025–01210–R” 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, 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 David Enns, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA Emergency AD 2025–0146–E, dated July 10, 2025 (EASA AD 2025–0146–E) (also referred to as “the MCAI”), to correct an unsafe condition on Airbus Helicopters Model AS 332 L, AS 332 L1, AS 332 L2, and EC 225 LP helicopters. The MCAI states a report was received of a corroded emergency sea anchor pin. An emergency sea anchor pin with extreme corrosion could cause the anchor pin to break and release the emergency sea anchor in flight, which could result in damage to the rotors and consequent loss of control of the helicopter.

You may examine the MCAI in the AD docket at regulations.gov under Docket No. FAA–2025–1737.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA Emergency AD 2025–0146–E, which specifies procedures for a one-time inspection of the emergency sea anchor for corrosion and, depending on the results, replacing the emergency sea anchor with a serviceable part. 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.

AD Requirements

This AD requires accomplishing the actions specified in EASA AD 2025–0146–E, described previously, except for any differences identified as exceptions in the regulatory text of this AD.

Interim Action

The FAA considers that this AD is an interim action. This unsafe condition is still under investigation by the manufacturer and, depending on the results of that investigation, the FAA might consider further rulemaking action.

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 2025–0146–E is incorporated by reference in this AD. This AD requires compliance with EASA AD 2025–0146–E 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 2025–0146–E 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 2025–0146–E. Material referenced in EASA AD 2025–0146–E for compliance will be available at regulations.gov under Docket No. FAA–2025–1737 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 corrosion could cause cracks to develop quickly and without warning, and a corroded anchor pin could break and release the emergency sea anchor in flight, which can cause damage to the rotors. Accordingly, the actions required by this AD must be accomplished within 10 hours time in-service or 7 days, whichever occurs first. This compliance time 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
The requirements of the Regulatory Flexibility Act (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 prior notice and comment, RFA analysis is not required.
Costs of Compliance
The FAA estimates that this AD affects 44 helicopters of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS				
Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection of emergency sea anchor	1.5 work-hours × \$85 per hour = \$128	\$0	\$128	\$5,632

The FAA estimates the following costs to do any replacement that would

be required based on the results of the inspection. The agency has no way of

determining the number of helicopters that might need this replacement:

ON-CONDITION COSTS			
Action	Labor cost	Parts cost	Cost per product
Replacement of emergency sea anchor	1.5 work-hours × \$85 per hour = \$128	\$4,663	\$4,791

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA’s authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs describes in more detail the scope of the Agency’s authority.
The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.
Regulatory Findings
This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:
(1) Is not a “significant regulatory action” under Executive Order 12866, and
(2) Will not affect intrastate aviation in Alaska.
List of Subjects in 14 CFR Part 39
Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.
The Amendment
Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:
PART 39—AIRWORTHINESS DIRECTIVES
■ 1. The authority citation for part 39 continues to read as follows:
Authority: 49 U.S.C. 106(g), 40113, 44701.
§ 39.13 [Amended]
■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive:
2025–17–03 Airbus Helicopters:
Amendment 39–23113; Docket No. FAA–2025–1737; Project Identifier MCAI–2025–01210–R.

(a) Effective Date
This airworthiness directive (AD) is effective September 8, 2025.
(b) Affected ADs
None.
(c) Applicability
This AD applies to Airbus Helicopters Model AS332L, AS 332L1, AS 332L2, and EC 225LP helicopters, certificated in any category.
(d) Subject
Joint Aircraft System Component (JASC) Code 2560, Emergency Equipment.
(e) Unsafe Condition
This AD was prompted by a report of a corroded emergency sea anchor pin (anchor pin). The FAA is issuing this AD to detect and correct corrosion on the anchor pin. The unsafe condition, if not addressed, could lead to failure of the anchor pin and release the emergency sea anchor in flight, which could result in damage to the rotors and consequent loss of control of the helicopter.
(f) Compliance
Comply with this AD within the compliance times specified, unless already done.
(g) Requirements
Except as specified in paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency Emergency AD 2025–0146–E, dated July 10, 2025 (EASA AD 2025–0146–E).

(h) Exceptions to EASA AD 2025–0146–E

(1) Where EASA AD 2025–0146–E refers to its effective date, this AD requires using the effective date of this AD.

(2) Where EASA AD 2025–0146–E refers to flight hours, this AD requires using hours time-in-service.

(3) Where paragraph (2) of EASA AD 2025–0146–E specifies “any discrepancy as defined in the EASB is detected”, this AD requires replacing that text with “any anchor pin that has corrosion, a crack, or a diameter that is less than or equal to 8.0 mm (.315 in) is detected”.

(4) This AD does not adopt paragraph (3) of EASA AD 2025–0146–E.

(5) This AD does not adopt the “Remarks” section of EASA AD 2025–0146–E.

(i) No Reporting Requirement

Although the material referenced in EASA AD 2025–0146–E specifies to submit certain information to the manufacturer, this AD does not require that action.

(j) Special Flight Permit

Special flight permits are prohibited.

(k) Alternative Methods of Compliance (AMOCs)

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

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

(l) Additional Information

For more information about this AD, contact David Enns, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (316) 946–4147; email: david.enns@faa.gov.

(m) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) Emergency AD 2025–0146–E, dated July 10, 2025.

(ii) [Reserved]

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

(4) You may view this material at the FAA, Office of the Regional Counsel, Southwest

Region, 10101 Hillwood Parkway, Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

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

Issued on August 14, 2025.

Steven W. Thompson,

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

[FR Doc. 2025–16082 Filed 8–20–25; 11:15 am]

BILLING CODE 4910–13–P

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

[Docket No. FAA–2025–0615; Project Identifier MCAI–2023–00990–R; Amendment 39–23112; AD 2025–17–02]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Airbus Helicopters Model EC120B, EC 130 B4, and EC 130 T2 helicopters. This AD was prompted by a report of a missing retaining ring between the supply hose and the central supply coupling of an emergency flotation system (EFS) inflation assembly. This AD requires inspecting for the presence of the retaining ring in an EFS with certain inflation assemblies installed and, depending on the results, taking corrective action. This AD also prohibits installing an EFS with those inflation assemblies installed. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective September 26, 2025.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of September 26, 2025.

ADDRESSES:

AD Docket: You may examine the AD docket at regulations.gov under Docket No. FAA–2025–0615; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information

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

Material Incorporated by Reference:

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

- For Safran Aerosystems material identified in this AD, contact Safran Aerosystems, Floats & Rafts, 58 rue de Segonzac—B.P. 81, 16103 Cognac Cedex, France; phone: +33 5 45 83 20 20; email: technical.retrofit.sao@safrangroup.com; website: www.safran-aerosystems.com/customers.

- You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Parkway, Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110. The EASA material is also available at regulations.gov under Docket No. FAA–2025–0615.

FOR FURTHER INFORMATION CONTACT:

Alexis Whitaker, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (516) 228–7309; email: alexis.j.whitaker@faa.gov.

SUPPLEMENTARY INFORMATION:**Background**

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Airbus Helicopters Model EC120B, EC 130 B4, and EC 130 T2 helicopters. The NPRM was published in the **Federal Register** on April 15, 2025 (90 FR 15659). The NPRM was prompted by EASA AD 2023–0166, dated August 25, 2023 (EASA AD 2023–0166) (also referred to as the MCAI), issued by EASA, which is the Technical Agent for the Member States of the European Union. The MCAI advises of a report that, during a maintenance check of a helicopter, it was discovered that a retaining ring was missing from the connection between the supply hose and the central supply coupling of an EFS inflation assembly. The MCAI states that the unsafe condition, if not detected and corrected, could lead to inflation of the EFS on only one side of the helicopter after ditching, which could result in immediate capsizing of

the helicopter, possibly preventing the evacuation of occupants. In the NPRM, the FAA proposed to require inspecting for the presence of the retaining ring in an EFS with certain inflation assemblies installed and, depending on the results, taking corrective action. The NPRM also proposed to prohibit installing an EFS with those inflation assemblies installed. The FAA is issuing this AD to address the unsafe condition on these products.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from three commenters. Commenters included two individuals and Air Evac Lifeteam. The two individuals supported the NPRM without change. The following presents the comment received from Air Evac Lifeteam on the NPRM and the FAA’s response to this comment.

Request To Revise Compliance Statement and Requirement

Air Evac Lifeteam stated that there is not a specified compliance path for any aircraft that does not have an EFS inflation system installed. The commenter suggested adding a compliance statement (requirement) to verify that an affected part is installed. The commenter added that if the affected part is not installed, then no further action would be required.

The FAA disagrees with the commenter’s request to revise the compliance requirements. As stated in the MCAI, which is incorporated by reference in this AD, “Group 2 helicopters are those that do not have an affected part installed.” Operators are responsible for reviewing their aircraft records to determine whether their helicopters are classified under Group 2. If so, no further action is required beyond maintaining standard documentation in accordance with their

approved procedures and ensuring that an EFS with those inflation assemblies installed is not installed on a Group 2 helicopter. Therefore, an additional compliance statement is unnecessary, as the existing language in the MCAI already defines the applicability of the AD based on the presence or absence of the affected part. The FAA has not changed this AD in this regard.

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.

Additional Changes Made to this Final Rule

In the NPRM, the FAA designated paragraph (g) as “Clarification of Required Material.” This final rule redesignates paragraph (g) of this AD as “Required Actions” and moves the clarification of required material to paragraph (h)(2) of this AD. The FAA redesignated paragraph (g) to (h)(2) to further clarify that operators must use Safran Aerosystems Service Bulletin 025–69–42, Revision 00, dated June 13, 2023, where EASA AD 2023–0166 refers to “the Vendor SB.”

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2023–0166, which specifies procedures for

inspecting the connection between the supply hose and the central supply coupling for the presence of the retaining ring in the EFS with certain inflation assemblies installed and, depending on the results, corrective action, which includes either sending the EFS to Safran Aerosystems or a Safran-approved repair center or installing a retaining ring. EASA AD 2023–0166 also prohibits installing an EFS with those inflation assemblies installed on any helicopter.

The FAA also reviewed Safran Aerosystems Service Bulletin 025–69–42, Revision 00, dated June 13, 2023, which specifies procedures for inspecting the connection between the supply hose and the central supply coupling for the presence of the retaining ring in the EFS with certain inflation assemblies installed. If the retaining ring is present, this material specifies procedures for wrapping the supply hose connection with new adhesive tape. If the retaining ring is not present, this material specifies procedures for installing a retaining ring.

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

Differences Between This AD and the MCAI

The MCAI applies to Airbus Helicopters Model EC 175 B helicopters, whereas this AD does not because that model does not have an FAA type certificate.

Costs of Compliance

The FAA estimates that this AD affects 359 helicopters of U.S. registry.

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

ESTIMATED COST

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspect EFS inflation assembly	4.5 work-hours × \$85 per hour = \$383	\$0	\$383	\$137,318

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

results of the required inspection. The agency has no way of determining the

number of helicopters that might need this replacement:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Install retaining ring	0.25 work-hours × \$85 per hour = \$21.25	\$11	\$32.25

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

Accordingly, under the authority delegated to me by the Administrator,

the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2025–17–02 Airbus Helicopters:

Amendment 39–23112; Docket No. FAA–2025–0615; Project Identifier MCAI–2023–00990–R.

(a) Effective Date

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

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Helicopters Model EC120B, EC 130 B4, and EC 130 T2 helicopters, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 3212, Emergency Flotation Section.

(e) Unsafe Condition

This AD was prompted by a report of a missing retaining ring between the supply hose and the central supply coupling of an emergency flotation system (EFS) inflation assembly. The FAA is issuing this AD to detect and address a missing EFS inflation assembly retaining ring. The unsafe condition, if not addressed, could result in improper inflation of the EFS, immediate capsizing of the helicopter, and subsequent prevention of the evacuation of occupants.

(f) Compliance

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

(g) Required Actions

Except as specified in paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency AD 2023–0166, dated August 25, 2023 (EASA AD 2023–0166).

(h) Exceptions to EASA AD 2023–0166

(1) Where EASA AD 2023–0166 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where EASA AD 2023–0166 defines "the Vendor SB", for this AD, operators must

use Safran Aerosystems Service Bulletin 025–69–42, Revision 00, dated June 13, 2023.

(3) Where EASA AD 2023–0166 defines the "affected part", this AD requires replacing "the ASB (as defined in this AD)" and "the ASB" with "Airbus Helicopters Alert Service Bulletin ASB EC120–25–40–0001 and ASB EC130–25–40–0001, each Issue 001 and dated July 12, 2023, as applicable".

(4) Where paragraph (1) of EASA AD 2023–0166 states "At the time of next removal of the EFS from the helicopter or within 19 months, whichever occurs first", this AD requires replacing that text with "Within 19 months".

(5) Where the ASB, as defined and referenced in EASA AD 2023–0166, specifies sending parts to the manufacturer, this AD does not require that action.

(6) Where the Vendor SB, referenced in the ASB, as defined and referenced in EASA AD 2023–0166, specifies that its procedures must be performed by the Safran Aerosystems repair network or by staff able to perform the float maintenance in accordance with applicable maintenance documentation, this AD requires that those procedures be accomplished by persons authorized under 14 CFR 43.3.

(7) Where the Vendor SB, referenced in the ASB, as defined and referenced in EASA AD 2023–0166, specifies discarding adhesive tape, this AD requires removing the adhesive tape from service.

(8) This AD does not adopt the "Remarks" section of EASA AD 2023–0166.

(i) No Reporting Requirement

Although the material referenced in EASA AD 2023–0166 specifies to submit certain information to the manufacturer, this AD does not require that action.

(j) Special Flight Permits

Special flight permits may be issued in accordance with 14 CFR 21.197 and 21.199 to operate the helicopter to a location where the actions required by this AD can be accomplished, provided it is a non-revenue and no passenger flight and without flight over water.

(k) Alternative Methods of Compliance (AMOCs)

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

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager

of the local flight standards district office/
certificate holding district office.

(l) Additional Information

For more information about this AD, contact Alexis Whitaker, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (202) 975-4867; email: alexis.j.whitaker@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) European Union Aviation Safety Agency (EASA) AD 2023-0166, dated August 25, 2023.

(ii) Safran Aerosystems Service Bulletin 025-69-42, Revision 00, dated June 13, 2023.

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

(4) For Safran Aerosystems material identified in this AD, contact Safran Aerosystems, Floats & Rafts, 58 rue de Segonzac—B.P. 81, 16103 Cognac Cedex, France; phone: +33 5 45 83 20 20; email: technical.retrofit.sao@safrangroup.com; website: www.safran-aerosystems.com/customers.

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

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

Issued on August 14, 2025.

Steven W. Thompson,

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

[FR Doc. 2025-16083 Filed 8-21-25; 8:45 am]

BILLING CODE 4910-13-P

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; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comment; correction.

SUMMARY: The FAA is correcting an airworthiness directive (AD) that was published in the **Federal Register**. That AD applies to 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. As published, a reference to a European Union Aviation Safety Agency (EASA) AD specified in the regulatory text is incorrect. This document corrects that error. In all other respects, the original document remains the same.

DATES: This correction is effective August 29, 2025. The effective date of AD 2025-16-12 remains August 29, 2025. The date for submitting comments on AD 2025-16-12 remains September 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 (90 FR 39102, August 14, 2025).

ADDRESSES:

AD Docket: You may examine the AD docket at 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; request for comment; correction, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

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

- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195. It is also available in the AD docket at 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.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about AD 2025-16-12. Submit comments as instructed in AD 2025-16-12, Amendment 39-23110 (90 FR 39102, August 14, 2025) (AD 2025-16-12).

Background

AD 2025-16-12, requires revising the existing airplane flight manual (AFM) and the existing FAA-approved minimum equipment list (MEL), allows replacement of each affected high-pressure bleed valve (HPV) as an optional terminating action, and prohibits the installation of affected parts. That AD applies to 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.

Need for the Correction

As published, a reference to an EASA AD specified in the regulatory text of AD 2025-16-12 is incorrect. Paragraph (h)(3) of AD 2025-16-12 requires replacing text from EASA AD 2025-0096, dated April 28, 2025 (EASA AD 2025-0096) 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,” whereas it should state “as defined in EASA AD 2025-0096.”

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.

Correction of Publication

This document corrects an error and correctly adds the AD as an amendment to 14 CFR 39.13. Although no other part of the preamble or regulatory information has been corrected, the FAA is publishing the entire rule in the **Federal Register**.

The effective date of this AD remains August 29, 2025.

Since this action only corrects a typographical error, it has no adverse economic impact and imposes no additional burden on any person. Therefore, the FAA has determined that notice and public procedures are unnecessary.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the FAA amends part 39 of the Federal Aviation Regulations (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 [Corrected]

- 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 2025–0096”.

(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. 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.

(k) Material Incorporated by Reference

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

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

(3) The following material was approved for IBR on August 29, 2025 (90 FR 39102, August 14, 2025).

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

(ii) [Reserved]

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

(5) 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.

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

Issued on August 19, 2025.
Lona C. Saccomando,
Acting Deputy Director, Integrated Certificate Management Division, Aircraft Certification Service.
[FR Doc. 2025–16135 Filed 8–21–25; 8:45 am]
BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2025–0400; Airspace
Docket No. 25–AEA–4]

RIN 2120–AA66

**Revocation of Class D and Class E4
Airspace; Establishment of Class E2
Airspace; Amendment of Class E5
Airspace, Aberdeen, MD**

AGENCY: Federal Aviation
Administration (FAA), DOT.
ACTION: Final rule; correction.

SUMMARY: This action corrects a final rule published in the **Federal Register** on June 2, 2025, that removes Class D and E4 airspace, establishes Class E2 airspace, and amends Class E5 airspace at Aberdeen, MD, at the request of the U.S. Army. This action corrects that rule by removing verbiage in the Aberdeen, MD, Class E2 airspace legal description that erroneously indicates a part-time status of that airspace.

DATES: Effective 0901 UTC, October 2, 2025. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.11], Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at www.faa.gov/air_traffic/publications/. You may also contact the Rules and Regulations Group, Policy Directorate, Federal Aviation Administration, 600 Independence Avenue SW, Washington, DC 20597; Telephone: (202) 267–8783.

FOR FURTHER INFORMATION CONTACT: Marc Ellerbee, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Ave., College Park, GA 30337; Telephone (404) 305–5589.

SUPPLEMENTARY INFORMATION:

History

The FAA published a final rule in the **Federal Register** (90 FR 23273; June 2, 2025), removing Class D and E4 airspace, establishing Class E2 airspace, and amending Class E5 airspace at Aberdeen, MD. As part of that final rule, the verbiage in the Class E2 airspace legal description for Phillips Army Airfield (AAF), Aberdeen, MD, was incorrect, erroneously indicating a part-time status. In fact, the Class E2 airspace at Phillips AAF will be effective on a full-time basis. This action corrects that error by amending the airspace legal description to accurately reflect its full-time status.

Correction to the Final Rule

Accordingly, pursuant to the authority delegated to me, in Docket No. FAA–2025–0400, as published in the **Federal Register** on June 2, 2025, FR Doc. 2025–09856 is corrected as follows:

■ 1. On page 23275, in the first column, in the eighth full paragraph, under the section titled, “AEA MD E2 Aberdeen, MD [New],” the following sentences are removed: “This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The specific date and time will thereafter be continuously published in the Chart Supplement.” The corrected text should read as follows:

§ 71.1 [Amended]

*Paragraph 6002 Class E Airspace Areas
Designated as Surface Areas.*

* * * * *

AEA MD E2 Aberdeen, MD [New]

Phillips AAF, MD
(Lat. 39°27'56" N, long. 76°10'06" W)

That airspace extending upward from the surface within a 4.4-mile radius of Phillips AAF; excluding that airspace in Restricted Area R–4001A when it is in effect.

Issued in College Park, Georgia, on August 20, 2025.

Patrick Young,
*Manager, Airspace & Procedures Team North,
Eastern Service Center, Air Traffic
Organization.*

[FR Doc. 2025–16159 Filed 8–21–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND
HUMAN SERVICES

Food and Drug Administration

**21 CFR Parts 510, 520, 522, 524, 528,
and 558**

[Docket No. FDA–2025–N–0002]

**New Animal Drugs; Approval of New
Animal Drug Applications; Withdrawal
of Approval of New Animal Drug
Applications; Change of Sponsor;
Change of Sponsor Address**

AGENCY: Food and Drug Administration,
HHS.

ACTION: Final rule; technical
amendments.

SUMMARY: The Food and Drug Administration (FDA or we) is amending the animal drug regulations to reflect application-related actions for new animal drug applications (NADAs) and abbreviated new animal drug applications (ANADAs) during April, May, and June 2025. The animal drug regulations are also being amended to improve their accuracy and readability.

DATES: This rule is effective August 22, 2025.

FOR FURTHER INFORMATION CONTACT:
Cathie Marshall, Center for Veterinary
Medicine, Food and Drug
Administration, 7500 Standish Pl.,
Rockville, MD 20855, 240–402–5693,
cathie.marshall@fda.hhs.gov.

SUPPLEMENTARY INFORMATION:

I. Approval of Applications

FDA is amending the animal drug regulations to reflect approval actions for NADAs and ANADAs during April, May, and June 2025, as listed in table 1. Documentation of environmental review required under the National Environmental Policy Act, summaries of the basis of approval under the Freedom of Information Act (FOIA summaries), and marketing exclusivity and patent information are available at Animal Drugs @FDA: <https://animaldrugsatfda.fda.gov/adafda/views/#/search>.

TABLE 1—ORIGINAL AND SUPPLEMENTAL APPLICATIONS APPROVED DURING APRIL, MAY, AND JUNE 2025

Date of approval	Application No.	Sponsor (drug labeler code ¹)	Product name	Effect of the action	21 CFR sections
March 24, 2025 ²	200–811	Bimeda Animal Health Ltd. (061133).	MOXICLOPRID for Cats (imidacloprid and moxidectin) Topical Solution.	Original approval as a generic copy of NADA 141-254.	524.1146

TABLE 1—ORIGINAL AND SUPPLEMENTAL APPLICATIONS APPROVED DURING APRIL, MAY, AND JUNE 2025—Continued

Date of approval	Application No.	Sponsor (drug labeler code ¹)	Product name	Effect of the action	21 CFR sections
March 24, 2025 ³	200–810	Hikma Pharmaceuticals USA, Inc. (086194).	Enrofloxacin Flavored Tablets (enrofloxacin flavored tablets).	Original approval as a generic copy of NADA 140-441.	520.812
April 3, 2025	200–791	Cronus Pharmaceuticals Specialties India Private Ltd. (069043).	FLUNINE–S (flunixin meglumine injection) Injectable Solution.	Original approval as a generic copy of NADA 101-479.	522.970
April 7, 2025	141–586	Phibro Animal Health Corp. (066104).	V–MAX (virginiamycin), RUMENSIN (monensin), and EXPERIOR (lubabegron) Type A medicated articles to be used in the manufacture of Type B and Type C medicated cattle feed.	Original approval	558.635
April 7, 2025	141–588	Phibro Animal Health Corp. (066104).	V–MAX (virginiamycin) and RUMENSIN (monensin) Type A medicated articles to be used in the manufacture of Type B/C medicated cattle feeds.	Original approval	558.635
April 8, 2025	141–587	Phibro Animal Health Corp. (066104).	V–MAX (virginiamycin), RUMENSIN (monensin), and OPTAFLEXX (ractopamine hydrochloride) Type A medicated articles to be used in the manufacture of Type B/C medicated cattle feeds.	Original approval	558.635
April 8, 2025	141–521	Zoetis Inc (054771)	SIMPARICA TRIO (sarolaner, moxidectin, and pyrantel chewable tablets) Chewable Tablets.	Supplemental approval	520.2090
April 10, 2025	141–598	Dechra Ltd. (043264)	OTISERENE (marbofloxacin terbinafine dexamethasone otic suspension).	Original approval	524.1312
April 23, 2025	141–554	Boehringer Ingelheim Animal Health USA, Inc.(000010).	NEXGARD PLUS (afoxolaner, moxidectin, and pyrantel chewable tablets).	Supplemental approval	520.35
April 24, 2025	200–797	Huvepharma EOOD	COXIDIN (monensin) and BMD (bacitracin methylenedisalicylate) Type A medicated articles to be used in the manufacture of Type C medicated broiler feeds.	Original approval as a generic copy of NADA 049–463.	558.355
April 24, 2025	200–798	Huvepharma EOOD (016592)	COXIDIN (monensin) and FLAVOMYCIN (bambermycins) Type A medicated articles to be used in the manufacture of Type C medicated broiler feeds.	Original approval as a generic copy of NADA 098-340.	558.355
April 24, 2025	200–799	Huvepharma EOOD (016592)	COXIDIN (monensin) and BMD (bacitracin methylenedisalicylate) Type A medicated articles to be used in the manufacture of Type C medicated turkey feeds.	Original approval as a generic copy of NADA 140-937.	558.355
April 24, 2025	200–800	Huvepharma EOOD (016592)	COXIDIN (monensin) and FLAVOMYCIN (bambermycins) Type A medicated articles to be used in the manufacture of Type C medicated turkey feeds.	Original approval as a generic copy of NADA 140-955.	558.355
April 24, 2025	200–801	Huvepharma EOOD (016592)	COXIDIN (monensin) and INTEPRITY (avilamycin) Type A medicated articles to be used in the manufacture of Type C medicated broiler feeds.	Original approval as a generic copy of NADA 141-465.	558.68
April 24, 2025	200–802	Huvepharma EOOD (016592)	COXIDIN (monensin) and PENNITRACIN MD (bacitracin methylenedisalicylate) Type A medicated articles to be used in the manufacture of Type C medicated turkey feeds.	Original approval as a generic copy of NADA 141-540.	558.355
April 29, 2025	141–609	Genus plc (086205)	DELETION OF EXON 7 OF CD163 GENE IN DOMESTIC PIGS (Deletion of exon 7 of CD163 gene in domestic pigs).	Original approval	528.2000
April 29, 2025	141–600	Intervet (000061)	MOMETAMAX SINGLE (gentamicin, posaconazole, and mometasone furoate otic suspension).	Original approval	524.1044j
May 21, 2025	141–581	Elanco US Inc. (058198)	CREDELIO QUATTRO (lotilaner, moxidectin, praziquantel, and pyrantel).	Supplemental approval	520.1287
June 24, 2025	200–812	Qilu Animal Health Products Co., Ltd. (086163).	Cefovecin Sodium for Injection (cefovecin sodium).	Original approval as a generic copy of NADA 141–285.	522.311

TABLE 1—ORIGINAL AND SUPPLEMENTAL APPLICATIONS APPROVED DURING APRIL, MAY, AND JUNE 2025—Continued

Date of approval	Application No.	Sponsor (drug labeler code ¹)	Product name	Effect of the action	21 CFR sections
June 27, 2025	200–813	Felix Pharmaceuticals Pvt. Ltd. (086101).	Clindamycin Hydrochloride Tablets (clindamycin hydrochloride).	Original approval as a generic copy of NADA 120–161.	520.446
June 27, 2025	200–814	Felix Pharmaceuticals Pvt. Ltd. (086101).	Methimazole Coated Tablets (methimazole tablets).	Original approval as a generic copy of NADA 141–292.	520.1375

¹ See 21 CFR 510.600(c) for sponsor addresses.
² Approved in the first quarter of 2025.
³ Ibid.

II. Withdrawal of Approval of Applications

Dechra, Ltd., Snaygill Industrial Estate, Keighley Rd., Skipton, North Yorkshire, BD23 2RW, United Kingdom (drug labeler code 043264) requested

that FDA withdraw approval of one NADA listed in table 2 because the product was never manufactured or marketed. Dechra Veterinary Products LLC, 7015 College Blvd., Suite 525, Overland Park, KS 66211 (drug labeler code 017033) requested that FDA

withdraw approval of two ANADAs listed in table 2 because the products are no longer manufactured or marketed. As provided in the regulatory text of this document, the animal drug regulations are amended to reflect these actions.

TABLE 2—APPLICATIONS FOR WHICH APPROVAL WAS VOLUNTARILY WITHDRAWN DURING APRIL, MAY, AND JUNE 2025

Date of withdrawal of approval	Application No.	Product name	21 CFR section
May 27, 2025	008–760	ADRENOMONE (corticotropin) Injectable Solution	522.480
Do	200–366	Carprofen Caplets (carprofen)	520.304
Do	200–575	Carprofen Chewable Tablets (carprofen)	520.304

III. Changes of Sponsor

The sponsor of the approved application listed in table 3 has

informed FDA that they have transferred ownership of, and all rights and interest in, this application to another sponsor.

The regulation cited in table 3 is amended to reflect this action.

TABLE 3—APPLICATIONS FOR WHICH OWNERSHIP WAS TRANSFERRED TO ANOTHER SPONSOR DURING APRIL, MAY, AND JUNE 2025

Application No.	Product name	Transferring sponsor (drug labeler code)	New sponsor (drug labeler code)	21 CFR section
200–512	TRIAMULOX (tiamulin hydrogen fumarate).	Zoetis Inc. (054771)	Phibro Animal Health Corp. (066104)	520.2455

IV. Change of Sponsor Address

Elanco US Inc., (drug labeler code 058198 in 21 CFR 510.600(c)) has informed FDA that it has changed its address. ECO LLC, (drug labeler code 066916 in 21 CFR 510.600(c)) also has informed FDA that it has changed its address. The entries in § 510.600(c) are amended to reflect these actions.

V. Technical Amendments

FDA is making the following amendments to improve the accuracy and readability of the animal drug regulations.

- 21 CFR 510.600(c) is amended to revise the entries for Elanco US Inc., and ECO, LLC in the lists of sponsors of approved applications, and to add entries for Genus plc. and Qilu Animal Health Products Co., Ltd.
- 21 CFR 510.600(c) is amended to change the name of “Sergeant’s Pet Care Products, Inc.” to “Sergeant’s Pet Care Products LLC” in the lists of sponsors of approved applications.

- 21 CFR 522.1260(e)(2)(iii) is amended to clarify that the statement “Federal law restricts this drug to use by or on the order of a licensed veterinarian” applies to all drug products in that paragraph.

VI. Legal Authority

This final rule is issued under section 512(i) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C.360b(i)). Although deemed a rule under the FD&C Act, this document does not meet the definition of “rule” in 5 U.S.C. 804(3)(A) because it is a “rule of particular applicability” and is not subject to the congressional review requirements in 5 U.S.C. 801–808. Likewise, this is not a rule subject to Executive Order 12866.

List of Subjects

21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling,

Reporting and recordkeeping requirements.

21 CFR Parts 520, 522, 524, and 528

Animal drugs.

21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR parts 510, 520, 522, 524, 528, and 558 are amended as follows:

PART 510—NEW ANIMAL DRUGS

- 1. The authority citation for part 510 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 379e.

- 2. In § 510.600:

- a. In the table in paragraph (c)(1):

- i. Revise the entries for “ECO LLC”, “Elanco US Inc.”;

- ii. Add in alphabetical order entries for “Genus plc” and “Qilu Animal Health Products Co., Ltd.”; and
- iii. Revise the entry for “Sergeant’s Pet Care Products, Inc.”;

- b. In the table in paragraph (c)(2), add entries in numerical order for “086163” and “086205”; and revise the entries for “021091”; “058198”, and “066916”. The revisions and additions read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
ECO LLC, 506 Carnegie Centre, Suite 400, Princeton, NJ 08540	066916
Elanco US Inc., 450 Elanco Circle, Indianapolis, IN 46221	058198
Genus plc, 1525 River Road, Deforest, WI 53532	086205
Qilu Animal Health Products Co., Ltd., No. 10688, Wenliang Road, Dongjia Town, Licheng District Jinan, Shandong, 250100, China	086163
Sergeant’s Pet Care Products LLC, 10077 S. 134th St., Omaha, NE 68138	021091

(2) * * *

Drug labeler code	Firm name and address
021091	Sergeant’s Pet Care Products LLC, 10077 S. 134th St., Omaha, NE 68138
058198	Elanco US Inc., 450 Elanco Circle, Indianapolis, IN 46221
066916	ECO LLC, 506 Carnegie Centre, Suite 400, Princeton, NJ 08540
086163	Qilu Animal Health Products Co., Ltd., No. 10688, Wenliang Road, Dongjia Town, Licheng District Jinan, Shandong, 250100, China
086205	Genus plc, 1525 River Road, Deforest, WI 53532

**PART 520—ORAL DOSAGE FORM
NEW ANIMAL DRUGS**

- 3. The authority citation for part 520 continues to read as follows:

Authority: 21 U.S.C. 360b.

- 4. In § 520.35, revise paragraph (c)(2) by adding a sentence at the end of the paragraph to read as follows:

§ 520.35 Afoxolaner, moxidectin, and pyrantel.

* * * * *

(c) * * *

(2) * * * For the prevention of *Borrelia burgdorferi* infections as a direct result of killing *Ixodes scapularis* vector ticks.

* * * * *

§ 520.304 [Amended]

- 5. In § 520.304, in paragraph (b)(1), remove the text “Nos. 017033, 054771, 055529, and 082983” and in its place add the text “Nos. 054771, 055529, and 082983”.

§ 520.446 [Amended]

- 6. In § 520.446, in paragraph (b)(2), remove the text “No. 051311” and in its place add the text “Nos. 051311 and 086101”.

§ 520.812 [Amended]

- 7. In § 520.812, in paragraph (b)(2), remove the text “Nos. 017033 and 086117” and in its place add the text “Nos. 017033, 086117, and 086194”.

- 8. In § 520.1287, revise the first sentence in paragraph (c)(2) to read as follows:

§ 520.1287 Lotilaner, moxidectin, praziquantel, and pyrantel.

* * * * *

(c) * * *

(2) *Indications for use.* For the prevention of heartworm disease caused by *Dirofilaria immitis* and for the treatment and control of roundworm (immature adult and adult *Toxocara canis* and adult *Toxascaris leonina*), hookworm (fourth stage larvae, immature adult, and adult *Ancylostoma caninum* and adult *Uncinaria stenocephala*), and tapeworm (*Dipylidium caninum*, *Taenia*

pisiformis, and *Echinococcus granulosus*) infections. * * *

■ 9. In § 520.1375, revise paragraph (b) and (c)(1) to read as follows:

§ 520.1375 Methimazole tablets.

(b) *Sponsors*. See Nos. 043264 and 086101 in § 510.600 of this chapter.

(c) * * *

(1) *Amount*. The starting dose is 2.5 mg every 12 hours. Following 3 weeks of treatment, the dose should be titrated to effect based on individual serum total T4 (TT4) levels and clinical response. Dose adjustments should be made in 2.5 mg increments. The maximum total dosage is 20 mg per day divided, not to exceed 10 mg as a single administration.

■ 10. In § 520.2090, revise paragraph (c)(2) to read as follows:

§ 520.2090 Sarolaner, moxidectin, and pyrantel.

* * * * *

(c) * * *

(2) *Indications for use*. For the prevention of heartworm disease caused by *Dirofilaria immitis* and for the treatment and control of roundworm (immature adult and adult *Toxocara canis* and adult *Toxascaris leonina*) and hookworm (L4, immature adult, and adult *Ancylostoma caninum* and adult *Uncinaria stenocephala*) infections. Kills adult fleas (*Ctenocephalides felis*) and is indicated for the treatment and prevention of flea infestations, the prevention of *Dipylidium caninum* (tapeworm) infections as a direct result of killing *Ctenocephalides felis* vector fleas on the treated dog, and the treatment and control of tick infestations with *Amblyomma americanum* (lone star tick), *Amblyomma maculatum* (Gulf Coast tick), *Dermacentor variabilis* (American dog tick), *Ixodes scapularis* (black-legged tick), *Rhipicephalus sanguineus* (brown dog tick), and *Haemaphysalis longicornis* (Asian longhorned tick) for one month in dogs and puppies 8 weeks of age and older, and weighing 2.8 pounds or greater. For the prevention of *Borrelia burgdorferi* infections as a direct result of killing *Ixodes scapularis* vector ticks.

* * * * *

■ 11. In § 520.2455:

- a. Revise paragraph (b)(2); and
- b. Remove paragraph (b)(4).

The revision reads as follows:

§ 520.2455 Tiamulin.

* * * * *

(b) * * *

(2) No. 066104 for products described in paragraphs (a)(1) and (3) of this section.

(3) * * *

(c) * * *

* * * * *

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

■ 12. The authority citation for part 522 continues to read as follows:

Authority: 21 U.S.C. 360b.

§ 522.311 [Amended]

■ 13. In § 522.311, in paragraph (b), remove the text “*Sponsor*. See No. 054771 in § 510.600(c) of this chapter” and in its place add the text “*Sponsors*. See Nos. 054771 and 086163 in § 510.600(c) of this chapter”.

■ 14. In § 522.480:

- a. Revise paragraph (b); and
- b. Remove paragraph (c)(3).

The revision reads as follows:

§ 522.480 Corticotropin.

* * * * *

(b) *Sponsor*. See No. 061133 in § 510.600(c) of this chapter.

(c) *Conditions of use*—

(1) * * *

(2) * * *

§ 522.970 [Amended]

■ 15. In § 522.970, in paragraph (b)(1), remove the text “Nos. 000061, 055529, and 061133” and in its place add the text “Nos. 000061, 055529, 061133, and 069043”; and in paragraph (b)(3), remove the text “Nos. 016592, 058198, and 069043” and in its place add the text “Nos. 016592 and 058198”.

■ 16. In § 522.1260, revise paragraph (e)(2)(iii) to read as follows:

§ 522.1260 Lincomycin.

* * * * *

(e) * * *

(2) * * *

(iii) *Limitations*. Do not treat within 48 hours of slaughter. Federal law restricts this drug to use by or on the order of a licensed veterinarian

PART 524—OPHTHALMIC AND TOPICAL DOSAGE FORM NEW ANIMAL DRUGS

■ 17. The authority citation for part 524 continues to read as follows:

Authority: 21 U.S.C.360b.

■ 18. In Part 524, add § 524.1144j to read as follows:

§ 524.1144j Gentamicin, posaconazole, and mometasone furoate otic suspension.

(a) *Sponsor*. See No. 000061 in § 510.600(c) of this chapter

(b) *Specifications*. A 0.8 milliliters (mL) dose delivers 6.88 milligrams (mg) gentamicin, 2.08 mg posaconazole, and 1.68 mg mometasone furoate.

(c) *Conditions of use*—This product should be administered by a veterinary professional.

(1) *Amount*. The dose volume is 0.8 mL per affected ear. Verify the tympanic membrane is intact prior to administration.

(2) *Indications for use*. For the treatment of otitis externa associated with susceptible strains of yeast (*Malassezia pachydermatis*) and bacteria (*Staphylococcus pseudintermedius* and *Pseudomonas aeruginosa*) in dogs.

(3) *Limitations*. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

§ 524.1146 [Amended]

■ 19. In § 524.1146, in paragraph (b)(2), remove the text “and 058198” and in its place add the text “058198, and 061133”; and in paragraph (b)(3), remove the text “058198, and” and in its place add the text “058198, 061133, and”.

■ 20. Add § 524.1312 to read as follows:

§ 524.1312 Marbofloxacin, terbinafine, and dexamethasone otic suspension.

(a) *Specifications*. Each single-use tube contains 15.1 milligrams (mg) marbofloxacin, 22.7 mg terbinafine, and 2.01 mg dexamethasone.

(b) *Sponsor*. See No. 043264 in § 510.600(c) of this chapter.

(c) *Conditions of use*—(1) *Amount*. Administer one dose (1 tube) per affected ear once. Do not clean the ear canal for 30 days after administration.

(2) *Indications for use*. For the treatment of otitis externa associated with susceptible strains of yeast (*Malassezia pachydermatis*) and bacteria (*Staphylococcus pseudintermedius*) in dogs.

(3) *Limitations*. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

PART 528—INTENTIONAL GENOMIC ALTERATIONS IN ANIMALS

■ 21. The authority citation for part 528 continues to read as follows:

Authority: 21 U.S.C. 360b.

■ 22. Add § 528.2000 to read as follows:

§ 528.2000 Deletion of exon 7 of CD163 gene in domestic pigs.

(a) *Specifications*. Deletion of one (heterozygous) or two (homozygous) copies of exon 7 of *CD163* gene1(abbreviated CD163ΔE7) in domestic pigs (*Sus scrofa domestica*).

(b) *Sponsor*. See No. 086205 in § 510.600(c) of this chapter.

(c) *Conditions of use*—(1) *Intended use*. Deletion of exon 7 of the *CD163* gene in domestic pigs (*Sus scrofa domestica*) is intended to confer resistance to porcine reproductive and respiratory syndrome virus (PRRSV) in homozygous pigs. Pigs carrying one or

two copies of CD163^{ΔE7}, and their offspring, are intended for breeding or to be used as sources of food.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

■ 23. The authority citation for part 558 continues to read as follows:

Authority: 21 U.S.C. 354, 360b, 360ccc, 360ccc–1, 371.

■ 24. In § 558.68, revise paragraphs (e)(1)(ii) and (vii) to read as follows:

§ 558.68 Avilamycin.

* * * * *

(e) * * *

(1) * * *

Avilamycin in grams/ton	Combination in grams/ton	Indications for use	Limitations	Sponsor
(ii) 13.6 to 40.9	Monensin, 90 to 110	Broiler chickens: For the prevention of mortality caused by necrotic enteritis associated with <i>Clostridium perfringens</i> , and as an aid in the prevention of coccidiosis caused by <i>Eimeria necatrix</i> , <i>E. tenella</i> , <i>E. acervulina</i> , <i>E. brunetti</i> , <i>E. mivati</i> , and <i>E. maxima</i> .	Feed as the sole ration for 21 consecutive days. Feed to chickens that are at risk of developing, but not yet showing clinical signs of, necrotic enteritis associated with <i>Clostridium perfringens</i> . To assure responsible antimicrobial drug use in broiler chickens, treatment administration must begin on or before 18 days of age. Monensin as provided by Nos. 016592 or 058198 in § 510.600(c) of this chapter. See § 558.355(d).	016592 058198
(vii) 100 .....	.....	For the treatment of swine dysentery and the control of porcine proliferative enteropathies (ileitis) caused by <i>Lawsonia intracellularis</i> .	Feed as a sole ration for 3 weeks or until signs of disease (watery, mucoid, or bloody stools) disappear.	066104

■ 25. In § 558.355, revise paragraphs (b)(2), (e)(1)(vii) and (xiv), and (e)(2)(ii) through (v) to read as follows:

§ 558.355 Monensin.

* * * * *

(b) * * *

(2) No. 016592 for use of a Type A medicated article containing 90.7 grams monensin, USP, per pound as in paragraphs (e)(1)(i), (e)(1)(ii), (e)(1)(vii),

(e)(1)(xiv), (e)(2), (e)(3), (e)(4)(v), and (e)(5) of this section.

* * * * *

(e) * * *

(1) * * *

Monensin in grams/ton	Combination in grams/ton	Indications for use	Limitations	Sponsor
(vii) 90 to 110	Bacitracin methylenedisalicylate, 5 to 25.	Broiler chickens: As an aid in the prevention of coccidiosis caused by <i>Eimeria necatrix</i> , <i>E. tenella</i> , <i>E. acervulina</i> , <i>E. brunetti</i> , <i>E. mivati</i> , and <i>E. maxima</i> , and for increase in rate of weight gain and improved feed efficiency.	Feed as the sole ration. Monensin as provided by Nos. 016592 or 058198; bacitracin methylenedisalicylate as provided by No. 066104 in § 510.600(c) of this chapter. See special labeling considerations in paragraph (d) of this section..	016592 058198
(xiv) 90 to 110	Bambermycins, 1 to 2 ..	Broiler chickens: As an aid in the prevention of coccidiosis caused by <i>Eimeria necatrix</i> , <i>E. tenella</i> , <i>E. acervulina</i> , <i>E. brunetti</i> , <i>E. mivati</i> , and <i>E. maxima</i> , and for increase in rate of weight gain and improved feed efficiency.	Feed as the sole ration. Monensin as provided by Nos. 016592 or 058198; bambermycins as provided by No. 016592 in § 510.600(c) of this chapter. See special labeling considerations in paragraph (d) of this section..	016592 058198

(2) * * *

Monensin in grams/ton	Combination in grams/ton	Indications for use	Limitations	Sponsor
(ii) 54 to 90	Bacitracin methylenedisalicylate, 4 to 50.	Growing turkeys: For the prevention of coccidiosis caused by <i>Eimeria adenoeides</i> , <i>E. meleagrimitis</i> , and <i>E. gallopavonis</i> , and for increased rate of weight gain and improved feed efficiency.	Feed continuously as the sole ration. The optimum level depends upon the severity of coccidiosis exposure. Monensin as provided by Nos. 016592 or 058198; bacitracin methylenedisalicylate as provided by Nos. 066104 or 069254 in § 510.600(c) of this chapter. See special labeling considerations in paragraph (d) of this section.	016592 058198 069254
(iii) 54 to 90	Bacitracin methylenedisalicylate, 200.	Growing turkeys: For the prevention of coccidiosis caused by <i>Eimeria adenoeides</i> , <i>E. meleagrimitis</i> , and <i>E. gallopavonis</i> , and as an aid in the control of transmissible enteritis complicated by organisms susceptible to bacitracin methylenedisalicylate.	Feed continuously as the sole ration. Monensin as provided by Nos. 016592 or 058198; bacitracin methylenedisalicylate as provided by No. 066104 in § 510.600(c) of this chapter. See special labeling considerations in paragraph (d) of this section.	016592 058198
(iv) 54 to 90	Bambermycins, 1 to 2 ..	Growing turkeys: For the prevention of coccidiosis caused by <i>Eimeria adenoeides</i> , <i>E. meleagrimitis</i> , and <i>E. gallopavonis</i> , and for improved feed efficiency.	Feed continuously as the sole ration. Monensin as provided by Nos. 016592 or 058198; bambermycins as provided by No. 016592 in § 510.600(c) of this chapter. See special labeling considerations in paragraph (d) of this section.	016592 058198
(v) 54 to 90	Bambermycins, 2	Growing turkeys: For the prevention of coccidiosis caused by <i>Eimeria adenoeides</i> , <i>E. meleagrimitis</i> , and <i>E. gallopavonis</i> , and for increased rate of weight gain and improved feed efficiency.	Feed continuously as sole ration. Monensin as provided by Nos. 016592 or 058198; bambermycins as provided by No. 016592 in § 510.600(c) of this chapter. See special labeling considerations in paragraph (d) of this section.	016592 058198

* * * * *

■ 26. In § 558.635, add paragraphs (e)(3)(ii) through (viii) to read as follows:

§ 558.635 Virginiamycin.

- * * * * *
- (e) * * *
- (3) * * *

Virginiamycin grams/ton	Combination in grams/ton	Indications for use	Limitations	Sponsor
(ii) 13.5 to 16.0	Monensin, 5 to 40	Growing beef steers and heifers fed in confinement for slaughter: For improved feed efficiency and reduction of incidence of liver abscesses.	Feed at every feeding to provide 50 to 480 mg monensin/head/day and 85 to 240 mg virginiamycin/head/day. No additional improvement in feed efficiency has been shown from feeding monensin at levels greater than 30 g/ton (360 mg monensin/head/day). A withdrawal period has not been established for this product in preruminating calves. Do not use in calves to be processed for veal. See § 558.355(d).	066104
(iii) 13.5 to 16.0	Monensin, 10 to 40	Growing beef steers and heifers fed in confinement for slaughter: For the prevention and control of coccidiosis caused by <i>Eimeria bovis</i> and <i>Eimeria zuernii</i> , and reduction of incidence of liver abscesses.	Feed at every feeding to provide 0.14 to 0.42 mg monensin/lb body weight per day, depending on the severity of coccidiosis challenge, up to a maximum of 480 mg monensin/head/day and 85 to 240 mg virginiamycin/head/day. A withdrawal period has not been established for this product in preruminating calves. Do not use in calves to be processed for veal. See § 558.355(d).	066104
(iv) 13.5 to 16.0	Monensin, 5 to 40; and lubabegron, 1.25 to 4.54.	Growing beef steers and heifers fed in confinement for slaughter during the last 14 to 91 days on feed: For reduction of ammonia gas emissions per pound of live weight and hot carcass weight, improved feed efficiency, and reduction of incidence of liver abscesses.	Feed at every feeding as sole ration to provide 13 to 90 mg lubabegron/head/day, 50 to 480 mg monensin/head/day and 85 to 240 mg virginiamycin/head/day during the last 14 to 91 days on feed. No additional improvement in feed efficiency has been shown from feeding monensin at levels greater than 30 g/ton (360 mg monensin/head/day). A withdrawal period has not been established for this product in preruminating calves. Do not use in calves to be processed for veal. See § 558.355(d).	066104

Virginiamycin grams/ton	Combination in grams/ton	Indications for use	Limitations	Sponsor
(v) 13.5 to 16.0	Monensin, 10 to 40; and lubabegron, 1.25 to 4.54.	Growing beef steers and heifers fed in confinement for slaughter during the last 14 to 91 days on feed: For reduction of ammonia gas emissions per pound of live weight and hot carcass weight, the prevention and control of coccidiosis caused by <i>Eimeria bovis</i> and <i>Eimeria zuernii</i> , and reduction of incidence of liver abscesses.	Feed at every feeding as sole ration to provide 13 to 90 mg lubabegron/head/day, 0.14 to 0.42 mg monensin/lb body weight per day, depending on the severity of coccidiosis challenge, up to a maximum of 480 mg monensin/head/day and 85 to 240 mg virginiamycin/head/day during the last 14 to 91 days on feed. A withdrawal period has not been established for this product in prurminating calves. Do not use in calves to be processed for veal. See § 558.355(d).	066104
(vi) 13.5 to 16.0	Monensin, 10 to 40; and ractopamine hydrochloride, 8.2 to 24.6.	Growing beef steers and heifers fed in confinement for slaughter during the last 28 to 42 days on feed: For increased rate of weight gain, improved feed efficiency, the prevention and control of coccidiosis caused by <i>Eimeria bovis</i> and <i>Eimeria zuernii</i> , and reduction of incidence of liver abscesses.	Feed at every feeding as a sole ration to provide 70 to 430 mg ractopamine hydrochloride/head/day, 0.14 to 0.42 mg monensin/lb of body weight per day, depending upon severity of coccidiosis challenge, up to a maximum of 480 mg monensin/head/day and 85 to 240 mg virginiamycin/head/day during the last 28 to 42 days on feed. A withdrawal period has not been established for this product in prurminating calves. Do not use in calves to be processed for veal. See § 558.355(d).	066104
(vii) 13.5 to 6.0	Monensin, 10 to 40; and ractopamine hydrochloride, 9.8 to 24.6.	Growing beef steers and heifers fed in confinement for slaughter during the last 28 to 42 days on feed: For increased rate of weight gain, improved feed efficiency, increased carcass leanness, the prevention and control of coccidiosis caused by <i>Eimeria bovis</i> and <i>Eimeria zuernii</i> , and reduction of incidence of liver abscesses.	Feed at every feeding as a sole ration to provide 90 to 430 mg ractopamine hydrochloride/head/day, 0.14 to 0.42 mg monensin/lb of body weight per day, depending upon severity of coccidiosis challenge, up to a maximum of 480 mg monensin/head/day and 85 to 240 mg virginiamycin/head/day during the last 28 to 42 days on feed. A withdrawal period has not been established for this product in prurminating calves. Do not use in calves to be processed for veal. See § 558.355(d).	066104
(viii) 13.5 to 16.0	Monensin, 10 to 40; and ractopamine hydrochloride, not to exceed 800.	Growing beef steers and heifers fed in confinement for slaughter during the last 28 to 42 days on feed: For increased rate of weight gain and improved feed efficiency, the prevention and control of coccidiosis caused by <i>Eimeria bovis</i> and <i>Eimeria zuernii</i> , and reduction of incidence of liver abscesses when ractopamine hydrochloride is used as a top dress with rations containing monensin and virginiamycin.	Feed a minimum of 1.0 lb per head per day of this Type C top-dress medicated feed to provide 70 to 400 mg/head/day ractopamine hydrochloride during the last 28 to 42 days on feed. Must be top dressed onto or mixed at feeding with a Type C medicated feed containing 10 to 40 g/ton monensin and 13.5 to 16 g/ton virginiamycin (90% dry matter basis), to provide 0.14 to 0.42 mg monensin/lb of body weight per day, depending upon severity of coccidiosis challenge, up to a maximum of 480 mg monensin/head/day and 85 to 240 mg virginiamycin/head/day. See § 558.355(d).	066104

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025–16079 Filed 8–21–25; 8:45 am]

BILLING CODE 4164–01–P

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 4909

RIN 1212–AB51

Miscellaneous Corrections, Clarifications, and Improvements; Correction

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule; correction.

SUMMARY: The Pension Benefit Guaranty Corporation (PBGC) is correcting a final rule that appeared in the **Federal**

Register on August 15, 2025. The document made miscellaneous technical corrections, clarifications, and improvements to PBGC's regulations, including its regulations on premium rates, premium due dates, and termination of single-employer plans.

DATES: Effective September 15, 2025.

FOR FURTHER INFORMATION CONTACT:

Monica O'Donnell (odonnell.monica@pbgc.gov), Attorney, Regulatory Affairs Division, Office of the General Counsel, Pension Benefit Guaranty Corporation, 445 12th Street SW, Washington, DC 20024–2101; 202–229–5507. If you are deaf or hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION: In FR Doc. 25–15610 appearing on page 39320 in the **Federal Register** on August 15, 2025, on page 39329, in the third

column, correct instruction 50 to read as follows:

■ 50. Add part 4909 to read as follows:

PART 4909—OMB CONTROL NUMBERS FOR PBGC INFORMATION COLLECTION REQUIREMENTS [Corrected]

Authority: 29 U.S.C. 1302(b)(3), 5 CFR part 1320.

§ 4909.1 Information Collection Control Numbers.

PBGC regulations that contain information collections requirements without corresponding written or electronic forms, questionnaires, or instructions are displayed in table 1 to this section. They are displayed along with their respective control numbers as assigned by the Office of Management and Budget (OMB) under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

TABLE 1 TO § 4909.1

Regulation(s) and information collection title	OMB control No.
Part 4062, Liability for Termination of Single-Employer Plans	1212–0017
Part 4204, Variances for Sale of Assets	1212–0021
Part 4231, Mergers and Transfer Between Multiemployer Plans	1212–0022
Part 4203, Extension of Special Withdrawal Liability Rules	1212–0023
Part 4220, Procedures for PBGC Approval of Plan Amendments	1212–0031
Part 4219, Notice, Collection, and Redetermination of Withdrawal Liability	1212–0034
Part 4211, Allocating Unfunded Vested Benefits	1212–0035
Part 4208, Reduction or Waiver of Partial Withdrawal Liability	1212–0039
Part 4207, Reduction or Waiver of Complete Withdrawal Liability	1212–0044
Part 4003, Administrative Appeals (Employers)	1212–0061
Part 4003, Filings for Reconsiderations	1212–0063
Parts 4041 and 4042, Disclosure of Information in Distress and PBGC-Initiated Termination Information	1212–0065
Part 4233, Partitions of Eligible Multiemployer Plans	1212–0068

Alice C. Maroni,
Acting Director, Pension Benefit Guaranty Corporation.
[FR Doc. 2025–16140 Filed 8–21–25; 8:45 am]
BILLING CODE 7709–02–P

DEPARTMENT OF THE TREASURY
Financial Crimes Enforcement Network
31 CFR Part 1010

Imposition of Special Measures Prohibiting Certain Transmittals of Funds Involving CIBanco S.A., Institución de Banca Multiple, Intercam Banco S.A., Institución de Banca Multiple, and Vector Casa de Bolsa, S.A. de C.V.; Extension of Effective Date

AGENCY: Financial Crimes Enforcement Network (FinCEN), Treasury.
ACTION: Order; extension of effective date.

SUMMARY: FinCEN is issuing notice of an order amending its three June 2025 orders, as amended by its July 2025 order, prohibiting certain transmittals of funds involving CIBanco S.A., Institución de Banca Multiple (CIBanco), Intercam Banco S.A., Institución de Banca Multiple (Intercam), and Vector Casa de Bolsa, S.A. de C.V. (Vector), financial institutions operating outside of the United States determined to be of primary money laundering concern in connection with illicit opioid trafficking. This order extends the effective date of the three prior orders to October 20, 2025.

DATES: The effective date of the orders issued June 30, 2025, at 90 FR 27764, 90 FR 27770, and 90 FR 27777, and extended in the order issued July 11, 2025, at 90 FR 30826, is extended to October 20, 2025.

FOR FURTHER INFORMATION CONTACT: The FinCEN Resource Center at <http://www.fincen.gov/contact>.

SUPPLEMENTARY INFORMATION:

I. Summary of Order

On June 25, 2025, the U.S. Department of the Treasury’s Financial Crimes Enforcement Network (FinCEN) issued three separate orders identifying Mexico-based financial institutions CIBanco S.A., Institución de Banca Multiple (CIBanco), Intercam Banco S.A., Institución de Banca Multiple (Intercam), and Vector Casa de Bolsa, S.A. de C.V. (Vector) as being of primary money laundering concern in connection with illicit opioid trafficking and prohibiting certain transmittals of funds involving those financial institutions.¹ The orders were published June 30, 2025, with an effective date of 21 days from publication in the **Federal Register**, thereby becoming effective July 21, 2025.²

On July 11, 2025, FinCEN extended the effective date for all three orders by 45 days, from July 21, 2025, to September 4, 2025.³ With this order, FinCEN is extending the effective date for all three orders from September 4,

¹ FinCEN, Press Release, *Treasury Issues Unprecedented Orders under Powerful New Authority to Counter Fentanyl* (June 25, 2025), <https://www.fincen.gov/news/news-releases/treasury-issues-unprecedented-orders-under-powerful-new-authority-counter>.

² *Imposition of Special Measure Prohibiting Certain Transmittals of Funds Involving CIBanco S.A., Institución De Banca Multiple*, 90 FR 27770 (June 30, 2025); *Imposition of Special Measure Prohibiting Certain Transmittals of Funds Involving Intercam Banco S.A., Institución de Banca Multiple*, 90 FR 27777 (June 30, 2025); *Imposition of Special Measure Prohibiting Certain Transmittals of Funds Involving Vector Casa de Bolsa, S.A. de C.V.*, 90 FR 27764 (June 30, 2025).

³ *Imposition of Special Measures Prohibiting Certain Transmittals of Funds Involving CIBanco S.A., Institución de Banca Multiple, Intercam Banco S.A., Institución de Banca Multiple, and Vector Casa de Bolsa, S.A. de C.V.; Extension of Effective Date*, 90 FR 30826 (July 11, 2025).

2025, to October 20, 2025. A copy of this order will be published in the **Federal Register**. To the extent that CIBanco, Intercam, Vector, or parties have information relevant to this order, they may submit it to FinCEN at www.fincen.gov/contact.

II. Order

A. Definitions

1. June 25, 2025 Orders

This order defines June 25, 2025, Orders as the three orders published in the **Federal Register** on June 30, 2025, prohibiting certain transmittals of funds involving, respectively, CIBanco S.A., Institución De Banca Multiple, Intercam Banco S.A., Institución de Banca Multiple, and Vector Casa de Bolsa, S.A. de C.V. and published, respectively, at 90 FR 27770, 90 FR 27777, and 90 FR 27764.

2. July 11, 2025 Order

This order defines July 11, 2025 Order as the order published in the **Federal Register** on July 11, 2025 at 90 FR 30826.

3. Meaning of Other Terms

All terms used but not otherwise defined herein shall have the meaning set forth in 31 CFR Chapter X, 31 U.S.C. 5312, and 21 U.S.C. 2302.

B. Amendment of Order

This order amends the June 25, 2025, Orders, as amended by the July 11, 2025 Order, by extending the effective date of all three actions to October 20, 2025.

All other provisions of the June 25, 2025, Orders remain unchanged.

Jimmy L. Kirby,
Deputy Director, Financial Crimes Enforcement Network.

[FR Doc. 2025–16080 Filed 8–21–25; 8:45 am]
BILLING CODE 4810–02–P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Parts 60 and 63**

[EPA-HQ-OAR-2002-0083, EPA-HQ-OAR-2002-0085, EPA-HQ-OAR-2003-0051; EPA-HQ-OAR-2025-0162; FRL-12958-01-OAR]

Technical Correction: Extension of Deadlines: Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review Interim Final Rule; National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities; National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks, and Coke Oven Batteries

AGENCY: Environmental Protection Agency (EPA).

ACTION: Interim final rule; notification of public hearing and extension of public comment period; technical correction.

SUMMARY: The Environmental Protection Agency (EPA) is correcting a document that appeared in the **Federal Register** (FR) on August 15, 2025. The EPA finalized the document announcing three public hearings and comment period extensions for the following rules: Extension of Deadlines: Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review Interim Final Rule; National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities; National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks, and Coke Oven Batteries. Following publication of this document, the EPA discovered inadvertent errors in the comment period extension dates for the Oil and Natural Gas and Iron and Steel rulemakings and is correcting them in this action.

DATES: Effective August 22, 2025.

SUPPLEMENTARY INFORMATION:**Corrections**

In FR Doc. 2025-15614 appearing on page 39333 in the **Federal Register** of Friday, August 15, 2025, the following corrections are made:

1. On page 39333, in the second column, in the **SUMMARY** section, “October 1, 2025” is corrected to read “October 2, 2025”, and “October 2,

2025” is corrected to read “October 3, 2025”.

2. On page 39333, in the third column, in the **DATES** section, “October 1, 2025” is corrected to read “October 2, 2025”, and “October 2, 2025” is corrected to read “October 3, 2025”.

3. On page 39334, in the third column, in table 1, in the **SUPPLEMENTARY INFORMATION** section, “October 1, 2025” is corrected to read “October 2, 2025”, and “October 2, 2025” is corrected to read “October 3, 2025”.

Panagiotis Tsirigotis,

Director, Office of Air Quality Planning and Standard.

[FR Doc. 2025-16152 Filed 8-21-25; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES**Office of the Secretary****45 CFR Part 73, 73a, and 73b**

RIN 0991-AC40

Standards of Conduct; Revocation of Superseded Regulations; Revision of Residual Provisions

AGENCY: Office of the Secretary, Department of Health and Human Services.

ACTION: Final rule.

SUMMARY: The Department of Health and Human Services (Department or HHS) is revising and reissuing the Standards of Conduct, a set of substantive and procedural rules relating to conduct and employee responsibilities that augment the Standards of Ethical Conduct for Employees of the Executive Branch, the Supplemental Standards of Ethical Conduct for Employees of the Department of Health and Human Services, the Supplemental Financial Disclosure Requirements for Employees of the Department of Health and Human Services, the Employee Responsibilities and Conduct Regulation, and the Executive Branch Financial Disclosure regulations. The Department is removing provisions that have been superseded by these regulations or are otherwise obsolete or unnecessary to efficient administration. This final rule addresses conduct on Federal Government (Government) property and the use of Government funds or official information; restates existing standards for workplace courtesy; specifies rules for acceptance of gifts, travel, and employment from foreign governments and other non-Federal entities; provides

notice of disciplinary actions available to address violations and prescribes the continuing employee obligation to report violations of rules or law to appropriate authorities. This revision adds a new section addressing Counter-Trafficking in Persons requirements in response to the Trafficking Victims Prevention and Protection

Reauthorization Act of 2022 (Pub. L. 117-348). The rule also continues and delineates restrictions on the political activity of commissioned officers of the United States Public Health Service, a category of employees not covered by the Hatch Act Reform Amendments of 1993, as amended.

DATES: This rule is effective October 21, 2025.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION:**I. Background**

This rule was first published in 1966, and was subsequently revised in 1981, 1986, and 1988. On August 7, 1992, the U.S. Office of Government Ethics (OGE) published the Standards of Ethical Conduct for Employees of the Executive Branch, which are codified at 5 CFR part 2635. See 57 FR 35006 (August 7, 1992), as amended. The Standards serve as the primary regulatory guidance on the standards of ethical conduct for officers and employees of the executive branch of the Government. The OGE Standards became effective on February 3, 1993, thus superseding many, but not all, of the regulations in the Department Standards of Conduct (45 CFR part 73) and the Food and Drug Administration Supplement (45 CFR part 73a). Subsequently, on July 30, 1996, the Department and OGE jointly published the Supplemental Standards of Ethical Conduct for Employees of the Department of Health and Human Services (5 CFR part 5501). See 61 FR 39755-39767 (July 24, 1997). These Supplemental Standards became effective upon publication, thus superseding many, but not all, of the regulations in the Department Standards of Conduct and the Food and Drug Administration Supplement that had not been superseded already by the OGE Standards. Furthermore, certain provisions in the Department Standards of Conduct and the Food and Drug Administration Supplement pertaining to employee financial disclosure, conflict of interest exemptions, and related matters have been superseded by the OGE regulations on executive branch financial disclosure (5 CFR part 2634) and financial conflict of interest

(5 CFR part 2640) and by HHS supplemental financial disclosure (5 CFR part 5502).

This rulemaking repeals parts 73 and 73a in their entirety and issues a new part 73. The new part 73 includes conduct rules previously published in part 73 that were not superseded and continue to be important to the efficient functioning of the Department and adds a new section on counter trafficking in persons as required by the Trafficking Victims Prevention and Protection Reauthorization Act of 2022. Many of the regulations have been revised because they were inconsistent with current legal standards implemented pursuant to other programmatic authorities.

Additionally, this rulemaking repeals part 73b, Debarment or Suspension of Former Employees. Part 73b was promulgated under the authority of the former 18 U.S.C. 207(j), which was repealed by the Ethics Reform Act of 1989, Sec. 101, Public Law 101–194, 103 Stat. 1716. Because 18 U.S.C. 207 no longer provides for debarment or suspension of former employees, part 73b is obsolete.

II. Analysis of the Regulations

The following regulations will appear in the revised 45 CFR part 73:

Subpart A—General Provisions

The provisions contained in subpart A state the purpose and applicability of the Standards. Subpart A also includes a definitions section. Unlike the repealed versions of parts 73 and 73a, the new version of part 73 does not exclude special Government employees (SGEs) from the definition of “employee” or from the various substantive provisions. Parts 73 and 73a formerly contained certain ethical restrictions, such as certain restrictions on outside activities (former subpart G) and financial interests (former subpart H), that were deemed unnecessary for SGEs; those ethical restrictions now have been superseded and no longer appear in the newly issued part 73, while the remaining provisions state generally applicable standards that are appropriately applied to all Department employees, including SGEs.

Subpart B—Conduct on the Job

Subpart B (formerly subpart C) reissues several prior regulations governing various aspects of work-related conduct, updated with minor revisions. These include provisions governing courtesy and consideration, support for Department programs, use of funds, use of Government property, conduct in Federal buildings (including

a cross-reference to applicable General Services Administration regulations), and miscellaneous work-related subjects. Conduct that is based on protected classes (*i.e.*, race, color, religion, sex, national origin, age (40 and over) or sex) constitutes a violation of the Federal Sector Equal Employment Opportunity Regulation (29 CFR 1614), and thus falls within the purview of Title VII of the Civil Rights Act of 1964, as amended, and the HHS Office of Equal Employment Opportunity and Strategic Engagement and Partnerships. All other alleged harassment violations are covered by the HHS Anti-Harassment Policy and Procedures. A section on the use of official information was removed to avoid redundancy: Requirements on the use of official information are set forth in, for example, the Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR part 2635), the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331), the criminal prohibition against disclosure of confidential government information (18 U.S.C. 1905), and the Privacy Act of 1974.

Subpart C—Counter Trafficking in Persons Requirements

Subpart C is newly added in response to the Trafficking Victims Prevention and Protection Reauthorization Act of 2022 (Pub. L. 117–348), which was signed into law on January 5, 2023. Traffickers disproportionately exploit at-risk populations including individuals who have experienced or been exposed to other forms of violence (child abuse and maltreatment, interpersonal violence and sexual assault, community and gang violence) and individuals disconnected from stable support networks (runaway and homeless youth, unaccompanied children, persons displaced during natural disasters). Section 73.301 prohibits all employees from engaging in trafficking in persons during duty and non-duty hours. Section 73.302 specifies trafficking in persons training requirements for new and current employees, and refresher training requirements for all employees every two years. Section 73.303 addresses reporting requirements for employees for any suspected cases of trafficking in persons and any suspected misconduct, waste, fraud, or abuse relating to trafficking in persons.

Subpart D—Gifts, Travel, and Employment

Subpart D groups together provisions from the former part 73 governing gifts, travel, and outside employment with respect to subjects that are not covered

by the OGE Standards or the HHS Supplemental Standards of Ethical Conduct. Section 73.401 covers acceptance of gifts and decorations from a foreign government. Section 73.402 covers receipt of cash or in-kind payment for official travel and related expenses from non-Federal sources; this section has been updated to account for the new authority under 31 U.S.C. 1353 and new Department implementing procedures as found in the Department of Health and Human Services Travel Policy Manual. Section 73.403 pertains solely to SGEs, and it indicates that SGEs must not simultaneously retain per diem payments from the Department and any other Federal agency for the same day.

Subpart E—Political Activity

Before the enactment of the Hatch Act Reform Amendments of 1993, each department or agency implemented the original Hatch Act in its own Standards of Conduct. Former subpart F of part 73 delineated the political activity restrictions for all HHS employees. However, the original Hatch Act and its subsequent amendments do not apply to commissioned officers of the Public Health Service. The subpart F regulations applied to Commissioned officers of the Public Health Service based on the authority of the Secretary of Health and Human Services (Secretary), 5 U.S.C. 301, to prescribe rules of conduct for Department employees and that of the Surgeon General of the Public Health Service, 42 U.S.C. 216, with the approval of the Secretary, to promulgate regulations necessary to the administration of the Public Health Service.

Following the Hatch Act Reform Amendments of 1993, the Office of Personnel Management (OPM) was empowered to issue uniform political activity regulations for employees of the Executive Branch that would supersede agency rules. Significant changes in the Hatch Act necessitated the creation of essentially two categories of employees for regulatory treatment: (1) those who were newly authorized to participate in partisan political activities off duty, away from the Government premises, and without any indication of a governmental connection, exemplified by the career and Schedule C employees, non-career Senior Executive Service (SES) officials, and Senate-confirmed Presidential appointees; and (2) those who remained subject to the highly restrictive standards that existed under prior law, such as the career SES employees, administrative law judges, members of boards of contract appeals, and specified employees at certain law

enforcement and other agencies. The ensuing OPM regulations published at 5 CFR parts 733 and 734 rendered former subpart F of part 73 obsolete, with the exception of the continued applicability of the subpart to commissioned officers of the Public Health Service.

In reissuing and revising part 73, the political activity restrictions of former subpart F have been moved to a new subpart E. The regulations are modeled on the political activity provisions in subpart E of 5 CFR part 734 that are applicable to career SES employees and others who similarly remain under the restrictive standards of prior law. Although the new subpart E carries forward the rules previously applicable to uniformed service officers, the text has been updated to reflect amendments made to the Hatch Act. See Hatch Act Reform Amendments of 1993, sec. 2, Public Law 103–94, 107 Stat. 1004; Hatch Act Modernization Act of 2012, sec. 4, Public Law 1112–230, 126 Stat. 1617; National Defense Authorization Act for Fiscal Year 2018, sec. 1097(k), Public Law 115–91, 131 Stat. 1615. The text has also been updated to reflect changes in Hatch Act interpretations by intervening court decisions and rulings of the United States Merit Systems Protection Board.

Section 73.501 clarifies that subpart E is applicable to the commissioned officers of the Public Health Service on active or inactive duty. Following previous legal interpretations, the section clarifies that the Assistant Secretary for Health and the Surgeon General of the Public Health Service, as Senate-confirmed Presidential appointees, are not covered by the subpart. The Assistant Secretary for Health and the Surgeon General of the Public Health Service are accorded latitude to engage in partisan political activities to the same extent as other similarly situated political appointees. Although subpart E significantly impedes the ability of uniformed service officers to participate fully in the political process, section 73.502 outlines several activities in which the commissioned officers of the Public Health Service may lawfully participate. However, a detailed description of the prohibited political activities of those commissioned officers is contained in section 73.503. Both of these sections include illustrative examples for clarification. Section 73.504 lists certain permissible political activities for covered employees residing in designated localities in the Washington, DC metro area, and other municipalities with high concentrations of Federal employees, as, or on behalf of, an independent candidate running for

election to a partisan political office in the municipality or political subdivision. Section 73.505 provides restrictions for covered employees residing in designated localities in the Washington, DC metro area, and other municipalities with high concentrations of Federal employees, involving political activities running as, or in support of, a representative of a political party for a local partisan political office. Any violation of this subpart is cause for disciplinary action under section 73.506.

Subpart F—Disciplinary Action

Subpart F (formerly subpart L) indicates that violations of the regulations in part 73, as well as conduct violations grounded in other regulations, including 5 CFR parts 735, 2634, 2635, 5501, and 5502, may be cause for disciplinary action. The general process for taking disciplinary action has been deleted because it is covered by internal Departmental guides. The former reference to the Code of Ethics for Government Service (Code) has been deleted; the statutory requirement to post the Code in Federal buildings was repealed by sec. 4(a), Public Law 104–179 and the legislative history indicates that Congress no longer viewed the Code as adequately reflecting current ethical requirements for Executive Branch employees. See H. Rept. No. 104–595, at 8 (May 29, 1996). For similar reasons, the former Appendix B to part 73, which reproduced the Code in its entirety, also has been deleted.

Subpart G—Reporting Violations

Former subpart M is reissued as subpart G. It contains regulations, updated with minor revisions, governing the responsibility of Department employees to report information concerning certain criminal violations (section 73.701) and noncriminal misconduct (section 73.702) to appropriate offices. Section 73.703 prohibits reprisals against individuals who make a complaint or report information pursuant to this subpart. A former section on referrals was removed. Paragraph (a) of former 45 CFR 73.735–1304, which addressed the Designated Agency Ethics Official referring any matter under the Standards to the Inspector General, has been superseded by 5 CFR 2638.104 and has been removed. Paragraph (b) of former 45 CFR 73.735–1304, addressing referrals of criminal laws, is already addressed in the responsibilities of agency ethics officials regulation at (5 CFR 2638.104).

Former Subparts

Former subpart B of part 73, Responsibilities, has been removed. Responsibilities are addressed in the Employee Responsibilities and Conduct regulations at 5 CFR part 735. The ethical obligations addressed in this former subpart have been superseded by OGE's Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR part 2635).

Former subpart D of part 73, Financial Obligations, has been removed. Employee financial obligations are addressed in OGE's Standards of Ethical Conduct for Employees of the Executive Branch, Subpart A (5 CFR part 2635). Potential disciplinary measures are addressed in the Department's Instruction 752, Corrective Action, Discipline and Adverse Actions.

Former subpart G of part 73, Outside Activities, has been removed. Outside activities are addressed in OGE's Standards of Ethical Conduct for Employees of the Executive Branch, Subpart H (5 CFR part 2635), Limitations on Outside Earned Income, Employment and Affiliations for Certain Noncareer Employees (5 CFR part 2636), and in the Supplemental Standards of Ethical Conduct for Employees of the Department of Health and Human Services (5 CFR part 5501).

Former subparts H and I of part 73, Financial Interest and Reporting Financial Interests, respectively, have been removed. They have been superseded or pertain to the implementation of standards that have been superseded by OGE's regulations on financial conflicts of interest (5 CFR part 2640) and executive branch financial disclosures (5 CFR part 2634) and by the HHS supplemental financial disclosure regulation (5 CFR part 5502).

Former subparts J and K of part 73, Provisions Relating to Experts, Consultants and Advisory Committee Members and Special Government Employees Other Than Consultants, respectively, have been removed. As noted earlier, Subpart A of part 73 no longer excludes SGEs from the definition of “employee” or from various substantive provisions. One provision under former subpart J, which indicates that SGEs must not simultaneously retain per diem payments from the Department and any other Federal agency for the same day, was moved into the new subpart C of part 73.

Former subpart N of part 73, Conduct and Responsibilities of Former Employees, has been removed. Post government employment restrictions are now addressed in OGE's Post-

Employment Conflict of Interest Restrictions regulations (5 CFR part 2641).

Former Appendices A and B to Part 73

The former Appendix A to part 73 was added to the Department Standards of Conduct in 1988. See 53 FR 4409–4411 (February 16, 1988). The purpose of the former Appendix A was to provide employees with a specific and more readily understood listing of many of the offenses for which disciplinary action may be taken. Since then, new policy guidelines have been issued covering such offenses. See, e.g., HHS Instruction 752, Corrective Action, Discipline and Adverse Actions. As such, the former Appendix A has been deleted in its entirety. For reasons discussed above, former Appendix B has been deleted in its entirety as well.

Former 45 CFR Part 73a

Part 73a, the Food and Drug Administration (FDA) Supplement to the Department Standards of Conduct is being removed in its entirety. All substantive provisions in part 73a have been superseded by subsequent regulations (5 CFR parts 2634, 2635, 2640, 5501, and 5502), and all procedural or administrative provisions are deemed obsolete or unnecessary to the effective administration of the FDA.

Former 45 CFR Part 73b

Part 73b, the Department regulations on Debarment or Suspension of Former Employees, is being removed in its entirety. The statutory authority for debarment or suspension as a penalty for violation of the post-employment restrictions of 18 U.S.C. 207 was repealed in 1989. Ethics Reform Act of 1989, sec. 101, Public Law 101–194, 103 Stat. 1716 (November 30, 1989). Therefore, part 73b is obsolete.

III. Matters of Regulatory Procedure

Administrative Procedure Act

The general proposed notice and comment rulemaking procedures of 5 U.S.C. 553 of the Administrative Procedure Act (APA) are not applicable because the provisions of this rule are “rules of agency organization, procedure, or practice” within the meaning of section 5 U.S.C. 553(b)(A) and involve a “matter relating to agency management and personnel” within the meaning of section 5 U.S.C. 553(a)(2). Therefore, publication in the **Federal Register** of a notice of proposed rulemaking and request for comments is not required. Furthermore, the Department has found that good cause exists under 5 U.S.C. 553(b) and (d) for waiving, as unnecessary, the general

notice of proposed rulemaking and the 30-day delay in effective date as to this final rule. This rule primarily removes regulatory provisions that are already superseded or obsolete and reissues regulations substantially the same as other regulations that are already in effect. The rule, including the newly added counter trafficking in persons requirements, imposes no obligation on parties outside the Federal Government and no advance notice is required to enable employees to come into compliance.

Executive Orders 12866, 13563, and 14094

Executive Orders 12866 (Regulatory Planning and Review), 13563 (Improving Regulation and Regulatory Review), and 14094 (Modernizing Regulatory Review) requires agencies to conduct a regulatory analysis for economically significant regulatory actions, assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches where the benefits of the rule “justify the costs.” The Department of Health and Human Services has determined that this rule is exempt from the requirements of Executive Orders 12866, and 13563, and is not subject to review by the Office of Management and Budget (OMB), inasmuch as its scope is limited to agency organization, management, or personnel matters. Pursuant to section 3(d)(3) of Executive Order 12866 and section 1(b) of Executive Order 13563, this rulemaking is not defined as a “regulation” or “rule” within the meaning of the orders and thus is not subject to the principles, procedures, or review specified in the Executive Orders.

Executive Order 12988, Civil Justice Reform

The Department of Health and Human Services has reviewed this rule as provided in section 3 of Executive Order 12988 and determines that this rule meets the applicable standards in the Executive Order.

Regulatory Flexibility Act

The Department of Health and Human Services has determined under the Regulatory Flexibility Act (5 U.S.C. chapter 6) that this regulation will not have a significant economic impact on a substantial number of small business entities because it affects only HHS employees.

Information Collection Requirements

The Information collection requirements in this part are approved

by the Office of Management and Budget and assigned OMB control number XXX–XXXX.

Congressional Review Act

This rulemaking is not subject to the Congressional review requirements in 5 U.S.C. 801–808 because the term “rule,” within the meaning of the Act, does not include “any rule relating to agency management or personnel” or “any rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of non-agency parties.”

Executive Order 13132, Federalism

The Department of Health and Human Services has determined that this rule does not have “federalism implications” as defined by section 1(a) of Executive Order 13132. The rule does 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” and therefore is not subject to Executive Order 13132.

List of Subjects

45 CFR Part 73

Administrative practice and procedure, Conduct standards, Government employees, Government property, Political activities (Government employees).

45 CFR Part 73a

Conflicts of interests.

45 CFR Part 73b

Administrative practice and procedure.

For the reasons stated in the preamble, the Department of Health and Human Services amends 45 CFR subchapter A to read as follows:

■ 1. Revise and republish part 73 to read as follows:

PART 73—STANDARDS OF CONDUCT

Subpart A—General Provisions

Sec.

- 73.101 Purpose.
- 73.102 Definitions.
- 73.103 Applicability.

Subpart B—Conduct on the Job

- 73.201 Courtesy and consideration for others.
- 73.202 Support of Department programs.
- 73.203 Use of Government funds.
- 73.204 Use of Government property.
- 73.205 Conduct in Federal buildings.
- 73.206 Other prohibitions.

Subpart C—Counter Trafficking in Persons Requirements

- 73.301 Prohibition.

- 73.302 Training.
73.303 Reporting.

Subpart D—Gifts, Travel, and Employment

- 73.401 Gifts and decorations from foreign governments.
73.402 Acceptance of travel and subsistence.
73.403 Payments to special Government employees from two sources.

Subpart E—Political Activity

- 73.501 Applicability.
73.502 Permitted activities.
73.503 Prohibited activities.
73.504 Designated localities—permitted local political activities for covered employees who reside in a municipality or political subdivision designated by the Office of Personnel Management.
73.505 Designated localities—prohibited local political activities for covered employees who reside in a municipality or political subdivision designated by the Office of Personnel Management.
73.506 Penalties.

Subpart F—Disciplinary Action

- 73.601 Disciplinary action.

Subpart G—Reporting Violations

- 73.701 Responsibility for reporting possible criminal violations.
73.702 Responsibility for reporting allegations of misconduct.
73.703 Prohibition of reprisals.

Authority: 5 U.S.C. 301.

Subpart A—General Provisions

§ 73.101 Purpose.

The Department of Health and Human Services Standards of Conduct (Standards) prescribe employee rules of conduct and procedure and provide for disciplinary action for the violation of the Standards and other rules, regulations, or laws governing Department employees. These Standards are separate from and additional to the Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR part 2635), the Supplemental Standards of Ethical Conduct for Employees of the Department of Health and Human Services (5 CFR part 5501), the Supplemental Financial Disclosure Requirements for Employees of the Department of Health and Human Services (5 CFR part 5502), the Employee Responsibilities and Conduct regulations (5 CFR part 735), and the Executive Branch Financial Disclosure regulations (5 CFR part 2634).

§ 73.102 Definitions.

Commissioned officer means either a commissioned officer of the Regular Corps or a commissioned officer of the Ready Reserve Corps of the Public Health Service.

Department and *HHS* mean the Department of Health and Human Services.

Employee means an officer of the Department or an individual who is employed by the Department. Status as an employee is unaffected by pay or leave status. The term includes:

- (1) Special Government employees;
- (2) Commissioned officers of the Public Health Service on active or inactive duty;
- (3) An HHS employee who is assigned to a non-Federal entity under the Intergovernmental Personnel Act of 1970, as amended (5 U.S.C. 3371–3376), whether on leave without pay or on detail; and
- (4) A non-Federal employee who is appointed to an HHS position or who is serving on detail to HHS under the Intergovernmental Personnel Act of 1970, as amended.

(5) An HHS employee who is detailed to another Executive Branch agency or elsewhere within the Federal Government.

Foreign government means:

- (1) Any unit of foreign government authority, including any foreign national, State, local, and municipal government, and their foreign equivalents;

(2) Any international or multinational organization whose membership is composed of any unit of foreign government described in paragraph (1) of this definition; or

(3) Any agent or representative of any such unit described in paragraph (1) of this definition or any organization described in paragraph (2) of this definition, while acting as such agent or representative.

Gift means a monetary or non-monetary present (other than a decoration) offered by or received from a foreign government.

Government means the United States Government.

Inspector General means the Office of Inspector General at the Department of Health and Human Services.

Minimal value means a retail value in the United States at the time of acceptance that is at or below the dollar value established by the General Services Administration pursuant to the Foreign Gifts and Decorations Act, 5 U.S.C. 7342(a)(5). This value is published by the General Services Administration in a Federal Management Regulation Bulletin at www.gsa.gov/personalpropertypolicy.

Severe forms of trafficking in persons has the meaning given at 22 U.S.C. 7102(11):

- (1) Sex trafficking in which a commercial sex act is induced by force,

fraud, or coercion or in which the person induced to perform such act has not attained 18 years of age; or

(2) The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery.

Sex trafficking has the meaning given at 22 U.S.C. 7102(12): the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act.

Special Government employee means an officer or employee who, as specified in 18 U.S.C. 202(a), is retained, designated, appointed, or employed to perform temporary duties either on a full-time or intermittent basis, with or without compensation, on no more than 130 days during any consecutive 365-day period.

§ 73.103 Applicability.

Unless otherwise indicated (see subpart D of this part), the Standards of this part apply to all employees as defined in § 73.102.

Subpart B—Conduct on the Job

§ 73.201 Courtesy and consideration for others.

(a) An employee's conduct on the job is, in all respects, of concern to the Federal Government. Courtesy, consideration, and promptness in dealing with the public must be shown in carrying out official responsibilities, and actions that deny the dignity of individuals or conduct that is disrespectful to others must be avoided. Employees must recognize that inattention to matters of common courtesy can adversely affect the quality of service the Department is responsible for providing. Where appropriate, courtesy to the public should be included in the standards for evaluating employee performance.

(b) Of equal importance is the requirement that courtesy be shown in day-by-day interaction with co-workers. Employees must be polite to and considerate of other employees and must respect their needs and concerns in the work environment.

§ 73.202 Support of Department programs.

(a) When a Department program is based on law, Executive order, or regulation, every employee has a positive obligation to make the program function as efficiently and economically as possible and to support it as long as it is a part of recognized public policy. An employee may, therefore, properly

make an address explaining a Department program, citing its achievements, defending it against uninformed or unjust criticism, or soliciting views for improving it.

(b) An employee must not, either directly or indirectly, use appropriated funds to initiate or support grassroots lobbying efforts aimed at influencing constituents to urge a Member of Congress to favor or oppose pending legislation, subject to such exceptions as are recognized to 18 U.S.C. 1913 or similar appropriation riders. This requirement does not apply to the official handling, through the proper channels, of matters relating to legislation in which the Department has an interest. Moreover, when authorized by an employee's supervisor, an employee is not prohibited from:

(1) Testifying, on request, as a representative of the Department on pending legislation or proposals before congressional committees; or

(2) Assisting congressional committees in drafting bills or reports on request, when it is clear that the employee is serving solely as a technical expert under the direction of committee leadership.

(c) All employees must be familiar with regulations and published instructions that relate to their official duties and responsibilities and must comply with those directives. This includes carrying out proper orders from officials authorized to give them.

(d) Employees are required to assist the Inspector General and other HHS investigative officials in the performance of their duties and functions. This requirement includes providing statements and evidence to investigators of the Inspector General or other HHS investigators authorized to conduct investigations into potential violations.

(e) In accordance with 5 U.S.C. 7211, employees, individually or collectively, may petition Congress or a Member of Congress and may furnish information to either House of Congress or to a committee or Member thereof, when acting in their personal capacities and not using Government time, funds, or property.

§ 73.203 Use of Government funds.

(a) An employee must not:

(1) Improperly use official travel;

(2) Improperly use payroll and other vouchers and documents on which Government payments are based;

(3) Take or fail to account for funds with which the employee is entrusted in the employee's official position; or

(4) Take other Government funds for personal use.

Violations of these prohibitions carry criminal penalties.

(b) In addition, employees must avoid wasteful actions or behavior in the performance of their assigned duties.

§ 73.204 Use of Government property.

(a) An employee must not directly or indirectly use, or allow the use of, Government property of any kind, including property leased to the Government, for other than officially approved activities or authorized purposes. An employee to whom Government property has been entrusted or issued, including equipment, supplies, and other property, has a positive duty to protect and conserve these public assets.

(b) Employees may have limited personal use of HHS information and information technology resources, including HHS email, systems, instant messaging tools, and Government-furnished equipment (e.g., laptops and mobile devices) only when the personal use will:

(1) Involve no more than minimal additional expense to the Government;

(2) Be minimally disruptive to personnel productivity;

(3) Not interfere with the mission or operations of the Department;

(4) Not violate the Standards of Ethical Conduct for Employees of the Executive Branch, the Supplemental Standards of Ethical Conduct for Employees of the Department of Health and Human Services, the Hatch Act, or other applicable law or regulation; and

(5) Comport with all applicable HHS directives and policies governing the use of information technology, including, but not limited to, the following Departmental issuance: HHS Rules of Behavior for the Use of HHS Information and IT Resources Policy or its successive iteration in effect at the time of the use.

(c) Employees may drive or use Government passenger motor vehicles or aircraft only on official business. In accordance with 31 U.S.C. 1349(b), the use of a passenger motor vehicle or aircraft owned or leased by the Government for non-official purposes may result in suspension for at least one month or removal from the Federal service.

§ 73.205 Conduct in Federal buildings.

(a) While on Government-owned or Government-leased property or on duty for the Government, an employee must not conduct or participate in any gambling activity, including operating a gambling device, conducting a lottery or pool, participating in a game for money

or property, or selling or purchasing a numbers slip or ticket.

(b) An employee must not, while in or on Government-owned or Government-leased property or while on duty for the Government, solicit alms (including money and non-monetary items) and contributions, engage in commercial soliciting and vending, display or distribute commercial advertisements, or collect private debts.

(c) The prohibitions in paragraphs (a) and (b) of this section do not preclude:

(1) Activities necessitated by an employee's law enforcement duties;

(2) Participation in federally sponsored fundraising activities conducted pursuant to 5 CFR part 950, or similar HHS-approved activities; or

(3) Buying a lottery ticket at an authorized State lottery outlet for a lottery authorized by State law and conducted by an agency of a State within that State.

(d) The General Services Administration's Federal Management Regulations on "Conduct on Federal Property," codified under 41 CFR part 102-74, subpart C, apply to all property under the control of the General Services Administration, and those regulations are also applicable to all buildings and space under the control of this Department. The General Services Administration regulations prohibit, among other things, gambling, being intoxicated, and possession, distribution, or use of narcotic or dangerous drugs on the premises.

§ 73.206 Other prohibitions.

Employees must avoid any action, irrespective of whether it is specifically prohibited by this part, that might result in or create the appearance of:

(a) Impeding Government efficiency or economy; or

(b) Making a Government decision outside of official channels.

Subpart C—Counter Trafficking in Persons Requirements

§ 73.301 Prohibition.

Severe forms of trafficking in persons (i.e., human trafficking), as defined in § 73.102, is a public health issue that impacts individuals, families, and communities. Human trafficking for labor or commercial sex are federal crimes and include punishment up to life in prison (18 U.S.C. chapter 77). All Department employees are prohibited from engaging in severe forms of trafficking in persons during duty and non-duty hours.

§ 73.302 Training.

(a) HHS plays a vital role in efforts to counter trafficking in persons

worldwide and federal law requires that all federal employees be sensitized to human trafficking and have the tools necessary to prevent, recognize and address human trafficking offenses. All Department employees are required to complete HHS-prescribed training.

(1) All Department employees of record on the effective date of this part will complete initial training to raise overall awareness of human trafficking and its various manifestations, including labor and sex trafficking, and to inform employees of their obligations under this subpart.

(2) All Department employees hired after the effective date of this part must complete initial human trafficking training within 90 days of appointment.

(3) All Department employees must complete refresher human trafficking training every two years.

(b) Supervisors are required ensure that subordinates complete all required training. Employees who fail to complete required training may be deemed in violation of this policy and may be subject to disciplinary action as addressed in subpart F of this part.

§ 73.303 Reporting.

All Department employees must report to the HHS Office of the Inspector General and agency trafficking in persons point of contact any suspected cases of severe forms of trafficking in persons and any suspected misconduct, waste, fraud, or abuse relating to severe forms of trafficking in persons (e.g., procuring a commercial sex act, using forced labor, denying access to immigration documents, using misleading recruitment of employees) that involve:

- (1) HHS personnel; or
- (2) HHS programs or other efforts funded by HHS or programs that involve HHS personnel; or
- (3) The Department's contractors, sub-awardees, grantees, or cooperative agreement recipients. Employees who fail to report actual or suspected severe trafficking in persons cases may be deemed in violation of this policy and may be subject to disciplinary action as addressed in subpart F of this part.

Subpart D—Gifts, Travel, and Employment

§ 73.401 Gifts and decorations from foreign governments.

(a) An employee may not request or otherwise encourage the tender of a gift or decorations from a foreign government or official of a foreign government.

(b) An employee may accept from a foreign government:

(1) A gift which is in the nature of medical treatment or an educational scholarship;

(2) A tangible gift of minimal value, as defined in § 73.102, tendered or received as a mark of courtesy;

(3) A tangible gift of more than minimal value when it appears that to refuse the gift would be likely to cause offense or embarrassment or otherwise adversely affect the foreign relations of the United States. However, the acceptance of such a gift would be on behalf of the United States and the gift would become the property of the United States. Employees should refer to internal Department guides for information regarding the disposition of a gift accepted under these circumstances.

(4) An employee may accept from a foreign government gifts of travel or expenses for travel (such as transportation, food, and lodging) taking place entirely outside the United States of more than minimal value, as defined in § 73.102, if such acceptance is appropriate, consistent with the interests of the United States, and approved by the travel approving authority) in accordance with the HHS Travel Policy Manual.

(5) An employee may accept, retain, and wear a decoration tendered in recognition of active field service in time of combat operations or awarded for other outstanding or unusually meritorious performance, subject to the approval of the Secretary or the Secretary's designee.

(c) An employee's spouse (unless they are separated) and dependents (within the meaning of section 152 of the Internal Revenue Code of 1986) are also subject to the regulations in this section. However, if a member of an employee's family and household is employed by another agency of the Government, the offer or acceptance of a gift shall be treated under the regulations of that agency.

§ 73.402 Acceptance of travel and subsistence.

Employees may accept and may utilize accommodations, subsistence, and travel in cash or in-kind from a non-Federal source in connection with official travel for attendance at meetings, conferences, training in nongovernmental facilities or for performing advisory services, only if approved in accordance with the provisions of the HHS Travel Policy Manual. (5 U.S.C. 4111; 31 U.S.C. 1353; 42 U.S.C. 3506.)

§ 73.403 Payments to special Government employees from two sources.

The Department may not pay per diem to a special Government employee who also receives per diem pay for the same day from another Government agency (whether from within or from outside the Department). Erroneous payments in contravention of this provision will be subject to collection, and any special Government employee who willfully collects double payments may be barred from further employment.

Subpart E—Political Activity

§ 73.501 Applicability.

(a) The regulations in this subpart apply to the commissioned officers of the Public Health Service on active or inactive duty, other than the Assistant Secretary for Health and the Surgeon General. For purposes of this subpart, these commissioned officers are referred to as "covered employees." Commissioned officers serving in the Ready Reserve Corps, not on active or inactive duty, should avoid inferences that their political activities imply or appear to imply official sponsorship, approval, or endorsement by the Department. All Department employees, including commissioned officers of the Public Health Service on active or inactive duty, are subject to the criminal provisions governing political activity contained in chapter 29 of title 18, United States Code (18 U.S.C. 592–611).

(b) An employee who is appointed by the President by and with the advice and consent of the Senate to serve in the position of Assistant Secretary for Health or Surgeon General of the Public Health Service, who may serve simultaneously as a commissioned officer of the Public Health Service, is not covered by this subpart. The Assistant Secretary for Health and the Surgeon General of the Public Health Service are executive agency employees:

(1) The duties and responsibilities of whose positions continue outside normal duty hours and while away from the normal duty post; and

(2) Who are appointed by the President by and with the advice and consent of the Senate (PAS) whose positions are located within the United States and who determine policies to be pursued by the United States in the nationwide administration of Federal laws; and, as such, irrespective of the appointees' status as commissioned officers, the Assistant Secretary for Health and the Surgeon General of the Public Health Service are subject to the political activity restrictions contained in subchapter III of chapter 73 of title 5,

United States Code, and the implementing regulations in 5 CFR parts 733 and 734, that are applicable to other PAS positions within the Department, except the Inspector General.

(c) Each employee covered under this subpart is individually responsible for refraining from prohibited political activity and is accountable for political activity by another person acting as the employee's agent or under the employee's direction or control if the employee is thus accomplishing indirectly what the employee may not lawfully do directly and openly.

(d) Each employee covered under this subpart is subject to the subpart's restrictions, even where the covered employee is on paid leave, compensatory time off, credit hours, time off as an incentive award, or excused or authorized absence (including leave without pay), and even where the employee's resignation has been accepted. A separated employee who has received a lump-sum payment for annual leave is not subject to the restrictions during the period covered by the lump-sum payment or thereafter if the payment has ended the individual's employment with the Federal Government and provided the individual does not return to Federal employment during that period. A covered employee is subject to the prohibitions contained in this subpart for 24 hours per day and is not permitted to take annual leave or a leave of absence to work with a political candidate, committee, or organization, or to become a candidate for office with the understanding that the employee will resign the employee's position if nominated or elected.

§ 73.502 Permitted activities.

(a) *Expression of an employee's individual opinion.* Each employee covered under this subpart retains the right to participate in any of the following political activities, as long as the activity is not performed in concert with a political party, a partisan political group, or a candidate for partisan political office:

(1) Express the employee's opinion as an individual privately and publicly on political subjects and candidates;

(2) Display a political picture, sign, sticker, badge, or button, as long as these items are displayed in accordance with the provisions of § 73.403(a);

(3) Sign a political petition as an individual;

(4) Be politically active in connection with a question that is not specifically identified with a political party, such as a constitutional amendment, referendum, approval of a municipal

ordinance, or any other question or issue of a similar character; and

(5) Otherwise participate fully in public affairs, except as prohibited by other Federal law, in a manner that does not compromise the employee's efficiency or integrity as an employee or the neutrality, efficiency, or integrity of the agency or instrumentality of the United States Government where the employee is employed.

Example 1 to paragraph (a): A covered employee may purchase airtime on a radio or television station personally to endorse a partisan political candidate. However, the employee may not endorse such a candidate in a commercial or program that is sponsored by the candidate's campaign committee, a political party, or a partisan political group.

Example 2 to paragraph (a): A covered employee may address a political convention or rally but not on behalf of, or at the request of, a political party, a partisan political group, or an individual who is running for the nomination or as a candidate for election to partisan political office.

Example 3 to paragraph (a): A covered employee may print at the employee's own expense one thousand fliers that state that employee's personal opinion that a partisan political candidate is the best suited for the job. The employee may distribute the fliers at a shopping mall on the weekend. However, the employee may not distribute fliers printed by the candidate's campaign committee, a political party, or a partisan political group.

Example 4 to paragraph (a): A covered employee may place in the employee's yard a sign supporting a candidate for partisan political office.

Example 5 to paragraph (a): A covered employee may stand outside of a political party convention with a homemade sign that states the employee's individual opinion that one of the candidates for nomination is the best qualified candidate.

Example 6 to paragraph (a): A covered employee may wear a button with a partisan political theme when the employee is not on duty or at the place of work, provided that the employee is not in uniform.

(b) *Participation in elections.* Each employee covered under this subpart retains the right to:

(1) Register and vote in any election;

(2) Take an active part, in accordance with the provisions of § 73.404 and subject to the prohibitions in §§ 73.403 and 73.405, as an independent candidate, or in support of an independent candidate, in a partisan

election in localities designated as permissible for such activities by the Office of Personnel Management pursuant to 5 CFR 733.107.

(3) Take an active part, as a candidate or in support of a candidate, in a nonpartisan election; and

(4) Serve as an election judge or clerk, or in a similar position, to perform nonpartisan duties as prescribed by State or local law.

(c) *Participation in political organizations.* Each employee covered under this subpart retains the right to:

(1) Participate in the nonpartisan activities of a civic, community, social, labor, or professional organization, or of a similar organization;

(2) Be a member of a political party or other partisan political group and participate in its activities to the extent consistent with this subpart and Federal law;

(3) Attend a political convention, rally, fund-raising function, or other political gathering; and

(4) Make a financial contribution to a political party, to a partisan political group, or to the campaign committee of a candidate for partisan political office.

Example 7 to paragraph (b): A covered employee may attend a political convention or rally solely as a spectator. However, the employee may not participate in demonstrations or parades that are sponsored by a political party, a partisan political group, or an individual who is running for nomination to be a candidate for partisan political office.

Example 8 to paragraph (b): A covered employee may attend a political party's annual barbecue, but an employee may not organize, distribute invitations to, or sell tickets to the barbecue.

(d) *Campaigning for a spouse or family member.* An employee covered under this subpart who is the spouse or family member of either a candidate for partisan political office, or a candidate for political party office, may appear in photographs of the candidate's family that might appear in a political advertisement, a broadcast, campaign literature, or similar material. A spouse or a family member who is a covered employee also may attend political functions with the candidate. However, the spouse or family member may not distribute campaign literature or solicit, accept, or receive political contributions.

Example 9 to paragraph (d): A covered employee who is the spouse of a candidate for partisan political office may stand in the receiving line and sit at the head table during a political dinner honoring the spouse.

Example 10 to paragraph (d): A covered employee who is the daughter or son of a candidate for partisan political office may appear in a family photograph that is printed in a campaign flier, but the employee may not distribute the flier at a campaign rally.

§ 73.503 Prohibited activities.

(a) *Participation in political activities while on duty, in uniform, in any room or building occupied in the discharge of official duties or using a Federal vehicle; prohibition.* An employee covered under this subpart may not participate in political activities:

- (1) While the employee is on duty;
- (2) While the employee is wearing a uniform, badge, insignia, or other similar item that identifies the employing agency or instrumentality or the position of the employee;
- (3) While the employee is in any room or building occupied in the discharge of official duties by an individual employed or holding office in the Government of the United States or any agency or instrumentality of the United States; or

(4) While using a Government-owned or Government-leased vehicle or while using a privately owned vehicle in the discharge of official duties.

Example 1 to paragraph (a): A covered employee who uses the employee's privately owned vehicle on a recurrent basis for official business may place a partisan political bumper sticker on the vehicle, as long as the bumper sticker is covered while the vehicle is being used for official duties.

Example 2 to paragraph (a): A covered employee who uses the employee's privately owned vehicle on official business must cover any partisan political bumper sticker while the vehicle is being used for official duties if the vehicle is clearly identified as being on official business.

Example 3 to paragraph (a): A covered employee who uses the employee's privately owned vehicle only on an occasional basis to drive to another Federal agency for a meeting, or to take a training course, is not required to cover a partisan political bumper sticker on the vehicle.

Example 4 to paragraph (a): A covered employee may not place a partisan political bumper sticker on any Government-owned or Government-leased vehicle.

Example 5 to paragraph (a): A covered employee may place a bumper sticker on the employee's privately owned vehicle and park the vehicle in a parking lot of an agency or instrumentality of the United States

Government or in a non-Federal facility for which the employee receives a subsidy from the employing agency or instrumentality.

Example 6 to paragraph (a): A covered employee may not wear partisan political buttons or display partisan political pictures, signs, stickers, or badges while the employee is on duty or at the place of work.

(b) [Reserved]

(c) *Use of official authority; prohibition.* An employee covered under this subpart may not use the employee's official authority or influence for the purpose of interfering with or affecting the result of an election.

(d) *Participation in political management and political campaigning; prohibitions.* An employee covered under this subpart may not take an active part in political management or in a political campaign, except as permitted by this subpart.

(e) *Participation in political organizations; prohibitions.* An employee covered under this subpart may not:

(1) Serve as an officer of a political party; as a member of a national, State, or local committee of a political party; or as an officer or member of a committee of a partisan political group; or

(2) Be a candidate for any of the positions listed in paragraph (e)(1) of this section;

(3) Organize or reorganize a political party organization or partisan political group;

(4) Serve as a delegate, alternate, or proxy to a political party convention; or

(5) Address a convention, caucus, rally, or similar gathering of a political party or partisan political group in support of or in opposition to a candidate for partisan political office or political party office, if the address is done in concert with a candidate, political party, or partisan political group.

(f) *Participation in political fundraising; prohibitions.* An employee covered under this subpart may not:

(1) Solicit, accept, or receive political contributions; or

(2) Organize, sell tickets to, promote, or actively participate in a fundraising activity of a candidate for partisan political office, of a political party, or of a partisan political group.

(g) *Participation in political campaigning; prohibitions.* An employee covered under this subpart may not:

(1) Take an active part in managing the political campaign of a candidate for

partisan political office or a candidate for political party office;

(2) Campaign for partisan political office;

(3) Canvass for votes in support of or in opposition to a candidate for partisan political office or a candidate for political party office, if the canvassing is done in concert with a candidate, a political party, or partisan political group;

(4) Endorse or oppose a candidate for partisan political office or a candidate for political party office in a political advertisement, broadcast, campaign literature, or similar material if the endorsement or opposition is done in concert with a candidate, political party, or partisan political group; or

(5) Initiate or circulate a partisan nominating petition.

(h) *Participation in elections; prohibitions.* An employee covered under this subpart may not:

(1) Be a candidate for partisan political office;

(2) Act as recorder, watcher, challenger, or similar officer at polling places in concert with a political party, a partisan political group, or a candidate for partisan political office;

(3) Drive voters to polling places in concert with a political party, a partisan political group, or a candidate for partisan political office.

§ 73.504 Designated localities—permitted local political activities for covered employees who reside in a municipality or political subdivision designated by the Office of Personnel Management.

An employee covered under this subpart who resides in a municipality or political subdivision designated by the Office of Personnel Management under 5 CFR 733.107 may:

(a) Run as an independent candidate for election to partisan political office in elections for local office in the municipality or political subdivision;

(b) Solicit, accept, or receive a political contribution as, or on behalf of, an independent candidate for partisan political office in elections for local office in the municipality or political subdivision;

(c) Solicit, accept, or receive uncompensated volunteer services as, or on behalf of, an independent candidate for local partisan political office, in connection with the local elections of the municipality or subdivision; and

(d) Take an active part in other political activities associated with elections for local partisan political office and in managing the campaigns of candidates for election to local partisan political office in the municipality or political subdivision, but only as an

independent candidate or on behalf of, or in opposition to, an independent candidate.

§ 73.505 Designated localities—prohibited local political activities for covered employees who reside in a municipality or political subdivision designated by the Office of Personnel Management.

(a) An employee covered under this subpart who resides in a municipality or political subdivision designated by the Office of Personnel Management under 5 CFR 733.107 may not:

(1) Run as the representative of a political party for local partisan political office;

(2) Solicit, accept, or receive a political contribution on behalf of an individual who is a candidate for local partisan political office and who represents a political party;

(3) Knowingly solicit a political contribution from any Federal employee;

(4) Accept or receive a political contribution from a subordinate;

(5) Solicit, accept, or receive uncompensated volunteer services on behalf of an individual who is a candidate for local partisan political office and who represents a political party;

(6) Solicit, accept, or receive uncompensated volunteer services from a subordinate for any political purpose; or

(7) Take an active part in other political activities associated with elections for local partisan political office, when that participation occurs on behalf of a political party, a partisan political group, or a candidate for local partisan political office who represents a political party.

(b) An employee covered under this section may not participate in political activities:

(1) While on duty;

(2) While wearing a uniform, badge, or insignia that identifies the employing agency or instrumentality or the position of the employee;

(3) While in any room or building occupied in the discharge of official duties by an individual employed or holding office in the Government of the United States or any agency or instrumentality of the United States;

(4) While using a Government-owned or Government-leased vehicle; or

(5) While using a privately owned vehicle in the discharge of official duties.

(c) Candidacy for, and service in, a partisan political office must not result in neglect of, or interference with, the performance of the duties of the employee.

(d) Candidacy for, and service in, a partisan political office must not create a conflict of interest or an apparent conflict of interest.

§ 73.506 Penalties.

(a) An employee covered under this subpart who violates the regulatory prohibitions contained in this subpart may be subject to the following:

(1) Disciplinary action consisting of removal, reduction in grade, debarment from Federal employment for a period not to exceed 5 years, suspension, or reprimand;

(2) An assessment of a civil penalty not to exceed \$1,000; or

(3) Any combination of the penalties described in paragraph (a)(1) or (2).

In assessing a penalty, the discretion of the Surgeon General of the Public Health Service must be guided by applicable precedents of the Merit Systems Protection Board in its adjudication of cases arising under the Hatch Act Reform Amendments of 1993, as amended (5 U.S.C. 7321–7326).

(b) An employee covered under this subpart who violates any criminal or civil statute relating to political activity, including any criminal or civil counterpart to the regulatory prohibitions contained in this subpart, may be subject to the penalties specified in the applicable statute.

Subpart F—Disciplinary Action

§ 73.601 Disciplinary action.

Violations of the regulations contained in this part and parts 735, 2634, 2635, 5501, and 5502 of title 5 of the Code of Federal Regulations may be cause for disciplinary action, which may be in addition to any penalty prescribed by law.

Subpart G—Reporting Violations

§ 73.701 Responsibility for reporting possible criminal violations.

An employee who has information that the employee reasonably believes indicates a possible offense against the

United States by an employee of the Department, or any other individual working on behalf of the Department, must immediately report the information to the employee's supervisor, to any management official, or directly to the Inspector General. Offenses covered by the preceding sentence include, but are not limited to, bribery, fraud, perjury, conflicts of interest, misuse of funds, equipment, or facilities, and other conduct by a government officer or employee, grantee, contractor, or other person that is prohibited by title 18 of the United States Code. Employees and supervisors must refer to part 752–1–50 of the Department's Instruction 752, Corrective Action, Discipline and Adverse Actions, or successive Departmental guidance, for procedures regarding the reporting and handling of such information.

§ 73.702 Responsibility for reporting allegations of misconduct.

An employee who has information that the employee reasonably believes indicates the existence of an activity constituting:

(a) A possible violation of a rule or regulation of the Department;

(b) A possible violation of any noncriminal ethics statute or rule or regulation;

(c) Mismanagement, a gross waste of funds, or abuse of authority; or

(d) A substantial and specific danger to the public health and safety must immediately report this information to the employee's supervisor, any management official of the Department, or in the case of paragraph (c) of this section and this paragraph (d), directly to the Inspector General. This section does not cover employee grievances, equal employment opportunity complaints, classification appeals, or other matters for which a formal government-wide review system has been established by the Federal Government.

§ 73.703 Prohibition of reprisals.

(a) Any employee authorized to take, direct others to take, recommend, or approve any personnel action must not, with respect to this authority, take or threaten to take any action against any employee as a reprisal for making a complaint or for providing any information pursuant to this subpart.

(b) Employees who believe that they have been threatened with a personnel action, any other action, or harassment, or believe that they have been harmed by any action as a reprisal for having made a complaint or providing information pursuant to this subpart may request the Inspector General to review their allegations. Whenever the Inspector General has reason to believe that the allegations may be true, the

Inspector General must refer the matter to the Assistant Secretary for Administration (ASA) for appropriate action. The ASA may order a stay of any personnel action if the ASA determines that there are reasonable grounds to believe that the personnel action is being taken as a reprisal for making a complaint or for providing information pursuant to this subpart.

PARTS 73a and 73b—[Removed]

■ 2. Under the authority of 5 U.S.C. 301, remove parts 73a and 73b.

Robert F. Kennedy, Jr.,
Secretary, Department of Health and Human Services.

[FR Doc. 2025–16129 Filed 8–21–25; 8:45 am]

BILLING CODE 4150–26–P

Proposed Rules

Federal Register

Vol. 90, No. 161

Friday, August 22, 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.

CONSUMER FINANCIAL PROTECTION BUREAU

12 CFR Part 1033

[Docket No. CFPB–2025–0037]

RIN 3170–AB39

Personal Financial Data Rights Reconsideration

AGENCY: Consumer Financial Protection Bureau.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Consumer Financial Protection Bureau (CFPB or Bureau) is seeking comments and data to inform its consideration of four issues related to implementation of section 1033 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act). These issues are: the proper understanding of who can serve as a “representative” making a request on behalf of the consumer; the optimal approach to the assessment of fees to defray the costs incurred by a “covered person” in responding to a customer driven request; the threat and cost-benefit pictures for data security associated with section 1033 compliance; and the threat picture for data privacy associated with section 1033 compliance.

DATES: Comments must be received on or before October 21, 2025.

ADDRESSES: You may submit responsive information and other comments, identified by Docket No. CFPB–2025–0037 by any of the following methods:

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments.
- *Email:* 2025-ANPR-Personal FinancialDataRights@cfpb.gov. Include Docket No. CFPB–2025–0037 in the subject line of the message.
- *Mail/Hand Delivery/Courier:*

Comment Intake—Personal Financial Data Rights Reconsideration, c/o Legal Division Docket Manager, Consumer Financial Protection Bureau, 1700 G Street NW, Washington, DC 20552.

Instructions: The CFPB encourages the early submission of comments. All submissions should include the agency name and docket number. Additionally, where the Bureau has asked for specific comment on a topic, commentors should seek to highlight the topic to which its comment is applicable. Because paper mail is subject to delay, commenters are encouraged to submit comments electronically. In general, all comments received will be posted without change to <https://www.regulations.gov>.

All submissions, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. Proprietary information or sensitive personal information, such as account numbers or Social Security numbers, or names of other individuals, should not be included. Submissions will not be edited to remove any identifying or contact information.

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

SUPPLEMENTARY INFORMATION:

I. Background

Technology has made it possible to store, analyze, and share personal financial data electronically, and interest has grown within the financial services industry and among policymakers in the potential benefits of bolstering consumers’ rights to access personal financial data. Consistent with this desire to increase consumers’ access to their financial information, section 1033(a) of the Dodd-Frank Act provides that, subject to rules issued by the CFPB, consumers shall have access to requested information in the control or possession of financial entities relating to the products or services obtained from those financial entities.

Section 1033 of the Dodd-Frank Act, codified as 12 U.S.C. 5533, outlines the requirement for “covered persons” to make financial transaction data available to consumers and authorized third parties upon request, under rules prescribed by the Bureau. The statutory text of section 1033 is quite sparse and does not specifically address several

important questions that arise from the rights it creates, in particular: (a) precisely who may act on behalf of the consumer; (b) how the costs of effectuating such rights may be defrayed by the “covered person” providing the data; (c) the potential negative consequences to the consumer of exercising this right in an environment where there are tens of thousands of malign actors regularly seeking to compromise data sources and transmissions; (d) the potential negative consequences to the consumer in exercising this right where the data contains information that the consumer may not want disclosed, but does not fully understand or realize may be disclosed by the third party through which it has made a request; and (e) the potential benefits to consumers or competition of facilitating the consumer-authorized transfer of data to financial technology companies, application developers, and other third parties.

The structure of section 1033 consists of the following:

- A general articulation of the scope of the information that may be obtained by the consumer. (Sub-section A)
- An explicit list of exceptions laying out information a covered person is not required to provide. (Sub-section B)
- An explicit statement that section 1033 does not impose any duty on a covered person to maintain or keep any information about a consumer. (Sub-section C)
- Authorization for the CFPB to prescribe standards for how information will be transmitted to consumers. (Sub-section D)
- The inter-agency consultation requirements when prescribing rules implementing section 1033. (Sub-section E)

On November 18, 2024, the Bureau published the Personal Financial Data Rights final rule (PFDR Rule) under section 1033.¹ In general, the PFDR Rule applies to financial institutions, which it describes as “data providers,” that issue credit cards, hold transaction accounts, issue devices to access an

¹ 89 FR 90838 (Nov. 18, 2024). In June 2024, the Bureau finalized a portion of the proposal, regarding attributes a standard-setting body must possess to receive CFPB recognition and establishing the application process for CFPB recognition. 89 FR 49084 (June 11, 2024). The June 2024 rule was then incorporated into the November 2024 final rule.

account, or provide other types of payment facilitation products or services. The rule generally requires these financial institutions to provide information about transactions, costs, charges, and usage to consumers upon request. And the rule contains additional provisions regulating how covered data are to be made available and the mechanics of data access, and provisions establishing authorization procedures and obligations for third parties seeking to access covered data from data providers. A bank, a national trade association representing banks, and a State trade association representing banks filed a lawsuit challenging the PFDR Rule in the United States District Court for the Eastern District of Kentucky.² On July 29, 2025, the court granted a motion to stay proceedings in the case, following the Bureau's announcement that it "seeks to comprehensively reexamine this matter alongside stakeholders and the broader public to come up with a well-reasoned approach . . . that aligns with the policy preferences of new leadership and addresses the defects in the [PFDR Rule]."³

II. Executive Order 12866

The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) has determined that this action is a "significant regulatory action" under Executive Order 12866, as amended. Accordingly, the OMB has reviewed this action.

III. Questions

Scope of Who May Make a Request on Behalf of a Consumer

As the term is used in section 1033 of the Dodd-Frank Act, a "consumer" is defined as an individual or an agent, trustee, or representative acting on behalf of an individual. 12 U.S.C. 5481(4). At common law, an agent has fiduciary duties such as those of care, loyalty, good faith, and confidentiality. Also at common law, a "trustee" has these fiduciary duties as well as any specific duties that are required by the terms of the trust. The PFDR Rule interpreted the phrase "representative acting on behalf of an individual" to include third parties that access consumers' data pursuant to certain authorization procedures and substantive obligations.⁴ The Bureau estimated that "more than 100 million

consumers have used consumer-authorized data access" in the U.S. via third parties as of 2024.⁵ The Bureau is seeking comments generally on the proper scope of how the term "representative" should be interpreted. Specifically, the Bureau requests comments on the following questions:

1. What is the plain meaning of the term "representative"? Does the PFDR Rule's interpretation of the phrase "representative acting on behalf of an individual" represent the best reading of the statutory language? Why or why not?

2. Are there other provisions in Federal statutes or financial services market practice in which third parties authorized to act on behalf of an individual encompass, on an equivalent basis, both those having fiduciary duties and those who do not?

3. Does the statutory reference to an "agent, trustee, or representative" indicate that "representative" is intended to encompass only those representatives that are serving in a fiduciary capacity? If a "representative" under 12 U.S.C. 5481(4) is interpreted to be an individual or entity with fiduciary duties, what are the distinctions between an "agent" and a "representative" for purposes of section 1033?

4. In seeking the best reading of the statutory language, what evidence or interpretive principles should the Bureau consider with respect to the term "representative?"

5. If a "representative" under 12 U.S.C. 5481(4) is interpreted to mean an individual or entity with fiduciary duties, to what extent would it limit customers' ability to transfer their transaction data to third parties under section 1033 or the ability of financial technology and other third-party service providers to compete with incumbent market participants?

6. Does the requirement in section 1033 for the Bureau to prescribe standards promoting the development and use of standardized formats for information made available under section 1033 illuminate the types of entities that should be considered "consumers" or have any other implications for how "representative" under 12 U.S.C. 5481(4) should be interpreted?

7. If a "representative" under 12 U.S.C. 5481(4) is interpreted not to be required to have fiduciary duties, what elements are required in establishing that the individual is a "representative" acting on behalf of the consumer?

8. Are there any legal precedents or other considerations relevant to the above questions based on the applicability of the same definition of "consumer" to other Dodd-Frank Act provisions?

Defrayment of Costs in Exercising Rights Under Section 1033

Under current § 1033.301(c)(1) and (2), provisions finalized as part of the PFDR Rule,⁶ a data provider must not impose any fees or charges on a consumer or an authorized third party in connection with establishing or maintaining the required consumer and developer interfaces or receiving requests or making available covered data in response to requests as required by part 1033. Section 1033 of the Dodd-Frank Act, however, is silent on the question of how the burden of consumers' exercise of the rights it creates should be shared between the consumer and the "covered person." The Bureau is seeking comments and data generally on how to deal with this omission, and whether costs, benefits, or market forces might justify modifying the PFDR Rule's provisions. Specifically, the Bureau requests comments and data on the following questions:

9. Does the PFDR Rule's prohibition on fees represent the best reading of the statute? Why or why not?

10. Was the PFDR Rule correct to conclude that permitting fees "would obstruct the data access right that Congress contemplated"? Why or why not?

11. What is a reasonable range of estimates regarding the fixed costs to "covered persons" of putting in place the standards required by sub-section D of section 1033 and the operational architecture to intake, document, and process requests made by consumers, including natural persons and persons acting on behalf of a natural person (*i.e.*, an agent, trustee, or representative)? How do these estimates vary by the size of the covered financial institution?

12. What is a reasonable range of estimates regarding the marginal cost to covered financial institutions of responding to requests made under the auspices of section 1033? How do these estimates vary by the size of the covered financial institution?

13. How is the range above affected by the need of the "covered person" to confirm that an agent, trustee, or representative acting on behalf of an individual has actually been authorized by the consumer to act on their behalf?

² *Forcht Bank, N.A. v. CFPB*, No. 5:24-cv-00304 (E.D. Ky. 2024).

³ Order Granting Motion to Stay, No. 5:24-cv-00304 (July 29, 2025) (ECF No. 83).

⁴ See 12 CFR part 1033, subpart D.

⁵ See 89 FR 90838 at 90958.

⁶ 89 FR 90838 at 90884–87.

14. Is there any legal precedent from other Federal statutes, not involving Federal criminal law or provision of services by the U.S. Government, where there is a similar omission of explicit authorization to the agency to set a cost sharing balance in effectuation of a new statutory right and, if so, what principles has the court allowed the agency to use in establishing a proper balance?

15. Absent any legal precedent from other laws, should covered persons be able to recover a reasonable rate for offsetting the cost of enabling consumers to exercise their rights under section 1033? Why or why not?

16. If covered persons should be able to recover a reasonable rate for offsetting the costs of enabling consumers to exercise their rights under section 1033, should the Bureau place a cap on the upper bounds of such rates that can be charged? If so, what should the cap be on such rates, and why? If not, why not?

17. If consumers ought to bear some of the cost in implementing requirements under section 1033, should that be shared by every consumer of a covered person, including those who may not wish to exercise their rights under section 1033?

Information Security Concerns in the Exercise of Section 1033 Rights

One unfortunate byproduct of the transition to a largely digital information architecture is the increased number of threat vectors to the secure storage and transmission of data. In the context of the PFDR Rule, in which several types of covered persons are engaged in the use, retention, and transmittal of consumer financial data, adequate information security standards and controls must be in place to guard against malicious actors, including fraudsters, scammers, and “Business Email Compromise” or “BEC” perpetrators.⁷

The existence of data breaches is a constant threat and has affected some of the most sophisticated and well-financed institutions including: Yahoo (2013 and 2014); the Office of Personnel Management (2015); Equifax (2017); Marriott (2018); LinkedIn (2019); Facebook (2019); and OCC (2025). All it takes is a single mistake in compromising internal data security protocols for an enormous amount of personal information, including personally identifiable information (PII),

to become available to malign actors and available for sale on the dark web. The risks regarding improper transmission of personal financial data underscore the need to ensure that entities authorized to access that information have appropriate safeguards in place.

The PFDR Rule attempted to address information security in several ways. It prohibited data providers from relying on a third party’s use of screen scraping to access the developer interface required by the rule and discouraging the use of screen scraping by third parties when more secure methods of data access were available; required data providers and third parties to adhere to the applicable information security standards under the Gramm-Leach-Bliley Act (GLBA), 15 U.S.C. 6801; and provided that data providers may deny access to consumers or third parties if granting access is inconsistent with policies and procedures reasonably designed to comply with the GLBA’s information security standards.

The Bureau is seeking comments and data generally on the threat and cost-benefit of securing consumer financial data both in storage and in transit by consumers, including any information security developments that might justify modifying the PFDR Rule’s provisions. Specifically, the Bureau is seeking comments and data on the following questions:

18. Does the PFDR Rule provide adequate protections for the security of consumer’s data? Why or why not?

19. What are the fixed costs of establishing an information security architecture that is capable of ensuring, in the absence of compromise of operational protocols, that customer financial information can be securely acquired, stored, and transmitted, by the consumer, from a “covered person” to the consumer?

20. How do the fixed costs above relate to the number of clients serviced by the covered person or a person acting on behalf of an individual consumer? Is the market providing reasonably priced solutions to meet the provisions of the PFDR Rule for covered persons with few customers?

21. In what way does the existence or non-existence of a fiduciary relationship affect the incentives in doing cost-benefit analysis regarding the level of information security established?

22. Are there any peer-reviewed studies discussing whether levels of information security materially vary between those businesses that have fiduciary duties to their clients and those that do not?

23. In the case of large-scale data breaches, what is the general cost per

client in protecting such clients from the risks created by the breach, and how well-cushioned must working capital reserves be to respond to such breaches?

24. What has been the experience of covered persons with secure storage and transmission of consumer financial data and how effective have such institutions been in establishing controls and information security protocols?

25. Covered persons are subject to several legal obligations regarding risk management, such as safety and soundness standards, Bank Secrecy Act (BSA) requirements, and Anti-Money Laundering (AML) regulations. What should covered persons consider under these legal obligations when making information available to consumers? How could the PFDR Rule’s interface access provision better allow covered persons to satisfy these legal obligations?

26. What are the costs and benefits of the PFDR Rule’s reliance on existing information security standards in the GLBA?

27. To what information security standards ought entities adhere when accessing consumer financial data held by a covered person, and who is best positioned to evaluate whether these entities are adhering to such standards?

28. What are the costs and benefits of the PFDR Rule’s provisions designed to reduce the use of screen scraping? What changes would better protect the security of consumer credentials?

29. Does the PFDR Rule provide adequate protections for consumers and covered persons to ensure that the request for a consumer’s information is in fact knowingly authorized by the individual consumer and that the information is in fact being made available to the consumer as opposed to a malicious actor?

Privacy Concerns in the Exercise of Section 1033 Rights

A consumer’s financial transactions reveal an enormous amount of information about their habits and lifestyle. Even for those who are comfortable with the existence of an extensive digital record that can often accurately be used to predict their behavior, there is certain information that few individuals may not want revealed to everyone and anyone, sometimes even those closest to them. Such information includes transaction data that reveals the existence of: (a) medical conditions; (b) financial vulnerability; (c) financial abundance that could make them the target of criminal activity; and (d) substance abuse problems or other high-risk behaviors. So long as the information is

⁷ The Federal Bureau of Investigation has estimated that BEC has caused \$55 billion in losses between 2013 and 2023. See Fed. Bureau of Investigation, *Business Email Compromise: The \$55 Billion Scam*, <https://www.ic3.gov/PSA/2024/PSA240911> (last visited Aug. 1, 2025).

limited to the consumer, the “covered persons” they use, and the authorized third parties who are given access to that information, the consumer is able to better calibrate the level of privacy they maintain.

Financial institutions collect, use, and disclose data in many ways that impact consumer privacy. One major privacy threat is when customers are unaware of ongoing licensure or sale of their data. The percentage of service platform users who actually read user agreements is very low.⁸ While such individuals are responsible for the consequences of such inattentiveness, it does not reduce the potential annoyance or harm from use of that data to target an individual for financial profiling and aggressive marketing.

Subpart D of the PFDR Rule required third parties to obtain a consumer’s express informed consent to access covered data on behalf of the consumer, prescribed what a third party must disclose to a consumer, and limited a third party’s collection, use, and disclosure of covered data.⁹ The Bureau is seeking comments and data generally on the threats to data privacy as a result of unwitting licensing or sale of sensitive personal financial information, and on any modifications to the PFDR Rule’s provisions. Specifically, the Bureau is seeking comments and data on the following questions:

30. Does the PFDR Rule provide adequate protection of consumer privacy? Why or why not?

31. How prevalent is the licensure or sale of consumer financial data by bank and non-bank financial institutions, where customers either have the right to opt into or opt out of having their data licensed or sold? What is the approximate balance between such regimes where the customer is given a choice?

32. How prevalent is the licensure or sale of consumer financial data by bank and non-bank financial institutions

where consent to license or sale is part of a standard user agreement or privacy notice?

33. What is the prevalence of licensure or sale of consumer data by companies with a fiduciary duty to their clients?

34. What estimates exist on the percentage of financial service platform users who actually read and/or understand user agreements and privacy notices in their entirety?

Compliance Dates

The PFDR Rule included a series of compliance dates by which data providers would need to comply with the requirements in subparts B and C of the PFDR Rule.¹⁰ These compliance dates were determined by the size of the entity, and ran from April 1, 2026, through April 1, 2030.¹¹ As part of its reconsideration of the PFDR Rule, the Bureau plans to issue a Notice of Proposed Rulemaking to extend the compliance dates. The Bureau is seeking comments and data generally on the appropriateness of the compliance dates in the PFDR Rule, and what extension may be appropriate. Specifically, the Bureau is seeking comments and data on the following questions:

35. Have entities encountered unexpected difficulties or costs in implementing the PFDR Rule to date?

36. If the Bureau were to make substantial revisions to the PFDR Rule, how long would entities need to comply with a revised rule? How would the necessary implementation time vary based on the size of the entity covered by the rule?

Russell Vought,

Acting Director, Consumer Financial Protection Bureau.

[FR Doc. 2025–16139 Filed 8–21–25; 8:45 am]

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DEPARTMENT OF THE TREASURY

Bureau of the Fiscal Service

31 CFR Part 285

RIN 1530–AA32

Public Dissemination of the Identity of a Delinquent Debtor

AGENCY: Bureau of the Fiscal Service, Department of the Treasury.

¹⁰ The PFDR Rule did not set explicit compliance dates for third parties that receive data on the grounds that their compliance was functionally tied to compliance by data providers.

¹¹ Pursuant to a court order, the compliance dates have been stayed by 90 days. Thus, the first compliance date is now June 30, 2026.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Debt Collection Improvement Act of 1996 (DCIA) authorizes Federal agencies to publicly disseminate information regarding the identity of persons owing delinquent nontax debts to the United States for the purpose of collecting the debts. The Department of the Treasury, Bureau of the Fiscal Service (Fiscal Service), proposes to promulgate this rule to establish the minimum procedures Federal agencies must follow prior to publicly disseminating information regarding the identity of delinquent debtors and the standards for determining when use of this debt collection tool is appropriate.

DATES: Written comments must be submitted (for electronic comments) or postmarked (for paper comments) by October 21, 2025. No late comments will be accepted and commenters should be aware that the electronic Federal Docket Management System will not accept comments after Midnight Eastern Time on the last day of the comment period.

ADDRESSES: All comments must include the agency name (“Bureau of the Fiscal Service”) and docket number (“FISCAL–2023–0001”) for this rulemaking. In general, comments will be published on *Regulations.gov* without change, including any business or personal information provided. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not enclose any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure. Due to mail processing delays, Fiscal Service encourages the electronic submission of comments but also accepts paper submission of comments. Comments may be submitted as follows:

Electronic Comments: Fiscal Service encourages that all comments be submitted through the Federal eRulemaking Portal, which provides the ability to comment on, search, and view publicly available rulemaking materials, including comments received on rules. Please go to <http://www.regulations.gov> and follow the online instructions at that site for submitting comments.

Paper Comments: Paper comments that duplicate an electronic submission are not necessary and are discouraged. Should you wish to mail a paper comment in lieu of an electronic comment, it should be sent via regular or express mail to: Director, Policy and Oversight Division, Disbursing and Debt Management, Bureau of the Fiscal

⁸ See, e.g., Pew Rsch. Ctr., *Americans and Privacy: Concerned, Confused and Feeling Lack of Control Over Their Personal Information*, at 38 (Nov. 2019) (poll of American adults finding that nine percent reported that they “always” read privacy policies).

⁹ See 12 CFR 1033.401(c) (requiring consumer’s express informed consent to access covered data on behalf of the consumer by obtaining an authorization disclosure that is signed by the consumer electronically or in writing); 12 CFR 1033.411(b) (specifying content requirements for the authorization disclosure); 12 CFR 1033.421 (explaining a third party’s obligations with respect to the collection, use, and retention of covered data). The PFDR Rule also requires third parties to provide the consumer with a copy of the authorization disclosure that the consumer has signed electronically or in writing and that reflects the date of the consumer’s electronic or written signature. 12 CFR 1033.421(g)(1).

Service, Landover Warehouse, 3201 Pennsy Drive, Landover, MD 20785.

FOR FURTHER INFORMATION CONTACT:

Director, Policy and Oversight Division, Disbursing and Debt Management, Bureau of the Fiscal Service, at (202) 874-6810.

SUPPLEMENTARY INFORMATION:

I. Background

Section 31001(r)(1) of the Debt Collection Improvement Act of 1996 (DCIA), Public Law 104-134, 110 Stat. 1321-358 (1996), codified at 31 U.S.C. 3720E, authorizes the head of an agency to publish or otherwise publicly disseminate information regarding the identity of persons owing delinquent nontax debts to the United States for the purpose of collecting the debts, subject to certain conditions. The DCIA directs the Secretary of the Treasury to issue regulations establishing procedures and requirements to carry out this authority. For the collection of nontax debt for the Federal Government, Fiscal Service is responsible for promulgating the regulations governing this and other provisions of the DCIA on behalf of the Secretary of the Treasury.

This proposed rule establishes standards so that actions under this authority are directed, as required by the DCIA, toward those debtors with the ability to pay their delinquent nontax debts. This proposed rule also establishes procedures and requirements so that actions under this authority are not taken until debtors are afforded the opportunity to verify, contest, and compromise their debts and so that persons are not incorrectly identified. The proposed rule limits the types of debts subject to publication under this rule to nontax debts arising from civil or criminal penalties or fines, fraud, presentation of false claim, misrepresentation, or circumstances where the agency has an enforcement goal. Generally, this rule does not apply to other types of debts owed to the federal government, such as delinquent small business loans or student loans, where there is no civil or criminal adjudication.

II. Section-by-Section Analysis

This section describes, section-by-section, the reasoning for each provision of this new rule.

(a) Definitions

Paragraph (a) of this section sets forth definitions applicable to this rule. Terms used in this section are defined for purposes of this section only.

This rule proposes to define the term “debt” consistent with, though more narrowly than, the statutory definition

of debt in 31 U.S.C. 3701(b). Specifically, this rule would apply only to debts arising from civil or criminal penalties or fines, fraud, presentation of false claim, misrepresentation, or circumstances where the agency has determined that it has an enforcement goal. This definition allows agencies to focus on the categories of debts where the Government’s collection equities are the strongest. This definition also most closely serves the purpose of maximizing collections by holding violators publicly accountable for their actions.

Fiscal Service reserves the right, as authorized under 31 U.S.C. 3720E, to later determine that it is appropriate to expand or further limit the definition of “debt” for the purposes of this rule.

(b) General Rule

Paragraph (b) states the general rule that agencies may publish information regarding the identity of a person owing a delinquent debt to the United States and the existence of the debt for the purpose of collecting the debt.

(c) Agency Procedures

Paragraph (c) states that agencies must prescribe their own written procedures governing the publication of the identity of delinquent debtors, provided such rules are consistent with this section. This rule provides high-level guidance that agencies should tailor to their collection needs. Because the programs giving rise to these debts vary widely across the Government, a “one-size-fits-all” approach would not be practical or effective. What exact protections and procedures are appropriate may differ significantly from agency to agency, and among different types of debts or debtors. As such, this rule defers to agencies and their expertise to develop the procedures that are appropriate for their classes of debts and debtors.

For example, what constitutes proper notice will differ based on what is reasonable under the circumstances. Generally, notice sent to the debtor’s address last known to the agency suffices. However, if an agency knows that the debtor did not receive a notice (e.g., the notice was returned undelivered), in some circumstances, the agency may determine it should or must (or may determine it need not) conduct further investigation for a better address; whether the agency should conduct further investigation may depend on the factors the agency considers appropriate, such as the age of the debt, the characteristics of debtor population, the obligation of the debtor to keep the agency informed of address changes, or the possibility that the

agency has failed to update its address records properly.

Agencies must certify to the Secretary of the Treasury that they have complied with the requirements of this section prior to taking action under this section. Because the exact protections and procedures that are appropriate may differ significantly from agency to agency, based on debt type, debtor type, agency goals, or other relevant factors, Fiscal Service has determined that it is appropriate to rely on the expertise of the certifying agency, which is best equipped to understand the nuances of its debt portfolio and debtor populations. An agency need only certify its compliance with these rules to the Secretary when it first adopts or modifies its procedures and need not certify compliance each time information regarding the identity of delinquent debtors is made public. Fiscal Service’s receipt and acceptance of the agency’s certification constitutes “review” of the Secretary, as required by 31 U.S.C. 3720E, and Fiscal Service may further prescribe in guidance the manner in which the certification must be made and the manner in which the acceptance will be documented.

Nothing in this rule makes any publication of the identity of delinquent debtors under 31 U.S.C. 3720E and this rule subject to the general non-disclosure provisions of the Privacy Act of 1974 (5 U.S.C. 552a), the Trade Secrets Act (18 U.S.C. 1831 through 1839), 18 U.S.C. 905, or other laws generally prohibiting disclosure of information. However, agencies should ensure that any publication is consistent with applicable law. For example, an agency may determine it should specify as a routine use under its system of records notice that it may publish names and identities of delinquent debtors or, alternatively, may determine that such disclosure is permissible without any such routine use.

(d) Determination of Ability To Pay

Paragraph (d) provides standards agencies must use to determine if a debtor has the ability to pay their debt. Under paragraph (d), agencies may base a determination that the debtor has the ability to pay on information concerning the financial condition of the debtor including, but not limited to, credit reports, financial statements, and tax returns. Because the statute requires that publication be directed toward delinquent debtors that have an ability to pay, the agency may, where appropriate, also consider in its ability to pay analysis common characteristics of a class of debtors that indicate such

debtors would have sufficient assets or income to pay their debts.

Paragraph (d) also permits an agency to make a determination that the debtor has the ability to pay a debt where no reliable financial information is available, provided that the agency requested that the debtor provide financial information and the debtor, despite proper notice, either failed to do so or provided incomplete or unreliable financial information.

(e) Notice to the Debtor

Paragraph (e) describes the contents of the notice which must be provided to a debtor and a description of the rights available to the debtor. An agency must provide a debtor with notice, at least 30 days in advance, of the agency's intention to publish information concerning the identity of the debtor and the existence of the debt and a description of the information to be published and the manner in which it will be published. The notice must also contain an explanation of the debtor's rights and an explanation of the timeframe within which the debtor may exercise these rights. This notice may be combined with and made a part of any other notice that an agency sends to the debtor regarding collection of the debt.

(f) Opportunity To Contest

Paragraph (f) describes the opportunities an agency must provide to a debtor prior to publication, including the opportunity to inspect and copy agency records, request a review of the agency's determination of indebtedness, enter into a repayment agreement (e.g., a compromise to extend the time period over which the debt must be paid or a compromise to reduce the amount that must be paid), and demonstrate that the debtor lacks the ability to pay the debt, even in a compromise or with a partial payment.

(g) Information To Be Published

Paragraph (g) describes the information which must be included in any publication to ensure that the person who owes the debt is properly identified. This section is intended to ensure that only information which is reasonably necessary to identify the debtor is made public.

Paragraph (g) also describes the information which must be published concerning the existence of the debt. Information identifying the party to whom the debt is owed will generally identify the agency under which the debt arose. This information may also include the particular program within an agency which gave rise to the debt, but such information is not required.

Since the existence and amount of a debt can change rapidly, the information published must include the date as of which the information is accurate. Agencies may, but are not required to, publish the amount of the debt and the length of time the debt has been delinquent.

Paragraph (g) also requires agencies to include with their publication information sufficient for the debtor whose information has been published to pay the debt and to contact the agency with questions about the debt.

(h) Corrections and Retractions

Paragraph (h) provides that, where a person has been incorrectly identified as a delinquent debtor or inaccurate information has been made public which is substantially adverse to the debtor, agencies must publish a retraction or correction of the erroneous information upon the request of the person adversely affected. Agencies are not required to retract or clarify information which is accurate, even if a third party, such as a person with a name similar to the debtor, may be adversely affected. Nothing in this section is intended to impose any liability on agencies for incorrectly identifying a person as a delinquent debtor, for the publication of inaccurate information, or for the publication of accurate information which may adversely affect a third party. Nevertheless, agencies must ensure that they comply with all relevant laws prior to publication.

(i) Agencies Not Required To Publish All Debts

Paragraph (i) states that an agency does not have to publish information on all delinquent debts owed to the agency that fall under the definition of "debt" in this rule; instead, an agency may determine to publish information on particular debts based upon applicable agency laws, regulation, guidance, and policy. For example, an agency may choose to publish debtor information based on debt type, debtor type, amount of debt, length of delinquency, or any other characteristic that the agency determines is appropriate.

(j) No Private Right of Action

Paragraph (j) states that the provisions of this section do not create any private right of action. Fiscal Service notes that 28 U.S.C. 2680(h) bars suits against the United States under the Federal Tort Claims Act for libel or slander.

III. Procedural Analyses

Federalism

This proposed rule has been reviewed under Executive Order 13132, 64 FR 43255 (Aug. 4, 1999). This proposed rule would not have substantial direct effects on States, on the relationship between the national government and the States, or on distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, it is determined that this proposed rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

Paperwork Reduction Act

This proposed rule would not impose information-collection requirements that require the approval of the Office of Management and Budget (OMB) under 44 U.S.C. 3501, *et seq.*

Regulatory Flexibility Act Analysis

It is hereby certified that the proposed rule would not have a significant economic impact on a substantial number of small entities because this rule only impacts persons who are delinquent on debts owed to Federal agencies or States. Accordingly, an initial regulatory flexibility analysis under the Regulatory Flexibility Act is not required. Fiscal Service seeks comment on whether the certification made herein should be reconsidered and, if so, on what basis.

Executive Orders 12866, 13563, and 14192—Regulatory Planning and Review

Fiscal Service has determined that this proposed rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review. Accordingly, this proposed rule has not been reviewed by OMB. This proposed rule has been drafted and reviewed in accordance with Executive Order 12866, "Regulatory Planning and Review"; Executive Order 13563 "Improving Regulation and Regulatory Review"; and Executive Order 14192, "Unleashing Prosperity Through Deregulation."

Unfunded Mandates Reform Act of 1995

Section 202 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1532, requires that an agency prepare a budgetary impact statement before promulgating any rule likely to result in a Federal mandate that may result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of \$100 million or more

in any one year. If a budgetary impact statement is required, section 205 of the same act also requires the agency to identify and consider a reasonable number of regulatory alternatives before promulgating the rule. *See* 2 U.S.C. 1535. Fiscal Service has determined that this rule would not result in expenditures by State, local, and Tribal governments, or by the private sector, of \$100 million or more in any one year. Accordingly, Fiscal Service has not prepared a budgetary impact statement or specifically addressed any regulatory alternatives.

List of Subjects in 31 CFR Part 285

Administrative practice and procedure, Black lung benefits, Child support, Child welfare, Claims, Credits, Debts, Disability benefits, Federal employees, Garnishment of wages, Hearing and appeal procedures, Income taxes, Loan programs, Payments, Privacy, Railroad retirement, Railroad unemployment insurance, Salaries, Social Security benefits, Supplemental Security Income, Taxes, Unemployment compensation, Veteran's benefits, Wages.

For the reasons set forth in the preamble, Fiscal Service proposes to amend 31 CFR part 285 as follows:

■ 1. The authority citation for Part 285 is revised to read as follows: 5 U.S.C. 5514; 26 U.S.C. 6402; 31 U.S.C. 321, 3701, 3711, 3716, 3719, 3720A, 3720B, 3720D, 3720E; 42 U.S.C. 664; E.O. 13019, 61 FR 51763, 3 CFR, 1996 Comp., p. 216.

■ 2. Section 285.14 is added to subpart B to read as follows:

§ 285.14 Public dissemination of the identity of a delinquent debtor.

(a) *Definitions.* As used in this section:

Ability to pay means a debtor has the assets or income sufficient to pay their delinquent nontax debt.

Agency means a department, agency or subagency, court, court administrative office, or instrumentality in the executive, judicial, or legislative branch of the Federal Government, including government corporations.

Debt means a nontax debt owed to the United States as defined in 31 U.S.C. 3701(b)(1) that arises from a civil or criminal penalty or fine, fraud, presentation of false claim, misrepresentation, or a circumstance where the agency has determined that it has an enforcement goal. The term does not include a debt or claim under the Internal Revenue Code of 1986.

Debtor means a person who owes a debt.

Delinquent refers to the status of a debt and means that a debt has not been paid by the date specified in the agency's initial written demand for payment, or applicable agreement or instrument, unless other payment arrangements satisfactory to the agency have been made.

Person means an individual, corporation, partnership, association, organization, State or local government, or any other type of entity other than an agency.

Publication or *publishing* means any form of communication or public dissemination of information intended to reach the public including, without limitation: publication in the **Federal Register**, newspapers, periodicals, or sites accessed via the internet; media such as radio, television, and internet broadcasts; inclusion in social media accessible by the public; or posting information in a place frequented by, or visible to, the public. The term "publish" means the act of publishing.

(b) *General rule.* Pursuant to 31 U.S.C. 3720E, an agency may publish the identity of a delinquent debtor and the existence of the debt if the agency has made a final administrative determination that the debt is owed by the debtor in the amount stated and is delinquent. An agency may publish this information if the agency has the purpose of collecting the debt and its publication actions are directed toward delinquent debtors who have the ability to pay. This section applies only to publication pursuant to 31 U.S.C. 3720E and does not affect an agency's authority to publish pursuant to any other authority.

(c) *Agency procedures.* (1) Before an agency publishes information about delinquent debts or debtors, the agency must prescribe its own written procedures governing the publication, which are consistent with this section. At a minimum, agency procedures must include processes for:

i. Verifying information necessary to minimize the risk of improperly identifying persons with names similar to the debtor, including, for example, the debtor's name, current mailing and physical address, taxpayer identification number, or other similar information;

ii. Verifying the validity, existence, and amount of the delinquent debt owed by the debtor;

iii. Verifying that the debt arises from a civil or criminal penalty or fine, fraud, presentation of false claim, misrepresentation, or a circumstance where the agency has an enforcement goal;

iv. Determining that the debtor has the ability to pay, as described under subsection (d);

v. Verifying that the agency has provided proper notice as required under subsection (e), considering appropriate factors, which may differ significantly from agency to agency, and among different types of debts or debtors;

vi. Considering any impacts to the safety of any populations that may be impacted by publication;

vii. Verifying that the agency has provided any opportunities required under subsection (f) of this section;

viii. Excluding from publication information that may not be made public pursuant to any applicable law;

ix. Determining whether and when consultation with the Department of Justice or other agencies is appropriate or required, such as when the agency has referred, or anticipates referring, the debt to the Department of Justice for enforcement, collection, or other legal action; when the agency has referred the debt to a designated debt collection center for collection action; or where publication might interfere with a federal law enforcement investigation;

x. Correcting and/or retracting any information about a debt or debtor that was inaccurate at the time of initial publication, in accordance with paragraph (h) of this section.

xi. Verifying that the publication of debt or debtor information serves a debt collection purpose.

xii. Ensuring that any publication does not violate the automatic stay or discharge injunction under the Bankruptcy Code, 11 U.S.C. 101 through 1532.

(2) Prior to publishing information concerning the identity of delinquent debtors, an agency must certify to the Secretary of the Treasury, in the manner prescribed by the Fiscal Service, that it has established procedures in compliance with the requirements of this section.

(3) Agency procedures required under this section may be combined with other agency procedures for establishing the existence and collection of a delinquent debt.

(d) *Determination of ability to pay.* An agency must direct its publication actions toward delinquent debtors who have the ability to pay, whether in full or pursuant to a repayment agreement. An agency may base a determination that the debtor has the ability to pay on any information that the agency believes is appropriate including, but not limited to, credit reports, financial statements, expense receipts, pay stubs, appraisals or valuation studies, and tax returns. If

the agency has insufficient financial information, the agency may determine that the debtor has the ability to pay the debt, provided that the agency requested that the debtor provide financial information, and the debtor either failed to do so despite proper notice or provided incomplete or unreliable financial information. The agency does not have to revisit any previous determination of the debtor's ability to pay the debt, unless the debtor has submitted information regarding changed financial circumstances.

(e) *Notice to the debtor.*

(1) The agency may publish information concerning a delinquent debtor only after giving the debtor written notice, at least 30 days in advance of publication, of the type and amount of the debt, the agency's intention to publish information concerning the debt, a description of the information to be published and the manner in which it will be published, an explanation of the rights of the debtor under this section, including the opportunities specified in subsection (f), and an explanation of the timeframe within which the debtor may exercise their rights as described in this section;

(2) This notice may be combined with and made a part of any notice of intent to use other collection tools that an agency sends to the debtor.

(3) Notwithstanding this subsection (e) or subsection (f), an agency is not required to duplicate notices or review opportunities that an agency has previously provided to a debtor. For example, if any agency has already provided a debtor with a review regarding the existence and amount of a debt, the agency does not have to provide a second review prior to publishing information pursuant to this section.

(f) *Opportunity to contest.* Agency procedures must include the opportunity for the debtor to, within 30 days of the agency's notice:

(1) inspect and copy the records of the agency;

(2) request a review within the agency of the determination of indebtedness, including the opportunity to present evidence that all or part of the debt is not delinquent or legally enforceable;

(3) enter into a written repayment agreement with the agency based on the debtor's ability to pay; and

(4) demonstrate that the debtor lacks the ability to pay the debt, even in a compromise or with a partial payment.

(g) *Information to be published.*

(1) Information to identify the debtor. An agency will include the debtor's name and such other information as may be necessary to ensure proper

identification of the debtor by the intended audience and to reduce as much as practicable, the risk that others, such as persons with names similar to the debtor, are improperly identified. Other information could include, for example, an alias name, a full or partial physical or mailing address, or a professional title (such as doctor, attorney-at-law, or professor). Published information must not include the debtor's social security number unless otherwise appropriate and authorized by law, but generally may include other taxpayer identification numbers, such as an employer identification number.

(2) Information concerning the existence of the debt. An agency will include information that the debt is owed and that the debt is delinquent and may include the amount of the debt (including interest, penalties, and administrative costs) and the length of time that the debt has been delinquent. An agency may also include other appropriate information regarding the debt. The publication will also include the date as of which the information is accurate.

(3) Payment and Contact Information. An agency will include with the publication information sufficient for the debtor whose information has been published to pay the debt and to contact the agency with questions about the debt.

(h) *Corrections and retractions.* If, after publication of the identity of a delinquent debtor in accordance with this section, the agency determines that a person has been incorrectly identified as a delinquent debtor or that inaccurate information which is materially adverse to the debtor has been made public, the agency, upon the request of the person adversely affected, will, within a reasonable time following the determination, issue a retraction or correction of the inaccurate information. To the extent feasible, the agency will publish the retraction or correction in the same manner in which the initial publication was made. If publication in the same manner is not possible or is impractical, the retraction or correction will be made in a manner most likely to reach the same audience which received information being retracted or corrected. Nothing in this section is intended to impose any liability on an agency for incorrectly identifying a person as a delinquent debtor, for the publication of inaccurate information, or for the publication of accurate information which may adversely affect a third party.

(i) *Agencies not required to publish all debts.* An agency may determine, in their sole discretion, whether to publish

information regarding certain classes of debts or debtors who meet all conditions for publishing described in this section, or may determine that no publication is appropriate. Also, an agency may identify the names of specific debtors within a class and not other debtors within the same class.

(j) *No private right of action.* The provisions of this section do not create any right, benefit, substantive or procedural, enforceable at law or in equity by a party against the United States, its agencies, its officers, or any other person; nor shall the failure of an agency to comply with any of the provisions of this section be available to any debtor as a defense.

Gary Grippo,

Acting Fiscal Assistant Secretary.

[FR Doc. 2025–16103 Filed 8–21–25; 8:45 am]

BILLING CODE 4810–AS–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[WC Docket No. 17–84; FCC 25–38; FR ID 308629]

Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Commission adopted a Fourth Further Notice of Proposed Rulemaking (FNPRM or Further Notice) addressing deployment of broadband facilities on utility poles. It seeks comment on requiring attachers to deploy equipment on poles within 120 days of completion of make-ready work. It also seeks comment on whether the Commission should require attachers to make payment on an estimate to a utility within a specific period of time after acceptance. It additionally seeks comment on limiting the amount that final make-ready costs can exceed the utility's estimate without receiving prior approval from the attacher. It further seeks comment on whether to expand the availability of the one-touch, make-ready (OTMR) process to include complex survey and make-ready work. Moreover, it seeks comment establishing a deadline to on-board approved contractors. It also seeks comment on whether the Commission should define the term "pole" for purposes of Section 224 of the Communications Act of 1934, as amended, and whether the term

should be construed to include light poles. Further, it seeks comment on legal authority to adopt each of the proposals as well as any other germane policy points or facts, and on how the costs, benefits, or burdens of any rules the Commission adopts might impact businesses of various sizes.

DATES: Comments are due on or before September 22, 2025, and reply comments are due on or before October 21, 2025.

ADDRESSES: Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated in this document. Comments and reply comments may be filed using the Commission's Electronic Comment Filing System (ECFS). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998). Interested parties may file comments or reply comments, identified by WC Docket No. 17–84 by any of the following methods:

- **Electronic Filers:** Comments may be filed electronically by accessing ECFS at <https://www.fcc.gov/ecfs/>.

- **Paper Filers:** Parties who choose to file by paper must file an original and one copy of each filing.

- Filings can be sent by hand or messenger delivery, by commercial courier, or by the U.S. Postal Service. All filings must be addressed to the Secretary, Federal Communications Commission.

- Hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC's mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.

- Commercial courier deliveries (any deliveries not by the U.S. Postal Service) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.

- Filings sent by U.S. Postal Service First-Class Mail, Priority Mail, and Priority Mail Express must be sent to 45 L Street NE, Washington, DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

FOR FURTHER INFORMATION CONTACT: For further information about this proceeding, please contact Michele

Berlove, FCC Wireline Competition Bureau, Competition Policy Division, at (202) 418–1477, or michele.berlove@fcc.gov, or Michael Ray, FCC Wireline Competition Bureau, Competition Policy Division, at (202) 418–0357 or michael.ray@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Fourth Further Notice of Proposed Rulemaking (FNPRM or Further Notice) in WC Docket No. 17–84, FCC 25–38, adopted on July 24, 2025, and released on July 25, 2025. The full text of this document is available for public inspection at the following internet address: <https://www.fcc.gov/document/fcc-aims-remove-barriers-broadband-deployment-and-investment-0>.

Providing Accountability Through Transparency Act. The Providing Accountability Through Transparency Act, Public Law 118–9, requires each agency, in providing notice of a rulemaking, to post online a brief plain-language summary of the proposed rule. The required summary of this FNPRM is available at <https://www.fcc.gov/proposed-rulemakings>. To request materials in accessible formats for people with disabilities (e.g. Braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418–0530.

Ex Parte Presentations. The proceeding shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must: (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda, or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents

shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

Regulatory Flexibility Act. The Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) concerning the potential impact of rule and policy change proposals on small entities in the Further Notice of Proposed Rulemaking. The Commission invites the general public, in particular small businesses, to comment on the IRFA. Comments must be filed by the deadlines for comments on the Further Notice of Proposed Rulemaking indicated on the first page of this document and must have a separate and distinct heading designating them as responses to the IRFA.

Paperwork Reduction Act. This document may also contain proposed new or modified information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and OMB to comment on any information collection requirements contained in this document, as required by the PRA. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), we seek specific comment on how we might further reduce the information collection burden for small business concerns with fewer than 25 employees.

Synopsis

I. Introduction

1. The Federal Communications Commission is focused on expanding access to high-speed broadband services. One way the agency is delivering on that goal is by accelerating the buildout of next-generation infrastructure. Today, we continue our infrastructure efforts by promoting fast and efficient deployment of broadband facilities on utility poles. As the Commission previously noted, access to the vital infrastructure of utility poles must be “swift, predictable, safe, and

affordable, to ensure that broadband providers can continue to enter new markets and deploy facilities that support high-speed broadband.” And as more and more consumers rely on mobile wireless services to access broadband, pole access becomes increasingly essential for the small wireless antennas and wireline backhaul on which these wireless services depend.

2. The Commission has taken significant steps in recent years to expedite the pole attachment process, but there is more work to be done. We seek comment in the Further Notice on ways to further facilitate the processing of pole attachment applications and make-ready to enable faster broadband deployment and, in response to a Petition for Declaratory Ruling filed by CTIA, seek comment on whether light poles fall within the purview of Section 224(f) of the Communications Act of 1934, as amended (the Act).

II. Background

3. Section 224(f) of the Act requires that utilities provide cable television systems and telecommunications carriers with nondiscriminatory access to their poles. (For purposes of this statutory provision, “utility” is defined as “any person who is a local exchange carrier or an electric, gas, water, steam, or other public utility, and who owns or controls poles, ducts, conduits, or rights-of-way used, in whole or in part, for any wire communications.” Railroads, cooperatives, and federally- and state-owned entities are expressly excluded from this definition. The term “pole attachment” is defined as “any attachment by a cable television system or provider of telecommunications service to a pole, duct, conduit, or right-of-way owned or controlled by a utility.”) Section 224(b)(1) of the Act requires the Commission to set the rates, terms, and conditions for pole attachments to provide that such rates, terms, and conditions are just and reasonable. (Note that Section 224(c) of the Act exempts from Commission jurisdiction those pole attachments in states that have elected to regulate pole attachments themselves (so-called “reverse preemption”). To date, 23 states and the District of Columbia have opted out of Commission regulation of pole attachments in their jurisdictions.) The Commission has rules intended to ensure nondiscriminatory pole access and just and reasonable rates, along with a robust complaint process to ensure that our rules are enforced.

4. *Pole Attachment Process.* Attaching equipment to utility poles is a multi-stage process. In the first stage, the

utility reviews the pole attachment application submitted by the communications attacher for completeness. In the second stage, the utility must determine whether to grant the complete application (review on the merits) and undertake a survey of the poles for which access has been requested. In the third stage, the utility must prepare for the attacher an estimate of the cost of preparing the affected poles for the new attachments. In the fourth stage, utilities (or the existing attachers, if they want to move their own existing equipment) perform the work to make the affected poles ready for the new attachments (also known as “make-ready” work) and then the new attachers deploy their equipment on the poles. The make-ready stage is the most time-intensive stage in the pole attachment process. (Make-ready is defined as “the modification or replacement of a utility pole, or of the lines or equipment on the utility pole, to accommodate additional facilities on the utility pole.” There are several different kinds of make-ready. Complex make-ready refers to “transfers and work within the communications space that would be reasonably likely to cause a service outage(s) or facility damage, including work such as splicing of any communication attachment or relocation of existing wireless attachments. Any and all wireless activities, including those involving mobile, fixed, and point-to-point wireless communications and wireless internet service providers, are to be considered complex.” Simple make-ready is “where existing attachments in the communications space of a pole could be transferred without any reasonable expectation of a service outage or facility damage and does not require splicing of any existing communication attachment or relocation of an existing wireless attachment.” There also is make-ready above the communications space on a pole, typically involving work either in the electric space or at the pole-top.)

5. *Existing Timelines.* The Commission’s rules set forth deadlines for each stage in the pole attachment process. A utility has up to 10 business days after receiving a new attachment application to determine whether it is complete. (If the utility timely notifies the new attacher that its application is not complete, it must specify all reasons for finding it incomplete, and any resubmitted application shall be deemed complete within 5 business days after its resubmission, unless the utility notifies the attacher of how the resubmitted application is insufficient.

The new attacher may follow the resubmission procedure as many times as it chooses so long as it makes a bona fide attempt to correct the reasons identified by the utility, and in each case the 5-day deadline shall apply to the utility’s review.) Upon receipt of a complete application, (A new attacher’s attachment application is considered complete if it provides the utility with the information necessary under its procedures, as specified in a master service agreement or in requirements that are available in writing publicly at the time of submission of the application, to begin to survey the affected poles) the utility has 45 days in which to make a decision on the application and complete any surveys to determine whether and where attachment is feasible and what make-ready is required. The utility then must provide an estimate of all make-ready charges within 14 days of its response granting access or, where the new attacher has performed the survey, within 14 days of receipt of such survey. The new attacher has 14 days or until withdrawal of the estimate by the utility, whichever is longer, to accept the estimate and make payment. Once the utility receives payment of the estimate, it then must notify existing attachers on the pole of the new attachment. The existing attachers then must move their equipment to make room for the new attachment within 30 days of receiving notice from the utility for attachments in the communications space or 90 days for attachments above the communications space. (Different portions of the vertical pole serve different functions. The bottom of the pole generally is unusable for most types of attachments. Above that, the lower usable space on a pole—the “communications space”—houses low-voltage communications equipment, including fiber, coaxial cable, copper wiring, and small wireless antennas. The topmost portion of the pole—the “electric space”—houses high-voltage electrical equipment. Work in the electric space generally is considered more dangerous than work in the communications space. Historically, communications attachers used only the communications space; however, mobile wireless providers increasingly are seeking access to areas above the communications space to attach pole-top small wireless equipment.) A utility must complete its make-ready work in the same time periods, except it may take up to 15 additional days to complete make-ready above the communications space. These deadlines apply to all pole attachment requests up

to the lesser of 300 poles or 0.5 percent of the utility's poles in a state (Regular Orders). For pole attachment requests larger than a Regular Order and up to the lesser of 3,000 poles or 5 percent of a utility's poles in a state, a utility may add 15 days to the survey period and 45 days to the make-ready periods. For pole attachment requests larger than the lesser of 3,000 poles or 5 percent of a utility's poles in a state, our rules currently provide that the utility and the attacher must negotiate in good faith the timing of the pole attachment process. (Note that a utility may treat multiple requests from a single new attacher as one request when the requests are filed within 30 days of one another.) Utilities may deviate from the pole attachment timelines in our rules—for the make-ready phase only—for good and sufficient cause that renders it infeasible for the utility to complete make-ready within the required timeline. (Utilities may deviate from any of the pole attachment timelines in our rules before offering the estimate of charges if the parties have no agreement specifying the rates, terms, and conditions of attachment. In addition, existing attachers may deviate from the timelines specified in our rules during the performance of complex make-ready for reasons of safety or service interruption that renders it infeasible for the existing attacher to complete complex make-ready within the timelines.)

6. Self-Help. In certain instances, our rules allow the new attacher to avail itself of self-help for surveys and make-ready work when those pole attachment deadlines are not met. (Self-help is not available for pole replacements.) For simple surveys and make-ready work, our rules allow new attachers to perform the work themselves using an approved contractor from a utility list; if the utility does not maintain a list of approved contractors, the new attacher can hire its own contractor as long as that contractor meets the qualifications set forth in our rules and the attacher certifies as such to the utility. (Utilities may, but are not required to, maintain a list of approved contractors for surveys and simple make-ready work.) For surveys and make-ready work that are complex or above the communications space, an existing attacher still can avail itself of self-help, but it must use a utility-approved contractor. (Utilities are required to maintain an up-to-date “reasonably sufficient list” of approved contractors for self-help surveys and make-ready that is complex or above the communications space.)

7. One-Touch-Make-Ready. In 2018, the Commission adopted a new

framework that allows attachers to control the surveys, notices, and make-ready work necessary to attach their equipment to utility poles in certain circumstances. In what is known as one-touch, make-ready (OTMR), for an attachment involving simple make-ready, a new attacher may elect to perform the work to attach its wireline equipment to the communications space of a pole. (“Any and all wireless activities, including those involving mobile, fixed, and point-to-point wireless communications and wireless internet service providers, are to be considered complex.”) This framework includes safeguards to promote coordination among parties and ensures that new attachers perform the work safely and reliably. As the Commission stated at the time, using OTMR will save new attachers “considerable time in gaining access to poles (with accelerated deadlines for application review, surveys, and make-ready work) and will save substantial costs with one party (rather than multiple parties) doing the work to prepare poles for new attachments.”

8. Recent Commission Action. In December 2023, the Commission took additional steps to speed-up broadband deployment by making the pole attachment process faster, more transparent, and more cost-effective. Specifically, the Commission adopted rules: (1) establishing the Rapid Broadband Assessment Team (RBAT) to provide coordinated review and assessment of qualifying pole attachment disputes and recommend effective dispute resolution procedures, and (2) requiring utilities to provide to potential attachers, upon request, the information contained in their most recent cyclical pole inspection reports, or any intervening, periodic reports created before the next cyclical inspection, for the poles covered by a submitted attachment application, including whether any of the affected poles have been “red tagged” by the utility for replacement, and the scheduled replacement date or timeframe. Additionally, the Commission clarified that a “red tagged” pole is one that the utility has identified as needing replacement for any reason other than the pole's lack of capacity and provided additional examples of when, under Section 1.1408(b) of our rules, a pole replacement is not “necessitated solely” as a result of a third party's attachment or modification request because the pole already requires replacement at the time of the new request. The Commission also clarified the obligation to share

easement information and the applicable timelines for the processing of attachment requests for 3,000 or more poles. (For the processing of pole attachment requests, the Commission specifically clarified that “when an application is submitted requesting access to more than the lesser of 3,000 poles or 5 percent of a utility's poles in the state, the lesser of the first 3,000 poles or 5 percent of the utility's poles in the state of that application are subject to the make-ready timeline set forth in § 1.1411(g)(3), which gives utilities 45 additional days beyond the standard make-ready timeline to process attachment applications, so long as the attacher designates in its application the first 3,000 poles (or 5 percent of the utility's poles in the state) to be processed, which the utility must permit the attacher to do.”)

9. The rise in government funding for broadband deployment has contributed to a significant increase in deployment of extensive new broadband facilities, resulting in a significant increase in the number of applications seeking to attach these facilities to large numbers of utility poles. Both attachers and utilities acknowledge that these increases, along with increases in privately funded projects, have put greater demand on utility resources and the pool of qualified contractors and have resulted in difficulties and delays in accessing poles. As a result, the Commission sought comment in the *Third Further Notice* (89 FR 1859; Jan. 11, 2024) on: (1) a tentative conclusion that utilities should have an additional 90 days for make-ready work for requests exceeding the lesser of 3,000 poles or 5 percent of the utility's poles in a state; (2) whether the Commission should prohibit utilities from limiting the number of poles included in a pole attachment application and from limiting the number of applications an attacher may submit at a time; (3) a proposal that the Commission add additional time to the existing timelines for larger orders; (4) whether the Commission should create additional make-ready timeline tiers for attachment applications of different sizes; (5) a proposal that a utility notify an attacher within 15 days after receiving a complete application if it cannot conduct the survey within the required 45-day period (so that the attacher can elect self-help for the survey sooner); (6) whether the Commission should make self-help available for the make-ready estimate process; and (7) the impact of contractor availability when attachers seek to use their own contractors for self-help and whether to amend the Commission's

rules to make it easier for attachers to use their own contractors for self-help when there are no contractors available from a utility contractor list. Comments on the *Third Further Notice* were due on February 13, 2024, and replies were due on March 13, 2024.

10. *CTIA Petition for Declaratory Ruling*. In 2019, CTIA filed a Petition for Declaratory Ruling in this proceeding. (The CTIA Petition was also filed in the Wireless Telecommunications Bureau's *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment* proceeding. The Wireline Competition and Wireless Telecommunications Bureaus placed the CTIA Petition on public notice and in response received dozens of comments, replies, and *ex parte* presentations from communication providers and utility groups. The Bureaus twice extended the comment deadlines.) CTIA requested three declarations concerning pole attachments in its Petition: (1) that the term "pole" in Section 224 includes light poles; (2) that utilities may not impose "blanket" restrictions on access to portions of any poles they own; and (3) that utilities may not seek bargained-for terms and conditions that are inconsistent with the Commission's pole attachment rules. The latter two issues were addressed in a *Declaratory Ruling* released in July 2020. The question of whether the term "pole" encompasses light poles remains pending.

III. Further Notice of Proposed Rulemaking

11. We recognize the complexities attendant to the pole attachment process, with each side of the equation facing their own particular difficulties and concerns. Utilities and attachers have both proposed additional actions the Commission might take to ameliorate those concerns and thus make the process more efficient. We seek comment on certain of these proposals to determine whether they might help further the Commission's goal of expediting broadband deployment by reducing barriers to infrastructure investment. To the extent not already flagged below, we seek comment on our legal authority to adopt each of these proposals as well as any other germane policy points or facts. We also seek comment on how the costs, benefits, or burdens of any rules we adopt might impact businesses of various sizes.

A. Deployment Within 120 Days of the Completion of Make-Ready Work

12. We seek comment on requiring attachers to deploy equipment on poles within 120 days of completion of make-ready work. Utilities assert that attachers do not promptly begin deployment after make-ready is complete and, in some instances, fail to deploy at all. We seek comment on the frequency with which attachers fail to deploy in a timely manner or not at all after make-ready is complete and why this occurs. (We note that the Electric Utilities provide two concrete examples of attachers delaying deployment.) Utilities state that a failure of attachers to deploy in a timely manner (or at all) is inefficient because it both unnecessarily strains utilities that must process applications and denies space to other attachers whose applications were filed after those of the attacher at issue. The Coalition for Concerned Utilities asserts that requiring attachers to deploy in a timely manner will provide an incentive for them to more carefully plan their deployments further in advance with utilities. Would a rule requiring attachers to deploy equipment by no later than 120 days after completion of make-ready work alleviate this problem? Or do commenters agree with USTelecom that imposing a fixed timeline for deployment would instead "increase disputes and eliminate the coordination and flexibility that is essential to deployment"? If we adopt a fixed timeline for deployment, is 120 days reasonable, or should attachers be given more or less time? Should attachers be required to begin deployment by the end of any timeframe that we adopt or, as utilities argue, complete deployment by that time?

13. We seek comment on the potential repercussions for an attacher that fails to deploy equipment within 120 days after the completion of make-ready work. Would requiring these attachers to restart the pole attachment process negatively impact broadband deployment such that any benefit would be outweighed by the cost? Should we tie any potential repercussion for attachers to whether a utility completed the prior phases of the pole attachment process in a timely manner? If a utility fully complied with the Commission's timelines, does the utility incur any costs from an attacher's late deployment or failure to deploy? Alternatively, rather than the Commission codifying rules on these issues, should any deployment timeframes and noncompliance fees be dealt with through the Commission's complaint

process, the Rapid Broadband Assessment Team, other enforcement mechanisms, or by the parties in their pole attachment agreement? Should there be any Commission rules, policies, or guidance governing the terms of such provisions in a pole attachment agreement?

B. Deadline To Make Payment

14. We seek comment on whether we should require attachers to make payment on an estimate to a utility within a specific period of time after the attacher's acceptance of the estimate. Utilities suggest that attachers should be required "to pay all estimated make-ready costs, in full, within 30 days of the date on which the estimate is accepted by the attacher. If an attacher fails to make any payment within the time frame specified in the rule, the applicable make-ready timeline should be deemed waived." We seek comment on this request. Is such action necessary and, if so, why? Is 30 days reasonable, or should we specify a different time interval?

15. Under the Commission's rules, an attacher currently may accept and pay a valid estimate any time after receipt, unless the utility withdraws the estimate before acceptance. (Note, however, that a utility must leave the estimate open at least 14 days after presenting it to the attacher.) The timelines for make-ready, however, do not begin to run until after the attacher makes payment. Therefore, the pole access timeline is effectively paused until the attacher makes payment. Utilities state that this leads to deployment delays that create significant uncertainty and unpredictability that make it difficult for them to determine how to allocate their resources effectively. Utilities further explain that attachers' current payment practices compound this difficulty, as attachers often "make a single, lump-sum payment for the total of all estimated make-ready costs for multiple applications submitted weeks or months apart." This "floods the pole owner's make-ready queue" and requires the utility "to determine which specific make-ready projects the lump-sum payments should be allocated to before work begins." How common is it for attachers to delay payment after accepting an estimate? In those instances, why are attachers delaying payment to utilities? Will imposing a deadline to make payment incentivize broadband deployment and allow utilities to more efficiently allocate their resources?

16. NCTA and Altice ask that we prohibit utilities from requiring full or

partial payment upon an attacher's acceptance, and instead implement a payment schedule based on make-ready work progress, something the Commission explicitly declined to do in 2011. They argue that prohibiting prepayment will better incentivize utilities to meet timelines for make-ready work, claiming that utilities frequently fail to do so. Utilities disagree, explaining that they will instead be less incentivized to complete work quickly if they can only recoup costs later and that prepayment is the only way they can be certain that they will recover make-ready costs. Should we prohibit utilities from requiring full or partial up-front payment? Alternatively, should we allow utilities to require that attachers pay a portion of make-ready costs up-front and make further payments based upon make-ready work progress? If so, what percentage of the estimate should be paid up-front and as the work progresses? For example, NCTA cites to Utah's approach, which requires attachers to pay 50% up-front, 25% after half the work is done, and then the remaining 25% upon completion, but allows attachers to elect to make full up-front payment. Are there other examples of states limiting prepayment or basing payment on work progress that we should consider? If we were to require a percentage of the make-ready costs to be paid as work progresses, what specific metrics should be used to define that progression? For instance, if the Commission adopted a 50/25/25 payment schedule for make-ready costs, should the determination of when the utility has completed half of the make-ready work be based upon the number of poles for which make-ready is completed by application? If we allow for partial upfront payment, should we require a commitment from utilities to complete the work within a specific timeframe? How should utilities demonstrate this commitment? Would prohibiting utilities from requiring partial or full prepayment violate Section 224 of the Act by "precluding utilit[ies from] full recovery of costs that [they] incur[] to provide pole access?" While utilities also observe that the Commission previously declined to adopt any form of payment schedule for make-ready work in the *2011 Report and Order*, NCTA asserts that the subsequent record supports its proposal. Do commenters agree with NCTA? Why or why not? Have circumstances changed since 2011 such that the Commission's concerns at that time either no longer exist or are outweighed by other factors? Alternatively, rather

than the Commission codifying rules on these issues, should establishing payment deadlines and schedules similarly be left to the parties in their pole attachment agreement? If that is the better option, should there be any Commission rules, policies, or guidance governing the terms of such provisions in a pole attachment agreement?

C. Imposing a Cost Ceiling

17. We seek comment on limiting the amount that final make-ready costs can exceed the utility's estimate without requiring the utility to have obtained prior approval from the attacher. Attachers had previously reported instances where the costs in final invoices for make-ready work significantly exceeded those in accepted estimates, often attributing this discrepancy to delays in utilities completing the various pole attachment phases. While the Commission subsequently required detailed make-ready cost estimates and post-make-ready invoices, the record reflects continued attacher frustration with utility delay and unexpectedly high final make-ready costs. Some states that regulate pole attachments themselves have imposed a ceiling, or upper limit, on the range of costs that a utility can incur while completing make-ready work and bill to the attacher. For example, New York requires that "[m]ake-ready estimates shall be binding within a certain range, specified by the parties, and then be trued up to actual costs within the range." And Utah provides that "if [an attacher] accepts the make-ready estimate and make-ready construction time line, the work must be done on schedule and for the estimated make-ready amount, or less, and the [attacher] will be billed for actual charges up to the bid amount."

18. In practice, we believe that imposing any cost ceiling would require a utility to gain an attacher's approval before the utility can incur make-ready costs beyond those contemplated in the estimate. Do commenters believe that a cost ceiling would incentivize utilities to meet the Commission's pole attachment timelines to avoid price increases that could lead to significantly higher costs than had been estimated? Should the cost ceiling differ in any way for an attacher that has exercised the self-help remedy we adopt today for the estimate phase of the pole attachment process? What cost ceiling would best motivate utilities and attachers to timely deploy broadband? If the cost ceiling is a range, should it be a percentage of a make-ready estimate, or would a dollar amount added on top of all estimates be more appropriate? What percentage or

dollar amount do commenters believe is reasonable? Like Utah, should we prohibit utilities from billing attachers for any true-up costs without prior attacher approval rather than specifying a cost ceiling? Have any other reverse-preemption states adopted different cost-ceiling approaches that we should consider? Should a cost ceiling instead be a negotiable term of the make-ready estimate, similar to New York's approach? Do pole attachment agreements already include such cost ceilings? Would such cost ceilings best be left to private agreement?

19. We seek comment on our tentative conclusion that adopting a cost ceiling will prevent some disputes over unexpectedly high final make-ready costs by increasing transparency between attachers and utilities during the make-ready process. Do commenters agree? Does the cost ceiling's impact on disputes depend on its size? To the extent parties are already free to negotiate a cost ceiling, are disputes regarding final invoices amenable to resolution through the Rapid Broadband Assessment Team or the Commission's complaint process? If we prohibit utilities from billing true-up costs without prior attacher approval, should we combine that with a requirement that attachers remit full or partial up-front payment for make-ready work? If we adopt a cost ceiling, do we need to account for any conditions or provide certain guardrails for attachers or utilities? If so, what would such guardrails entail? Is there other Commission action regarding make-ready estimates or final costs that would increase transparency between utilities and attachers, encourage compliance with the Commission's pole attachment timelines, or promote faster broadband deployment? Are there concerns with imposing a cost ceiling at the federal level? For example, reverse-preemption states have authority over their utilities to require them to recoup any excess costs, presumably through regulation of electric rates. Does the Commission's lack of similar authority over utilities in Commission-regulated states counsel against adopting cost ceilings?

D. Availability of OTMR for Complex Work

20. We seek comment on whether to expand the availability of the OTMR process to include complex survey and make-ready work. (Electric Utilities proposed that the Commission establish an "enhanced" OTMR rule that would require new attachers to perform all required make-ready within the communications space, whether simple or complex. Attachers strongly oppose

this proposal because they claim it: (1) is counter to the purpose of OTMR; (2) would eliminate their investment in current practices and procedure while requiring further resources to adapt to the proposal; (3) would revert control of the survey process; (4) would prevent performance of make-ready in one touch for simple make-ready; and (5) would force existing attachers to allow competitors to do work that could reasonably cause a service outage or facility damage.) Under the Commission's current rules, an attacher has the option to elect the OTMR process for attachments involving simple make-ready, an election the attacher makes in its application. When an attacher avails itself of this option, it achieves certain efficiencies by not having to rely on the utility to complete each phase of the pole attachment process within the prescribed timelines. The record suggests that very few attachers have elected to use OTMR since it was created in 2018. According to utility commenters, one of the impediments is that it is not available for complex work. We seek comment on whether attachers would be more likely to elect OTMR if it were available for complex work. Are there other obstacles to the use of OTMR that would prevent its use even if it were available for complex work? For example, what, if any, role does attacher reticence to touch third-party equipment play in decisions to not make use of OTMR? If we were to make OTMR available for complex work, would we need additional requirements for contractors to safely perform complex work in the communications space, such as any qualification requirements necessary for contractors to do work on wireless equipment in the communications space? Would any additional safeguards be necessary or appropriate for complex OTMR?

E. Deadline for On-Boarding Approved Contractors

21. In Section III.D of today's Report and Order, we improve the self-help remedy by requiring utilities to respond to requests to add additional qualified contractors to a utility's existing approved contractor list within 30 days of receiving the request, while recognizing that utilities may need to take additional steps to on-board the contractors for work on the utility's poles. We understand that utilities must ensure that the individuals working on their poles are properly trained, have access to their internal systems, and do not present a safety or security risk. Some utilities suggest, however, that the process to on-board a newly approved

contractor can take three months to a year or more. That is little help to an attacher that has invoked its right to self-help under our rules because a utility has missed survey or make-ready deadlines, finds that none of the contractors on the utility's approved list are available, and needs to request the addition of qualified contractors to the list in order to get the work done. In such a circumstance, an excessively long on-boarding process could effectively thwart the goals of the self-help remedy. We, therefore, seek comment on how much time it actually takes for a utility to responsibly on-board a new contractor and whether we should modify Section 1.1412 of the Commission's rules to set a deadline for utilities to complete the on-boarding process. (We, thus, decline EEI's request to remove this subject from this Further Notice.)

22. The Electric Utilities describe the processes used by two utilities to on-board newly approved contractors. (The entities represented in the comments filed by the Electric Utilities include Southern Company, Oncor Electric Delivery Company LLC, Entergy Corporation, Duke Energy Corporation, American Electric Power Service Corporation, and Ameren Services Company.) At a high level, both processes involve three steps. The first is to negotiate and execute an agreement with the contractor, which the Electric Utilities state can take between three and six months depending on the utility. The second step is to on-board the newly approved contractor into the utility's internal systems, including its pole attachment-related software systems. This step can involve background checks, credential checks, drug-screening, and can take one to four months depending on the utility. The third step is to train the contractor's employees to use the utility's software and to perform work on the utility's poles. The Electric Utilities indicate that the time necessary to complete this step depends on the utility and the role that the contractor will perform. For instance, AEP may only need one to two weeks to train a survey crew to use AEP's survey tools, but training engineering employees may take between two and six months. Alabama Power, on the other hand, only needs one to two weeks to train contractor engineers before on-boarding is technically complete, but that contemplates an additional six to 12 months of on-the-job training.

23. Do other commenters agree that these are generally the three steps that need to be completed to on-board a contractor? Are there other on-boarding

steps not mentioned above? (Dominion/Xcel describe a four step "vetting and approval" process: (1) "Data Review" that takes four weeks and looks at seven categories of safety data (including, but not limited to, OSHA 300 logs, fatalities, safety programs, and citations) and four categories of environmental data (including policy, performance, and mitigation plan); (2) "Field Evaluation" that takes three weeks; (3) "Formal Evaluation/All Metrics" that takes two weeks and looks at "[c]ompany data (employees, customers, references)," "Work experience (types, voltages, related experience)," "Crew availability (relevant experience, location)," and equipment; and (4) "Orientation and Training" that takes two weeks.) Are the steps the same for on-boarding contractors that do survey and make-ready work? Do commenters agree that the intervals of time mentioned by the Electric Utilities reflect the amount of time actually needed to complete each step? Could the steps be completed in a shorter amount of time? For instance, when utilities execute an agreement with newly approved contractors, do they typically use form agreements that require little modification from contractor-to-contractor, and thus could be executed in a few weeks versus the suggested one to four months? If it really takes months to negotiate and execute agreements with newly approved contractors, why is that the case? As a threshold matter, is it correct that the utility is the entity responsible for executing an agreement with a contractor and on-boarding the contractor when the contractor is proposed by an attacher to perform self-help work? Can or does an attacher execute an agreement with a proposed contractor to perform work on a utility's poles and on-board that contractor to perform the work without the utility's involvement? Stated differently, is it necessary for a utility to also enter into an agreement with the proposed contractor to ensure it retains the control necessary to ensure that work performed on its poles does not create safety and reliability hazards? If only the attacher enters into an agreement with the proposed contractor, through what specific means could the attacher ensure that the contractor complies with the utility's safety standards and technical specifications, and do they have the experience necessary to do so for work performed above the communications space?

24. We assume that if a contractor is able to make the representations required by Section 1.1412(c) (e.g., it knows how to read and follow licensed-

engineered pole designs for make-ready), it already has skilled professional staff, and the training that takes place during the on-boarding process is to ensure that the contractor's employees can use utility-specific software systems and execute utility-specific construction standards, protocols, and policies. Is that correct? If so, could that training be completed in a matter of weeks versus months? In the case of larger contractors that work with a number of utilities, would some employees already be familiar with a particular utility's systems and requirements or have a level of familiarity that could expedite the training process? For instance, NCTA points to mutual aid agreements in which utilities send crews to other parts of the country where there are power outages due to natural disasters to help restore power as examples of when contractors are able to work on utility poles without extensive on-boarding processes. While NCTA "recognizes mutual aid agreements exist for emergency circumstances" and does not request "the same process a utility may invoke in an emergency," do such agreements indicate that it is possible for large contractors with experienced staff to be on-boarded faster than utilities suggest? If not, why not? Are there significant variations between utility software systems, standards, and policies that require months to address, or are the variations minor such that contractors should be able to use them with minimal training? Could any of the steps described by utilities be expedited by having them run on parallel tracks? Are there steps in the on-boarding process that are or could be expedited by the contractors themselves (e.g., any internal vetting required for individual contractor employees)? On average, what is the actual overall time needed to complete all steps to on-board a newly approved contractor?

25. In seeking comment on these topics, our goal is to understand the amount of time actually needed to complete the contractor on-boarding process, based on the steps taken by different utilities, and how that timing impacts an attachers' ability to invoke the self-help remedy and request that utilities add additional qualified contractors to their approved lists to complete the self-help work. Would the Commission improve the viability of the self-help remedy by setting a deadline for utilities to complete the on-boarding process for a contractor that meets the requirements of Section 1.1412(c) of the Commission's rules? If so, based upon all of the steps a utility needs to take to

address safety, reliability, and security concerns, what should that deadline be?

F. Defining the Term "Pole" for the Purposes of Section 224

26. We seek comment on whether a light pole is a "pole" for purposes of Section 224 of the Act. Neither Section 224 nor the Commission's implementing rules define the term "pole." In September 2019, CTIA filed a petition seeking a declaratory ruling that a light pole is a "pole" under Section 224 and that, consequently, utilities must afford nondiscriminatory access to light poles at rates, terms, and conditions, consistent with Section 224 and the Commission's implementing rules. In its Petition, CTIA argued, in short, that: (1) light poles are optimal locations for small cells (For the purposes of this Further Notice, we assume that the small cells referred to in CTIA's Petition and comments filed in response to the Petition are facilities meeting the definition of Small Wireless Facilities in § 1.6002(l) of the Commission's rules, 47 CFR 1.6002(l), and we use that defined term going forward.) and are likely to be the only feasible location along rights-of-way where electric lines are buried; (2) utilities are denying access to light poles, or are charging high fees for access, in a manner that impedes deployment; (3) excluding light poles from the definition of "pole" under Section 224 would be inconsistent with the Commission's rules and congressional intent; (4) construing Section 224 to apply to light poles would be "consistent with the real-world practice of commingling street lights and communications attachments on the same poles; and (5) applying Section 224 to light poles would advance the public policy goals of promoting competition and the deployment of infrastructure to support broadband and 5G without harming utilities.

27. Promoting broadband and 5G deployments is one of our top priorities. The Commission is committed to expediting and removing obstacles to such deployments, and to that end, has recognized that light poles are suitable hosts for Small Wireless Facilities. 5G wireless networks rely on dense deployment of smaller antennas across provider networks in locations closer to customers. Requiring nondiscriminatory access to light poles for communications attachments at rates, terms, and conditions that are just and reasonable could thus be a significant positive step toward the Commission's connectivity goals. The question of what constitutes a "pole" for the purposes of Section 224 raises complex issues, however, so we

take this opportunity to refresh the record on the CTIA Petition and seek targeted comment on whether the Commission should codify a definition of the term "pole," whether any codified definition should include light poles, whether any rule changes would be necessary to implement a definition that includes light poles, and the impact that requiring nondiscriminatory access to light poles at rates, terms, and conditions that are just and reasonable would have on the deployment of broadband and 5G.

1. The best reading of the term "pole": an ordinary or technical, industry-specific meaning?

28. We seek comment on the best reading of the term "pole" in Section 224. We start by seeking comment on whether the term "pole" as used in the text of the Pole Attachment Act of 1978 (1978 Act) has an ordinary meaning (e.g., one consistent with a common dictionary definition) or a technical, industry-specific meaning (e.g., a utility pole built for providers of electric and local exchange services to attach their distribution facilities). (Courts may look beyond the common meaning of statutory language "where a statutory or regulatory term is a technical term of art, defined more appropriately by reference to a particular industry usage than by the usual tools of statutory construction," in the which case "the term should be construed with reference to the actual context of the regulated industry in question.") The 1978 Act authorized the Commission to regulate the rates, terms, and conditions of pole attachments to provide that they are just and reasonable, and defined "pole attachment" as "any attachment by a cable television system to a pole, duct, conduit, or right-of-way owned or controlled by a utility." Congress defined a "utility" that may be subject to Section 224 as "any person whose rates or charges are regulated by the Federal Government or a State and who owns or controls poles, ducts, conduits, or rights-of-way used, in whole or in part, for wire communication." (Congress excluded from the definition of utility "any railroad, any person who is cooperatively organized, or any person owned by the Federal Government or any State.") Congress further codified a standard for determining whether a pole attachment rate is just and reasonable, stating, in pertinent part, that a rate is just and reasonable "if it assures a utility the recovery of not less than the additional costs of providing pole attachments, nor more than an amount determined by multiplying the percentage of the total

usable space . . . which is occupied by the pole attachment by the sum of the operating expenses and actual capital costs of the utility attributable to the entire pole” “Usable space” is defined in the statute as “the space above the minimum grade level which can be used for the attachment of wires, cables, and associated equipment.”

29. Do these provisions, and the statute as a whole, show that Congress intended the term “pole” to have an ordinary, common meaning (as understood in 1978) or a technical or industry-specific meaning? Were the only poles used in 1978 for cable television system attachments traditional utility poles used for local distribution of electric and telecommunications services, or were other poles used for cable television system attachments as well? What poles were: (1) owned or controlled by “any person whose rates or charges are regulated by the Federal Government or a State;” (“State” was defined in the statute as “any State, territory, or possession of the United States, the District of Columbia, or any political subdivision, agency, or instrumentality thereof.”) and (2) “used, in whole or in part, for wire communication” in 1978? Is “usable space” a term of art and if so, to what industries and/or for what purposes did it apply in 1978? Are other words used in the 1978 Act terms of art? Is there other language in the 1978 Act that the Commission should consider to determine whether Congress intended the term “pole” to have an ordinary, common meaning or a technical, industry-specific meaning when the statute was enacted? In either case, what was that meaning?

30. The Telecommunications Act of 1996 (1996 Act) amended Section 224 to, in pertinent part, expand the definition of pole attachments to include attachments by providers of telecommunications service and to add a new requirement that utilities “provide a cable television system or any telecommunications carrier with nondiscriminatory access to any pole, duct, conduit, or right-of-way owned or controlled by it.” Congress codified an exception to this nondiscriminatory access provision, stating that “a utility providing electric service may deny a cable television system or any telecommunications carrier access to its poles, ducts, conduits, or rights-of-way, on a non-discriminatory basis where there is insufficient capacity and for reasons of safety, reliability and generally applicable engineering purposes.” Congress retained its standard for determining whether a pole attachment rate is just and reasonable

and the definition of the term “usable space” used in that standard.

31. Some attachers have argued that the reference to “any pole” in the nondiscriminatory access provision enacted via the 1996 Act demonstrates that Section 224 applies to any type of pole that is owned or controlled by a utility. Specifically, they have argued that in the absence of a statutory definition, “pole” should be given its ordinary meaning, pointing to dictionary definitions, and that courts construe the term “any” expansively to mean “all.” Thus, these attachers have argued that the enactment of the “any pole” language in the 1996 Act language evinces that all types of poles owned or controlled by a utility are subject to the nondiscriminatory access provision in Section 224(f)(1). Some have gone further and suggested that while whether a person or entity owns or controls poles that are “used . . . for any wire communications” dictates that person’s or entity’s status as a “utility” under Section 224(a)(1), as long as an entity is a “utility” by virtue of its ownership or control of such poles, it must provide access to all poles it owns or controls, even those that are not used for wire communications. (We note that in the 1996 Act, Congress modified the language in the definition of “utility” to state “any person who is a local exchange carrier or an electric gas, water, steam, or other public utility, and who owns or controls poles, ducts, conduits, or rights-of-way used, in whole or in part, for any wire communications.” It retained an exclusion for “any railroad, any person who is cooperatively organized, or any person owned by the Federal Government or any State.”)

32. We seek comment on this view. In so doing, we take note of the Eleventh Circuit’s decision in *Southern Company v. FCC*. After the enactment of the 1996 Act, the Commission adopted rules to implement its requirements, including rules to implement the new nondiscriminatory access provisions in Section 224(f). Construing that statutory provision, the Commission found that the “breadth of the language contained in Section 224(f)(1) precludes us from making a blanket determination that Congress did not intend to include transmission facilities.” In an order on reconsideration in 1999, the Commission “reaffirm[ed its] decision . . . that electric transmission facilities are not exempted from the pole attachment provisions of section 224.” The Eleventh Circuit overturned this conclusion insofar as it referred to transmission towers or other transmission plant, stating in *Southern*

Company that “Congress intended to limit [section 224’s] application to local distribution facilities.” (In reaching this conclusion, the Court found that poles are regular components of local distribution systems and not interstate transmission systems, which are regulated by the Federal Energy Regulatory Commission (FERC) pursuant to the Federal Power Act (FPA). The Court noted that the FPA divests FERC of jurisdiction over facilities used for local distribution and that the primary facility used to carry transmission wires (*i.e.*, towers) is not mentioned in Section 224. The Court also looked at Section 224’s reverse preemption provision and noted that states lack jurisdiction to regulate interstate transmission facilities.)

33. Utilities have argued that *Southern Company* limits the Commission’s authority under Section 224 to the regulation of local distribution poles only, and that the Commission does not have authority to regulate other types of property that may be owned or controlled by a utility and commonly called a pole, but that is not used in local distribution. Attachers have argued that the Eleventh Circuit did not go that far in *Southern Company*. They have argued that the only issue before the Court was whether the Commission could regulate interstate transmission facilities that are already regulated by Federal Energy Regulatory Commission (FERC), not whether the Commission has jurisdiction to regulate other poles that are local in nature, such as light poles. Attachers have suggested that, in fact, *Southern Company* supports their argument that the term “pole” should be given an ordinary meaning because the Court stated in another part of its opinion that: (1) the term “any” is construed expansively to mean “all” unless Congress adds language limiting its breadth; and (2) “the lack of a limitation upon the adjective ‘any’ means that Section 224(f)(1) expands the Act’s coverage to all ‘poles, ducts, conduits, or rights-of-way owned or controlled by a utility.’” The Court made these statements when concluding that utilities must provide nondiscriminatory access to all of their poles under Section 224(f)(1) “regardless of whether the facility is presently being used for telecommunications purposes.” (The Court concluded that the definition of a “utility” in the statute is not limited to entities that use “all” of their facilities for wire communications, and that “the natural inference” from the lack of such limiting language is “that a utility is an

entity that owns or controls *some* facilities used for that purpose.” The Court coupled that inference with the language of Section 224(f)(1) to conclude that utilities must provide nondiscriminatory access to all of their poles if they use some of them for wire communications.) upholding a prior determination by the Commission that “use of any utility pole, duct, conduit, or right-of-way for wire communications triggers access to all poles, ducts, conduits, and rights-of-way owned or controlled by the utility, including those not currently used for wire communications.”

34. Does *Southern Company* limit the Commission’s jurisdiction under Section 224 to the regulation of local distribution poles as utilities have suggested, or does it recognize that Section 224 applies to any type of pole that is owned or controlled by a utility, as some attachers have suggested? Does the Court’s conclusion that the Commission’s jurisdiction does not extend to facilities used for interstate transmission necessarily limit the “any pole” language used in Section 224(f)(1), *i.e.*, does the decision eliminate a class of poles subject to Section 224(f)(1)? Do attachers contend that the “transmission facilities” exempt from Section 224(f)(1) pursuant to *Southern Company* are not and do not include poles? (In *Southern Company*, the Court referenced an argument by the Commission that the distinction between electric transmission facilities and electric distribution facilities is not as clear as utilities argued, and concluded that the fact that a pole may have some transmission facilities attached to it “does not exclude it from the coverage of the Act. These local distribution facilities, festooned as they may be with transmission wires, are plainly within the FCC’s jurisdiction under the terms of the Act.” This appears to recognize that poles may be used in some capacity for interstate transmission, but as stated above, we seek comment on this point.) Does the Court’s conclusion that utilities must provide access to any pole irrespective of whether it is currently being used for wire communications mean that utilities must provide access to all poles of all types, irrespective of whether a particular type ever has been or ever would be used for wire communications? Or, given that *Southern Company* was decided in the specific context of poles used for local distribution of electric service, does the decision simply hold that a particular local distribution pole does not need to have communications wires attached for

the Section 224(f)(1) access obligation to apply if any of the utility’s other local distribution poles have communications wires attached? Does the fact that the Court interpreted the scope of the “used, in whole or in part, for any wire communications” language in Section 224(a)(1) to interpret the scope of access required under Section 224(f)(1) indicate that Section 224(a) is a limiting factor on the “any pole” language of the latter provision? Fundamentally, should *Southern Company* be viewed as definitively determining what constitutes a “pole” for the purposes of Section 224 as opposed to the reach of the Commission’s jurisdiction with respect to particular use cases or circumstances (*e.g.*, use for interstate transmissions, whether wire communications are currently attached)?

35. Does the text of the 1996 Act otherwise establish a clear meaning of the term “pole” or demonstrate congressional intent to limit or expand the meaning of that term? For instance, the exception to the nondiscriminatory access provision in Section 224(f)(1) states that “a utility *providing electric service* may deny a cable television system or any telecommunications carrier access to its poles . . . on a non-discriminatory basis where there is insufficient capacity and for reasons of safety, reliability and generally applicable engineering purposes.” Does the specific reference to utilities providing electric service in the statutory text suggest that Congress had a particular type of pole (*i.e.*, a local distribution pole for electricity) in mind when it enacted Section 224(f)? Or, does limiting the exception to electric facilities simply “reflect[] Congress’ acknowledgment that issues involving capacity, safety, reliability and engineering raise heightened concerns when electricity is involved, because electricity is inherently more dangerous than telecommunications services”? Does other language in the text of Section 224 demonstrate that Congress clearly intended a specific meaning for the term “pole”?

36. If commenters argue that Congress’ intent regarding the meaning of the term “pole” as used in Section 224 is not clear from the text, what extrinsic sources should the Commission consider to determine the best reading of the statutory language? Does the statute’s legislative history clearly indicate the scope of poles that Congress intended to be regulated under the statute? The Senate Report for the 1978 Act indicates that Congress was concerned about electric utilities and telephone companies using their

monopoly ownership or control of existing utility poles to extract exorbitant fees from cable system operators for access to the existing poles they needed to distribute their facilities. It states that the poles to which cable television systems need to attach their facilities “are usually owned by telephone and electric utilities,” and refers to poles used for the provision of telephone and electric service when discussing a formula to be used by the Commission to determine whether pole attachment rates are just and reasonable. (For instance, the legislative history discusses make-ready costs as “those necessary to rearrange existing telephone and power lines to maintain clearances between different pole lines required by individual utility construction and safety standards and National Electrical Safety Codes and to reinforce poles when necessary to increase load capacity.” The Report also explains how “usable space” factors into its formula, and states that “on a typical utility pole 35 feet in length there are 11 feet of usable space (that space above the minimum grade level clearance used to attach cable, telephone, and electric wires and associated equipment).” The Report also states that the jurisdictional reach of the Commission under Section 224 “extends only to those entities which participate in the provision of communications space on utility poles.”)

37. Do commenters interpret the Senate Report for the 1978 Act as contemplating a particular type of pole that would be subject to the Commission’s jurisdiction under Section 224? We would expect the legislative history of the 1978 Act to discuss existing poles owned and controlled by providers of electric and telecommunication services as obvious examples of structures to which cable system operators needed to attach their facilities, but discussing certain types of poles may not necessarily evidence congressional intent to exclude others. Are there other statements from the legislative history of the 1978 Act or the 1996 Act that indicate Congress’s intent? We note that, in 1996, the Commission held that the “intent of Congress in Section 224(f) was to permit cable operators and telecommunications carriers to ‘piggyback’ along distribution networks owned or controlled by utilities, as opposed to granting access to every piece of equipment or real property owned or controlled by the utility.” Was that conclusion correct? Are there other extrinsic sources the Commission should consider if we

determine that the term “pole” is ambiguous and seek to adopt a definition based on the best reading of the statutory language?

2. Whether the Best Reading of the Term “Pole” Specifically Includes Light Poles

38. If the Commission were to give the term “pole” in Section 224 its ordinary, common meaning, such as “a long slender usually cylindrical object (such as a length of wood),” objects falling within that definition would arguably still need to satisfy explicit requirements in the text of Section 224 to be subject to regulation under that statute. In this section, we seek comment on whether light poles meet those requirements, and whether they would qualify as local distribution poles if the Commission were to conclude that its jurisdiction is limited to regulating such poles.

39. *Scope of Light Poles.* We begin this inquiry by seeking comment on the types of light poles that attachers seek to have regulated by Section 224 and their characteristics, so that the Commission may evaluate how the requirements of Section 224 would apply to them. We assume that attachers are not concerned about poles that are already subject to Section 224 because they are local distribution poles that also have lamp attachments. Is that assumption correct? What are the light pole structures that attachers seek access to under Section 224? Are they limited to street lighting? Do they include area lighting poles located away from streets (e.g., along walking paths, in parking lots)? Do they include light poles on both private or public property, e.g., in or out of the public rights-of-way? Would they include flag poles owned or controlled by utilities and that have a lamp attachment? Do the light poles that attachers seek to have regulated have particular dimensions or features? Are they constructed using a particular type of material? Do they already meet certain loading and power requirements for communications attachments? Are they already regulated by federal, state, or local government agencies or do they include light poles that are unregulated? At a basic level, what are the common attributes of light poles that attachers seek to have regulated under Section 224 and why do commenters believe these attributes should cause those light poles to be regulated? Would the Commission need to define what constitutes a light pole if it were to determine that light poles are subject to regulation under Section 224, and if so, what should that definition be? How many light poles would be brought within the Commission’s

jurisdiction if we determine that they are poles within the meaning of Section 224? What else does the Commission need to know to understand the type and scope of light poles that attachers seek to have regulated under Section 224?

40. *Owned or Controlled by a Utility.* Section 224 only applies to poles that are owned or controlled by a utility. What utilities own or control light poles? Are most light poles owned or controlled by electric utilities versus other types of utilities? The record on the CTIA Petition indicates that many light poles are installed pursuant to private agreements with third parties, including localities, that confer rights and obligations on the third parties with respect to the poles. Under those agreements, what entity owns the light pole and what entity controls it? Are there arrangements where the light pole may be owned by the utility but a third party controls it? Is the reverse true, where a third party owns the light pole but a utility controls it? Are there co-ownership and/or co-controller arrangements? Who are the third parties that may have an ownership or control interest in a light pole (e.g., private residential communities, private retailers or venue owners)? How frequently is the third-party owner or controller of the light pole a state or municipality, and what are the implications of that given that Section 224(a) excludes states and “any political subdivision, agency, or instrumentality” of a state from the definition of “utility” subject to regulation under Section 224? How frequently is the third-party owner or controller another entity excluded from the definition of “utility” under Section 224(a)(1)? What specific rights are conferred on third parties with respect to the location, design, construction, modification, and removal of light poles? Do the third-party agreements contain any express provisions prohibiting utilities from providing access to light poles for communications attachments, either at all or without the third party’s consent?

41. What percentage of light poles that attachers seek to have regulated under Section 224 are installed pursuant to third-party agreements? The record on CTIA’s Petition indicates that attachers are currently obtaining at least some access to light poles under private agreements. How has that process worked, and could it serve as a model for enabling access if it were mandated under Section 224(f)(1)? Who are the parties to light pole access agreements when a third party has some degree of ownership or control of the light pole? Just the attacher and the utility, or does

the third party also execute the agreement? If the third party is a party to the agreement, how would that impact the Commission’s jurisdiction to adjudicate matters under the access agreement, i.e., could the Commission require the third party to comply with any ordered relief?

42. We observe that in the context of private easements, the Commission has found that the extent of a utility’s ownership or control is a question of state law, and that “consistent with the purposes of Section 224, utility ownership or control of rights-of-way and other covered facilities exists only if the utility could voluntarily provide access to a third party and would be entitled to compensation for doing so.” Do commenters agree that the extent of a utility’s ownership or control of poles is also determined under state law, and what are the implications of that for light poles that are installed pursuant to private agreements with third parties? If the Commission were to determine that at least some light poles are subject to Section 224, would it have to create an exception for cases in which utilities cannot provide access in exchange for a fee voluntarily and/or unilaterally under state law?

43. *Used, in Whole or in Part, for Wire Communications.* Are light poles used, in whole or in part, for any wire communications? If so, for what specific forms of wire communication? We note that the Commission has found that “[a]lthough internal communications are used solely to promote the efficient distribution of electricity, the definition of ‘wire communication’ is broad and clearly encompasses an electric utility’s internal communications.” Do utilities use internal wire communications for their light poles? If so, in what manner? If light poles are not used in whole or in part for wire communications, does that necessarily mean that light poles must be excluded from regulation under Section 224? As stated above, in *Southern Company*, the Eleventh Circuit agreed with the Commission that it is not necessary for *all* of a utility’s poles to be used for wire communications for the nondiscriminatory access provision in Section 224(f)(1) to apply. Does that mean that if a particular utility owns or controls both light poles and local distribution poles, and uses any of them for wire communications, that is enough to bring all of them under Section 224?

44. *Local Distribution Poles.* Crown Castle has suggested that light poles are local distribution poles within the meaning of the Eleventh Circuit’s decision in *Southern Company*. Specifically, it observes that “Street Lighting and Signal Systems” are

facilities listed under “Distribution Plant” in FERC Form 1, the comprehensive financial and operating report utilities submit annually for electric rate regulation, market oversight analysis, and financial audits, and a primary source of data in the Commission’s pole attachment rate formulas. (As discussed below, FERC Form 1 provides key data inputs for the Commission’s pole attachment rate formulas.) “Poles, Towers, and Fixtures” are listed separately under “Distribution Plant,” however. (FERC’s rules for its Uniform System of Accounts state that Account 364, used for “Poles, Towers, and Fixtures,” “shall include the cost installed of poles, towers, and appurtenant fixtures used for supporting overhead distribution conductors and service wires.” Account 373, used for “Street Lighting and Signal Systems,” “shall include the cost installed of equipment used wholly for public street and highway lighting or traffic, fire alarm, police, and other signal systems.”) Does that suggest that light poles are local distribution *plant*, but something different than local distribution *poles* under FERC’s Uniform System of Accounts? Or, are those merely semantics? Is FERC’s Uniform System of Accounts dispositive with respect to what constitutes a local distribution pole? What factors determine what constitutes a local distribution pole? In *Southern Company*, the Eleventh Circuit considered a state public service commission’s description of an electric utility’s distribution system as being “comprised of substations, underground cables, poles, overhead conductors, transformers, service drops, and meters that supply power to the customers.” Are light poles part of an equivalent local distribution system to provide lighting? If so, is that lighting a similar public utility service, what are the components of the distribution system, and who are the customers?

45. *Prior Commission Statements.* Some utilities have suggested that the Commission has already determined that light poles are distinct from utility poles for the purposes of Section 224, citing a proceeding in which the Commission addressed exclusions from routine historic preservation review under the National Historic Preservation Act (NHPA). In the 2014 *Infrastructure Order*, the Commission considered the impact wireless deployments have on the environment and historic properties, and expanded the scope of existing structures excluded from routine historic preservation review to include “collocations on existing utility

structures, including utility poles and electric transmission towers, to the extent they are not already excluded in the Collocation Agreement,” subject to certain criteria and limitations. The Commission defined “utility structures” for the purpose of the exclusion as “utility poles or electric transmission towers in active use by a ‘utility’ as defined in Section 224 of the Communications Act, but not including light poles, lamp posts, and other structures whose primary purpose is to provide public lighting.” The Commission explained that “[u]tility structures,” as it was defining them for purposes of the NHPA exclusion, “are, by their nature, designed to hold a variety of electrical, communications, or other equipment, and they already hold such equipment. Their inherent characteristic thus incorporates the support of attachments, and their uses have continued to evolve with changes in technology since they were first used in the mid-19th century for distribution of telegraph services.”

46. Does the Commission’s decision to define “utility structures” for the specific purpose of exclusions from routine historic reviews under the NHPA determine the scope of poles that may be regulated under Section 224? What inference, if any, should we draw from the fact that the 2014 *Infrastructure Order* expressly defined “utility” by reference to the definition of that term in Section 224 of the Act, but did not similarly expressly define “pole,” “utility pole” or “utility structure” by reference to language in Section 224? Was the Commission focused on drawing distinctions relevant to the regulatory context at issue—exclusion from historic preservation review under NHPA—that could be entirely unrelated to the interpretation of a “pole” under Section 224 of the Act? We note that the Commission’s definition of “utility structures” includes “electric transmission towers,” which are outside of the Commission’s jurisdiction under Section 224 pursuant to the Eleventh Circuit’s holding in *Southern Company*. We also note that since the 2014 *Infrastructure Order*, the Commission has stated that “light poles, traffic lights, utility poles, and other similar property” are suitable hosts for Small Wireless Facilities. (We recognize, as utilities suggest, that the Commission made this statement in the context of access to government-owned property in state and local rights-of-way under Sections 253 and 332 of the 1996 Act. Nevertheless, the statutory basis for regulating access does not alter the

Commission’s general conclusion that the equipment is functionally suitable for wireless attachments.) Nevertheless, we seek comment on whether the Commission’s statements in the NHPA proceeding and other relevant proceedings are consistent or inconsistent with including light poles within a definition of poles regulated by Section 224.

3. Applying the Commission’s Rules to Light Poles and Other Implementation Matters

47. *Rule Application and Amendments.* We seek comment on whether the Commission’s existing pole attachment rules can be applied to light poles if we conclude that they should be regulated under Section 224 and whether there are any specific rules that would need to be amended to do so. If commenters contend that some of the Commission’s rules cannot be applied to light poles, we ask that commenters identify the specific rules at issue, the reasons the rule cannot be applied as currently written, and any proposed amendments that would enable the rule to be applied to light poles.

48. In particular, we seek comment on how the rate formulas that the Commission has adopted to determine whether a pole attachment rate is just and reasonable would apply to light poles. For instance, when an attachor submits a complaint to the Commission that a particular rate is unjust or unreasonable, it is required to submit data and information supporting the complaint, including all information necessary to apply the rate formulas, and those “[d]ata should be derived from ARMIS, FERC 1, or other reports filed with state or federal regulatory agencies” Two components of the Commission’s recurring rate formulas (Capital costs that the utility recovers up-front via non-recurring make-ready fees are excluded from the recurring pole attachment rates determined by these formulas) for attachments to poles by telecommunications carriers are the Net Cost of a Bare Pole (Net Cost of a Bare Pole = (Net Pole Investment/Total Number of Poles) × .95 (for ILEC-owned poles) or × .85 (for Electric Utility-Owned Poles).) and the Carrying Charge Rate, (Carrying Charge Rate = Administrative + Maintenance + Depreciation + Taxes + Return Elements, where:

Administrative Element = Total General and Administrative Expense/Net Plant Investment;

Maintenance Element = Pole Maintenance Expense/Net Pole Investment;

Depreciation Element = (Gross Pole Investment/Net Pole Investment) × Depreciation Rate for Gross Pole Investment;

Taxes Element = Tax Expense/Net Plant Investment;

Return Element = State Authorized Rate of Return (or FCC Authorized Rate of Return if there is no State Authorized Rate of Return); and

Net Investment = Gross Investment – Accumulated Depreciation – Accumulated Deferred Income Taxes with respect to a particular type of plant.)

the product of which represents the annual expense incurred by the utility in owning and maintaining poles regardless of the presence of pole attachments. (The maximum just and reasonable rate for attachments to poles by any telecommunications carrier or cable operator providing telecommunications services is the higher of the rates determined by using the formulas specified under §§ 1.1406(d)(2)(i) and 1.1406(d)(2)(ii) of the Commission's rules. Typically, the § 1.1406(d)(2)(i) formula yields the higher of these two rates. The two formulas, re-written for ease of understanding, are: § 1.1406(d)(2)(i) Telecom Rate = Space Factor × Net Cost of a Bare Pole × Carrying Charge Rate × Cost Allocator, where:

Space Factor = (Space Occupied + $\frac{2}{3}$ × Unusable Space/No. of Attachments)/ Pole Height;

Cost Allocator =

.66 where there are 5 attachers;

.56 where there are 4 attachers;

.44 where there are 3 attachers;

.31 where there are 2 attachers; and

an interpolated percentage where the number of attachers is not a whole number.

§ 1.1406(d)(2)(ii) Telecom Rate = (Space Factor × Net Cost of a Bare Pole × Maintenance and Administrative Carrying Charge Rate.)

Data used to calculate values for these two components include pole investment, the number of utility-owned poles, total plant investment, pole maintenance expense, pole depreciation rate, accumulated depreciation, accumulated deferred income taxes, total general and administrative expense, tax expense, and the rate of return. An apportionment factor (.85 for electric utility-owned poles) is used to remove estimates of crossarm and other non-pole investment from the pole investment account. (The specific FERC Form 1 accounts used in the Commission's pole attachment rate formulas are set forth in the *Pole Attachment Rates, Terms, and*

Conditions Reconsideration Order, 16 FCC Rcd at 12176, Appx. E–2.)

49. Are all the cost and other data necessary to run the Commission's existing rate formulas available for light poles in FERC Form 1 or other reports filed with state or federal regulatory agencies? Utilities point out that FERC's Uniform System of Accounts establishes separate investment accounts for "Poles, Towers, and Fixtures" (Account 364) and "Street Lighting and Signal Systems" (Accounts 371 and 373). Do the latter accounts contain equivalent data, such that the Commission could use these data to calculate rates for light pole attachments? Would the investment data reflected in these accounts have to be adjusted to remove investments other than investment that is strictly for light poles (e.g., lamp investment) or to remove signal system investments? Would the expense data reflected in these accounts have to be adjusted to remove expenses other than expenses that are incurred strictly to maintain light poles (e.g., labor expenses incurred to replace or clean lamps) or to remove signal system expenses? As for depreciation expense, is the depreciation rate needed to calculate the depreciation element reflected in the Carrying Charge Rate routinely stated on FERC Form 1 for light poles in particular? Do the Commission's rules mandate use of data from specific FERC accounts (e.g., Account 364) in its rate formulas, to the exclusion of data from accounts related to light poles (e.g., Account 373) or other accounts? Some utilities have argued that some light poles are not regulated, suggesting that there is no accounting data submitted for those poles to regulatory bodies that could be used in the Commission's rate formula. Is that accurate? If that is the case, what information could the Commission use in its pole attachment rate formulas to determine whether an attachment rate is just and reasonable? What other data issues may preclude use of the Commission's pole attachment rate formula to determine a rate for attachment to light poles?

50. A third component of the Commission's pole attachment rate formula is the Space Factor, which apportions the annual expense the utility incurs to provide space on a pole among all of the attachers including the utility. It requires estimates of the space occupied by an attachment, pole height, usable space, unusable space, and the average number of attachers on a pole. (The fourth and final component of the Commission's Telecom Rate formula in § 1.1406(d)(2)(i) of the Commission's rules, the cost allocator, reduces the rate

that would otherwise be calculated as the number of attachers decreases. It operates to equate the rate obtained for attachments by telecommunications carriers using the Commission's formula under § 1.1406(d)(2)(i) to the rate for attachments to poles by cable operators providing cable services using the Commission's formula for such attachments under § 1.1406(d)(1) of the Commission's rules, 47 CFR 1.1406(d)(1), given use of the Commission's rebuttable assumptions in both formulas.) The Commission's rules contain rebuttable presumptions that "the space occupied by an attachment is presumed to be one foot. The amount of usable space is presumed to be 13.5 feet. The amount of unusable space is presumed to be 24 feet. The pole height is presumed to be 37.5 feet." We are not convinced that these presumptions could reasonably be applied to light poles. A 37.5-foot local distribution pole, for example, would have a buried depth of approximately six feet, reducing its otherwise usable space by an equal number of feet. In contrast, some light poles are bolted into a concrete footing at or above ground level, so otherwise usable space on these poles is not lost underground. Moreover, local distribution poles historically were built to accommodate attachments by incumbent local exchange carriers and electric utilities, and more recently cable operators, and thus the Commission's rebuttable presumptions were designed to reflect the specific pole height and usable space requirements of these particular attachers, rather than light poles. If these presumptions do not apply, would the Commission need to adopt new presumptions specific to light poles, or would attachers and utilities seek to rebut the existing presumptions each time a rate complaint is filed? Do commenters believe that the Commission's existing pole attachment rate formulas and FERC Form 1 or data filed with other regulatory bodies are sufficient to determine whether attachments to light poles are just and reasonable, or would the Commission need to revise its rate formulas or specify use of a different set of FERC Form 1 or other reported investment and expense accounts to make that determination? The Commission's rate formulas (other than the specific FERC Form 1 accounts and rebuttable presumptions) reflect the specific requirements of the Section 224. What discretion does the Commission have to revise these rate formulas to better apply to attachments to light poles?

51. Are there any other rules that the Commission would need to amend to regulate light poles under Section 224? Would we need to examine whether our rules establishing deadlines for pole attachment surveys, estimates, and make-ready are appropriate as-applied to light poles? Are there provisions of the Commission's pole attachment rules that have no relevance to light poles or that would unduly hamper attachments to light poles?

52. *Light Pole Replacements.* As stated above, the record developed in response to the CTIA Petition indicates that attachers are obtaining at least some access to light poles through private agreements with utilities. The record also indicates, however, that many light poles need to be replaced to accommodate telecommunications attachments. Section 224(f)(2) authorizes utilities to deny access to poles on a nondiscriminatory basis "where there is insufficient capacity and for reasons of safety, reliability and generally applicable engineering purposes." In *Southern Company*, the Eleventh Circuit ruled that, pursuant to Section 224(f)(2), utilities are not required to expand capacity on their poles to accommodate new attachments, rejecting the Commission's prior determination that Section 224(f)(1) may require utilities to replace poles to provide nondiscriminatory access to them. Utilities have suggested that if the Commission were to determine that light poles are "poles" within the meaning of Section 224, and that utilities must provide nondiscriminatory access to light poles under Section 224(f)(1), utilities will no longer be incentivized to work with attachers to replace light poles to accommodate their attachments and will simply deny access under Section 224(f)(2). Are attachers concerned that including light poles within the definition of "pole" for the purposes of Section 224 would actually result in fewer attachments to light poles than are currently completed pursuant to private agreements, due to refusals by utilities to replace poles to create capacity for their attachments? How many light poles need to be replaced to accommodate communications attachments? Why are the pole replacements necessary? (For instance, CCU has asserted that street lights must be replaced "because they were not designed or installed to provide access for fiber, to mount equipment, to conceal equipment, to disconnect power, or to provide necessary National Electrical Safety Code [] clearances, all of which wireless attachments require,"

and that "most streetlight-only poles do not have separate raceways in which to run communications fiber separate from electrical power, as required by NESC.") Are there particular types of light poles that need to be replaced and others that do not? What are the categories of costs of replacing a light pole to be able to host communications attachments (e.g., construction, materials)? Are those costs significantly different than those incurred when replacing a local distribution pole? Do utilities contend that a fair allocation of the costs would not be possible under the Commission's rules if light poles were regulated under Section 224? Is there something the Commission can do to keep any need to replace light poles to accommodate communications attachments from being an impediment to nondiscriminatory access under Section 224(f)(1)?

53. *Reverse Preemption.* Twenty-three states and the District of Columbia have certified that they regulate pole attachments and have complied with associated requirements to reverse preempt the Commission's jurisdiction under Section 224(c) of the 1996 Act. We seek comment on how defining the term "pole" to include light poles would impact the regulation of pole attachments by those states. Would any definition codified by the Commission apply to states that have reverse preempted the Commission's jurisdiction? Do the pole attachment rules and regulations adopted by such states encompass attachments to light poles?

54. What if the reverse preemption states assert that they do not regulate attachments to light poles and that they decline to do so? Could jurisdiction over such attachments revert back to the Commission? If so, what would the process for implementing that be? Should the Commission require all states that have reverse preempted the Commission's jurisdiction to date to refile the certifications required under Section 224(c) to specify the pole attachment matters over which they assert jurisdiction, including with respect to light poles? Should the Commission amend its rules implementing Section 224(c) to require states seeking to reverse preempt the Commission's jurisdiction in the future to specify such details? What impact would bifurcating a state's pole attachment jurisdiction have on pole attachment regulation in the states and at the federal level, generally and/or specifically with respect to attachments to light poles? Could a state that has reverse preempted the Commission's jurisdiction over pole attachments

determine that light poles are not "poles" under Section 224 and should not be regulated within its borders, irrespective of any determination by the Commission?

55. *Safety and Reliability.* Utilities and other commenters have contended that mandating access to light poles implicates safety and reliability concerns that are not at issue with standard local distribution poles. Attachers have pointed out that Section 224(f)(2) authorizes utilities providing electric service to deny attachments "for reasons of safety, reliability and generally applicable engineering purposes," and have argued that such concerns should not serve as an impediment to a threshold determination that nondiscriminatory access to light poles must be provided pursuant to Section 224(f)(1). What are the specific light pole attachment issues that utilities claim present safety and reliability concerns and why are they more significant than in the context of an electric utility's local distribution pole? Is it equipment associated with Small Wireless Facilities? If the issue is the need to run additional power to the pole for the Small Wireless Facilities, are the safety concerns mitigated if the utility that owns or controls the pole is the electric utility that will either be handling that work or has expertise in that work? We ask about the types of utilities that own or control light poles above. Are there utilities that own or control light poles that do not provide electric service and would not be able to deny access under Section 224(f)(2)?

56. *Types of Attachments.* Section 224(a)(4) defines a pole attachment, in pertinent part, as "any attachment by a cable television system or provider of telecommunications service to a pole . . . owned or controlled by a utility." If the Commission were to codify a definition of the term "pole" that includes light poles, would that mean that utilities would have a legal obligation to provide nondiscriminatory access to the light poles that they own and control for any cable or telecommunications service attachments, and not just for Small Wireless Facilities? Would wireline attachers seek access to light poles for attachments? Would utilities uniformly deny such access under Section 224(f)(2), or is there a way for wireline attachments to be accommodated on light poles? Does the Commission have the authority to condition any definition of the term "pole" that it adopts so that access is limited to Small Wireless Facilities if the pole in question is a light pole?

57. *State and Local Regulation.*

Localities have argued that requiring utilities to provide nondiscriminatory access to light poles at rates, terms, and conditions that are just and reasonable pursuant to Section 224 would interfere with local requirements applicable to light poles, agreements that they have entered for the installation of light poles, and the management of their rights of way. We seek comment on the specific local requirements, agreements, and right-of-way management concerns that would be impacted by regulating light poles under Section 224 and why those concerns are unique to light poles. Stated differently, how and why would regulating utility owned or controlled light poles under Section 224 impinge on local requirements, agreements, and rights-of-way management in a way that is different than the current regulation of local distribution poles under Section 224? Is it because localities may contract with utilities for the installation of light poles and have ownership or control rights under those agreements? (We note that government owned property in public rights-of-way, “such as light poles,” are subject to Sections 253 and 332(c)(7) of the Communications Act. Pursuant to those statutes, state and local governments may not impose legal requirements that unlawfully prohibit or have the effect of prohibiting the provision of telecommunications or personal wireless services.) If so, could any concerns that localities have about access to utility owned or controlled light poles be addressed in an access agreement? The record indicates that attachers are currently obtaining some access to light poles under private agreements. How are the concerns of localities currently being addressed when such agreements are reached, and why could the concerns not be similarly addressed in the future if nondiscriminatory access were mandated under Section 224(f)(1)?

F. *Additional Legal and Policy Considerations*

58. *Current Efforts to Obtain Access to Light Poles for Deployments.* In general, Small Wireless Facilities have a range of 1,000 to 1,500 feet. As a result, 5G networks rely on a dense distribution of antennas making point-to-point-to-point connections. Attachers have claimed that utilities commonly deny access to light poles or charge high fees for attachments in a manner that is impeding deployments. Promoting deployment of infrastructure that supports broadband and 5G is a priority for the Commission, so we seek specific data about these denials of access and the impact they are having on

competition and connectivity. Specifically, we seek comment on the need to mandate nondiscriminatory access to light poles to expedite and expand the deployment of 5G technology and enable the densification necessary to meet capacity, coverage, and performance needs. How frequently are attachers being denied access to poles altogether? Has that resulted in certain deployments being derailed entirely? Have attachers been required to develop alternate plans to complete build outs due to denials of access? How have denials of access to light poles affected the ability of attachers to compete in certain areas? Is there evidence that denials have resulted in coverage gaps, dropped calls, data overloads, or otherwise resulted in poor service? What is the impact of light pole access denials on the cost and pace of deployment projects? What are the common reasons that utilities give for denying a request to attach to a light pole? Where a utility denies access to a light pole in a right of way, what alternative means of establishing adequate network coverage are available to service providers and what are the cost and deployment timeline differences when service providers pursue these alternatives to light pole attachments?

59. We ask that attachers provide specific examples of these impacts, including identifying the types of light poles involved, the utilities that own them, the geographic areas where access to light poles is being denied or delayed, and other details that will help the Commission assess the consequences of the denials and delays. (We remind commenters that they may request confidential treatment of information submitted to the Commission consistent with Section 0.459 of the Commission’s rules.) For example, AT&T has reported that “three electric utilities operating in Texas refuse to allow AT&T access to light poles.” AT&T has explained that it received assistance from one Texas city that required the utility to remove its light poles so that AT&T could install its own similar pole at its own expense, but even then, there were delays resulting in increased deployment costs. Verizon has stated that it has “encountered a utility in Massachusetts that refuses access to any of its metal light poles and a utility in Wisconsin that does not allow attachments to any of its light poles.” Who are the specific utilities that denied access in these examples and what were their stated grounds upon which they denied access? What other concrete examples are there of

attachers being denied access, and how long does it take attachers to receive responses to their requests?

60. We also seek comment on how frequently utilities approve access to light poles and the terms under which those approvals are granted. In particular, we seek specific data on the fees that utilities charge for access to light poles and how those fees compare to attachments on other facilities, such as local distribution poles. How are the fees calculated? Are they based on costs, and if so, which costs? How are the fees charged (e.g., annually, biannually) and what is the term of the agreements under which they are charged? Are the fees significantly higher than those charged for attachments to standard local distribution poles? If so, what impact does that have on the attacher’s ability to compete and finance future deployments? What else should the Commission consider when weighing the impact that regulating light poles under Section 224 will have on expediting broadband and 5G deployments?

61. *Additional Costs and Benefits.* We seek comment on the costs and benefits of defining the term “pole” for the purposes of Section 224 generally and specifically to include light poles. Would it result in additional administrative, operational, or capital costs for attachers, utilities, and states that have reverse preempted the Commission’s jurisdiction over pole attachments? Are there other burdens stakeholders would need to assume to comply with a definition of “pole” that includes light poles? How do these costs, benefits, or burdens impact businesses of various sizes? What would the benefits of codifying such a definition be? Is there a way to quantify the extent to which deployments of broadband and 5G would be expedited if the Commission were to require nondiscriminatory access to light poles? Do attachers have data on the additional consumers that would be served and service offerings that may be made newly available in certain areas of the country? Would there be national security and other public safety benefits? We ask that commenters address, as specifically as possible, the full range of costs and benefits of determining that light poles are “poles” for the purposes of Section 224.

62. *Legal Authority.* We tentatively conclude that the Commission has authority to codify a definition of the term “pole” and to determine whether the term includes light poles. The Commission has previously codified definitions for statutory terms in Section 224, including “conduit” and “duct,”

consistent with Congress's directive in Section 224 that the Commission "prescribe by rule regulations to carry out the provisions of this section." The Commission has also adopted rules to implement Congress's explicit delegation of authority to "regulate the rates, terms, and conditions for pole attachments," as well as to develop procedures necessary for resolving complaints arising under the Commission's substantive regulations, and to fashion appropriate remedies. (The Commission has also established the Rapid Broadband Assessment Team to prioritize and expedite the resolution of pole attachment disputes that are alleged to impede or delay broadband deployments.) It has also adopted rules to implement the nondiscriminatory access provisions mandated by Congress in Section 224(f). We believe that codifying a definition of the term "pole" generally and to include light poles would be a proper exercise of the same jurisdiction underpinning the adoption of those rules and seek comment on that view.

G. Miscellaneous Issues

63. We seek comment more generally on any other causes for delay or other issues that commenters believe will help facilitate deployments. And we also seek comment on the extent to which application fees and related costs that utilities impose upon prospective attachers before an application is even accepted for filing may impact deployments by smaller providers. To what extent do the fees that utilities charge to file applications and the utilities' various pre-filing engineering requirements inhibit broadband deployment? Are there specific examples where these costs have prevented or delayed deployment? What, if any, actions might the Commission take to address utility-imposed fees or engineering requirements before the make-ready stage that inhibit broadband deployment?

IV. Initial Regulatory Flexibility Analysis

64. As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Federal Communications Commission (Commission) has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the policies and rules proposed in the Fourth Further Notice of Proposed Rulemaking (Further Notice) assessing the possible significant economic impact on a substantial number of small entities. The Commission requests written public comments on this IRFA. Comments

must be identified as responses to the IRFA and must be filed by the deadlines for comments on the first page of the Further Notice. The Commission will send a copy of the Further Notice, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA). In addition, the Further Notice and IRFA (or summaries thereof) will be published in the **Federal Register**.

A. Need for, and Objectives of, the Proposed Rules

65. The Further Notice seeks comment on proposals from utilities and attachers that might further facilitate the pole attachment process and, thus, broadband deployment. The Further Notice specifically seeks comment on: (1) requiring attachers to deploy equipment on poles within 120 days of completion of make-ready work; (2) whether the Commission should require attachers to make payment on an estimate to a utility within a specific period of time after acceptance; (3) limiting the amount that final make-ready costs can exceed the utility's estimate without receiving prior approval from the attacher; (4) whether to expand the availability of the one-touch, make-ready (OTMR) process to include complex survey and make-ready work; (5) establishing a deadline to on-board approved contractors; and (6) whether the Commission should define the term "pole" for purposes of Section 224 of the Communications Act of 1934, as amended, and whether the term should be construed to include light poles. The Further Notice also seeks comment on other policy considerations, including additional costs and benefits that may impact small and other business.

B. Legal Basis

66. The proposed action is authorized pursuant to Sections 1–4, 201, 202, 224, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151–54, 201, 202, 224, and 303(r).

C. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

67. The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. The RFA generally defines the term "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction." In addition, the term "small business" has the same meaning as the term "small business concern"

under the Small Business Act. A "small business concern" is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.

68. *Small Businesses, Small Organizations, Small Governmental Jurisdictions.* Our actions, over time, may affect small entities that are not easily categorized at present. We therefore describe, at the outset, three broad groups of small entities that could be directly affected herein. First, while there are industry specific size standards for small businesses that are used in the regulatory flexibility analysis, according to data from the Small Business Administration's (SBA) Office of Advocacy, in general a small business is an independent business having fewer than 500 employees. These types of small businesses represent 99.9% of all businesses in the United States, which translates to 33.2 million businesses.

69. Next, the type of small entity described as a "small organization" is generally "any not-for-profit enterprise which is independently owned and operated and is not dominant in its field." The Internal Revenue Service (IRS) uses a revenue benchmark of \$50,000 or less to delineate its annual electronic filing requirements for small exempt organizations. Nationwide, for tax year 2020, there were approximately 447,689 small exempt organizations in the U.S. reporting revenues of \$50,000 or less according to the registration and tax data for exempt organizations available from the IRS.

70. Finally, the small entity described as a "small governmental jurisdiction" is defined generally as "governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand." U.S. Census Bureau data from the 2017 Census of Governments indicate there were 90,075 local governmental jurisdictions consisting of general purpose governments and special purpose governments in the United States. Of this number, there were 36,931 general purpose governments (county, municipal, and town or township) with populations of less than 50,000 and 12,040 special purpose governments— independent school districts with enrollment populations of less than 50,000. Accordingly, based on the 2017 U.S. Census of Governments data, we estimate that at least 48,971 entities fall into the category of "small governmental jurisdictions."

1. Internet Access Service Providers

71. *Wired Broadband Internet Access Service Providers (Wired ISPs).*

Providers of wired broadband internet access service include various types of providers except dial-up internet access providers. Wireline service that terminates at an end user location or mobile device and enables the end user to receive information from and/or send information to the internet at information transfer rates exceeding 200 kilobits per second (kbps) in at least one direction is classified as a broadband connection under the Commission's rules. Wired broadband internet services fall in the Wired Telecommunications Carriers industry. The SBA small business size standard for this industry classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms that operated in this industry for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees.

72. Additionally, according to Commission data on internet access services as of June 30, 2019, nationwide there were approximately 2,747 providers of connections over 200 kbps in at least one direction using various wireline technologies. The Commission does not collect data on the number of employees for providers of these services, therefore, at this time we are not able to estimate the number of providers that would qualify as small under the SBA's small business size standard. However, in light of the general data on fixed technology service providers in the Commission's *2022 Communications Marketplace Report*, we believe that the majority of wireline internet access service providers can be considered small entities.

73. *Internet Service Providers (Non-Broadband).* Internet access service providers using client-supplied telecommunications connections (e.g., dial-up ISPs) as well as VoIP service providers using client-supplied telecommunications connections fall in the industry classification of All Other Telecommunications. The SBA small business size standard for this industry classifies firms with annual receipts of \$40 million or less as small. For this industry, U.S. Census Bureau data for 2017 show that there were 1,079 firms in this industry that operated for the entire year. Of those firms, 1,039 had revenue of less than \$25 million. Consequently, under the SBA size standard a majority of firms in this industry can be considered small.

2. Wireline Providers

74. *Wired Telecommunications Carriers.* The U.S. Census Bureau defines this industry as establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired communications networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services, wired (cable) audio and video programming distribution, and wired broadband internet services. By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry. Wired Telecommunications Carriers are also referred to as wireline carriers or fixed local service providers.

75. The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms that operated in this industry for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 4,590 providers that reported they were engaged in the provision of fixed local services. Of these providers, the Commission estimates that 4,146 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

76. *Local Exchange Carriers (LECs).* Neither the Commission nor the SBA has developed a size standard for small businesses specifically applicable to local exchange services. Providers of these services include both incumbent and competitive local exchange service providers. Wired Telecommunications Carriers is the closest industry with an SBA small business size standard. Wired Telecommunications Carriers are also referred to as wireline carriers or fixed local service providers. The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms

that operated in this industry for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 4,590 providers that reported they were fixed local exchange service providers. Of these providers, the Commission estimates that 4,146 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

77. *Incumbent Local Exchange Carriers (Incumbent LECs).* Neither the Commission nor the SBA have developed a small business size standard specifically for incumbent local exchange carriers. Wired Telecommunications Carriers is the closest industry with an SBA small business size standard. The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms in this industry that operated for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 1,212 providers that reported they were incumbent local exchange service providers. Of these providers, the Commission estimates that 916 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, the Commission estimates that the majority of incumbent local exchange carriers can be considered small entities.

78. *Competitive Local Exchange Carriers (CLECs).* Neither the Commission nor the SBA has developed a size standard for small businesses specifically applicable to local exchange services. Providers of these services include several types of competitive local exchange service providers. Wired Telecommunications Carriers is the closest industry with a SBA small business size standard. The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms that operated in this industry for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of

December 31, 2021, there were 3,378 providers that reported they were competitive local service providers. Of these providers, the Commission estimates that 3,230 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

79. *Interexchange Carriers (IXCs).* Neither the Commission nor the SBA have developed a small business size standard specifically for Interexchange Carriers. Wired Telecommunications Carriers is the closest industry with a SBA small business size standard. The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms that operated in this industry for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 127 providers that reported they were engaged in the provision of interexchange services. Of these providers, the Commission estimates that 109 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, the Commission estimates that the majority of providers in this industry can be considered small entities.

80. *Operator Service Providers (OSPs).* Neither the Commission nor the SBA has developed a small business size standard specifically for operator service providers. The closest applicable industry with a SBA small business size standard is Wired Telecommunications Carriers. The SBA small business size standard classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 3,054 firms in this industry that operated for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 20 providers that reported they were engaged in the provision of operator services. Of these providers, the Commission estimates that all 20 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, all of these providers can be considered small entities.

81. *Other Toll Carriers.* Neither the Commission nor the SBA has developed a definition for small businesses

specifically applicable to Other Toll Carriers. This category includes toll carriers that do not fall within the categories of interexchange carriers, operator service providers, prepaid calling card providers, satellite service carriers, or toll resellers. Wired Telecommunications Carriers is the closest industry with a SBA small business size standard. The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms in this industry that operated for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 90 providers that reported they were engaged in the provision of other toll services. Of these providers, the Commission estimates that 87 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

3. Wireless Providers—Fixed and Mobile

82. The broadband internet access service provider category covered by these new rules may cover multiple wireless firms and categories of regulated wireless services. Thus, to the extent the wireless services listed below are used by wireless firms for broadband internet access service, the actions may have an impact on those small businesses as set forth above and further below. In addition, for those services subject to auctions, we note that, as a general matter, the number of winning bidders that claim to qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Also, the Commission does not generally track subsequent business size unless, in the context of assignments and transfers or reportable eligibility events, unjust enrichment issues are implicated.

83. *Wireless Telecommunications Carriers (Except Satellite).* This industry comprises establishments engaged in operating and maintaining switching and transmission facilities to provide communications via the airwaves. Establishments in this industry have spectrum licenses and provide services using that spectrum, such as cellular services, paging services, wireless internet access, and wireless video services. The SBA size standard for this

industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms in this industry that operated for the entire year. Of that number, 2,837 firms employed fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 594 providers that reported they were engaged in the provision of wireless services. Of these providers, the Commission estimates that 511 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

84. *Wireless Communications Services.* Wireless Communications Services (WCS) can be used for a variety of fixed, mobile, radiolocation, and digital audio broadcasting satellite services. Wireless spectrum is made available and licensed for the provision of wireless communications services in several frequency bands subject to Part 27 of the Commission's rules. Wireless Telecommunications Carriers (*except Satellite*) is the closest industry with an SBA small business size standard applicable to these services. The SBA small business size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Thus under the SBA size standard, the Commission estimates that a majority of licensees in this industry can be considered small.

85. The Commission's small business size standards with respect to WCS involve eligibility for bidding credits and installment payments in the auction of licenses for the various frequency bands included in WCS. When bidding credits are adopted for the auction of licenses in WCS frequency bands, such credits may be available to several types of small businesses based average gross revenues (small, very small and entrepreneur) pursuant to the competitive bidding rules adopted in conjunction with the requirements for the auction and/or as identified in the designated entities section in Part 27 of the Commission's rules for the specific WCS frequency bands.

86. In frequency bands where licenses were subject to auction, the Commission notes that as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses

currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated. Additionally, since the Commission does not collect data on the number of employees for licensees providing these services, at this time we are not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard.

87. *1670–1675 MHz Services.* These wireless communications services can be used for fixed and mobile uses, except aeronautical mobile. Wireless Telecommunications Carriers (except Satellite) is the closest industry with an SBA small business size standard applicable to these services. The SBA size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Thus under the SBA size standard, the Commission estimates that a majority of licensees in this industry can be considered small.

88. According to Commission data as of November 2021, there were three active licenses in this service. The Commission's small business size standards with respect to 1670–1675 MHz Services involve eligibility for bidding credits and installment payments in the auction of licenses for these services. For licenses in the 1670–1675 MHz service band, a “small business” is defined as an entity that, together with its affiliates and controlling interests, has average gross revenues not exceeding \$40 million for the preceding three years, and a “very small business” is defined as an entity that, together with its affiliates and controlling interests, has had average annual gross revenues not exceeding \$15 million for the preceding three years. The 1670–1675 MHz service band auction's winning bidder did not claim small business status.

89. In frequency bands where licenses were subject to auction, the Commission notes that as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated. Additionally, since the Commission does not collect data on the number of

employees for licensees providing these services, at this time we are not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard.

90. *Wireless Telephony.* Wireless telephony includes cellular, personal communications services, and specialized mobile radio telephony carriers. The closest applicable industry with an SBA small business size standard is Wireless Telecommunications Carriers (except Satellite). The size standard for this industry under SBA rules is that a business is small if it has 1,500 or fewer employees. For this industry, U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 331 providers that reported they were engaged in the provision of cellular, personal communications services, and specialized mobile radio services. Of these providers, the Commission estimates that 255 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

91. *Broadband Personal Communications Service.* The broadband personal communications services (PCS) spectrum encompasses services in the 1850–1910 and 1930–1990 MHz bands. The closest industry with a SBA small business size standard applicable to these services is Wireless Telecommunications Carriers (except Satellite). The SBA small business size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Thus under the SBA size standard, the Commission estimates that a majority of licensees in this industry can be considered small.

92. Based on Commission data as of November 2021, there were approximately 5,060 active licenses in the Broadband PCS service. The Commission's small business size standards with respect to Broadband PCS involve eligibility for bidding credits and installment payments in the auction of licenses for these services. In auctions for these licenses, the Commission defined “small business” as an entity that, together with its

affiliates and controlling interests, has average gross revenues not exceeding \$40 million for the preceding three years, and a “very small business” as an entity that, together with its affiliates and controlling interests, has had average annual gross revenues not exceeding \$15 million for the preceding three years. Winning bidders claiming small business credits won Broadband PCS licenses in C, D, E, and F Blocks.

93. In frequency bands where licenses were subject to auction, the Commission notes that as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated. Additionally, since the Commission does not collect data on the number of employees for licensees providing these, at this time we are not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard.

94. *Specialized Mobile Radio Licenses.* Special Mobile Radio (SMR) licenses allow licensees to provide land mobile communications services (other than radiolocation services) in the 800 MHz and 900 MHz spectrum bands on a commercial basis including but not limited to services used for voice and data communications, paging, and facsimile services, to individuals, Federal Government entities, and other entities licensed under Part 90 of the Commission's rules. Wireless Telecommunications Carriers (except Satellite) is the closest industry with a SBA small business size standard applicable to these services. The SBA size standard for this industry classifies a business as small if it has 1,500 or fewer employees. For this industry, U.S. Census Bureau data for 2017 show that there were 2,893 firms in this industry that operated for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 95 providers that reported they were of SMR (dispatch) providers. Of this number, the Commission estimates that all 95 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, these 119 SMR licensees can be considered small entities.

95. Based on Commission data as of December 2021, there were 3,924 active

SMR licenses. However, since the Commission does not collect data on the number of employees for licensees providing SMR services, at this time we are not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard.

Nevertheless, for purposes of this analysis the Commission estimates that the majority of SMR licensees can be considered small entities using the SBA's small business size standard.

96. *Lower 700 MHz Band Licenses.* The lower 700 MHz band encompasses spectrum in the 698–746 MHz frequency bands. Permissible operations in these bands include flexible fixed, mobile, and broadcast uses, including mobile and other digital new broadcast operation; fixed and mobile wireless commercial services (including FDD- and TDD-based services); as well as fixed and mobile wireless uses for private, internal radio needs, two-way interactive, cellular, and mobile television broadcasting services. Wireless Telecommunications Carriers (*except* Satellite) is the closest industry with a SBA small business size standard applicable to licenses providing services in these bands. The SBA small business size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Thus under the SBA size standard, the Commission estimates that a majority of licensees in this industry can be considered small.

97. According to Commission data as of December 2021, there were approximately 2,824 active Lower 700 MHz Band licenses. The Commission's small business size standards with respect to Lower 700 MHz Band licensees involve eligibility for bidding credits and installment payments in the auction of licenses. For auctions of Lower 700 MHz Band licenses the Commission adopted criteria for three groups of small businesses. A very small business was defined as an entity that, together with its affiliates and controlling interests, has average annual gross revenues not exceeding \$15 million for the preceding three years, a small business was defined as an entity that, together with its affiliates and controlling interests, has average gross revenues not exceeding \$40 million for the preceding three years, and an entrepreneur was defined as an entity that, together with its affiliates and controlling interests, has average gross revenues not exceeding \$3 million for

the preceding three years. In auctions for Lower 700 MHz Band licenses seventy-two winning bidders claiming a small business classification won 329 licenses, twenty-six winning bidders claiming a small business classification won 214 licenses, and three winning bidders claiming a small business classification won all five auctioned licenses.

98. In frequency bands where licenses were subject to auction, the Commission notes that as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated. Additionally, since the Commission does not collect data on the number of employees for licensees providing these services, at this time we are not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard.

99. *Upper 700 MHz Band Licenses.* The upper 700 MHz band encompasses spectrum in the 746–806 MHz bands. Upper 700 MHz D Block licenses are nationwide licenses associated with the 758–763 MHz and 788–793 MHz bands. Permissible operations in these bands include flexible fixed, mobile, and broadcast uses, including mobile and other digital new broadcast operation; fixed and mobile wireless commercial services (including FDD- and TDD-based services); as well as fixed and mobile wireless uses for private, internal radio needs, two-way interactive, cellular, and mobile television broadcasting services. Wireless Telecommunications Carriers (*except* Satellite) is the closest industry with a SBA small business size standard applicable to licenses providing services in these bands. The SBA small business size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of that number, 2,837 firms employed fewer than 250 employees. Thus, under the SBA size standard, the Commission estimates that a majority of licensees in this industry can be considered small.

100. According to Commission data as of December 2021, there were approximately 152 active Upper 700 MHz Band licenses. The Commission's small business size standards with respect to Upper 700 MHz Band

licensees involve eligibility for bidding credits and installment payments in the auction of licenses. For the auction of these licenses, the Commission defined a "small business" as an entity that, together with its affiliates and controlling principals, has average gross revenues not exceeding \$40 million for the preceding three years, and a "very small business" an entity that, together with its affiliates and controlling principals, has average gross revenues that are not more than \$15 million for the preceding three years. Pursuant to these definitions, three winning bidders claiming very small business status won five of the twelve available licenses.

101. In frequency bands where licenses were subject to auction, the Commission notes that as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated. Additionally, since the Commission does not collect data on the number of employees for licensees providing these services, at this time we are not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard.

102. *Air-Ground Radiotelephone Service.* Air-Ground Radiotelephone Service is a wireless service in which licensees are authorized to offer and provide radio telecommunications service for hire to subscribers in aircraft. A licensee may provide any type of air-ground service (*i.e.*, voice telephony, broadband internet, data, etc.) to aircraft of any type, and serve any or all aviation markets (commercial, government, and general). A licensee must provide service to aircraft and may not provide ancillary land mobile or fixed services in the 800 MHz air-ground spectrum.

103. The closest industry with an SBA small business size standard applicable to these services is Wireless Telecommunications Carriers (*except* Satellite). The SBA small business size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Thus under the SBA size standard, the Commission estimates that a majority of licensees in this industry can be considered small.

104. Based on Commission data as of December 2021, there were approximately four licensees with 110 active licenses in the Air-Ground Radiotelephone Service. The Commission's small business size standards with respect to Air-Ground Radiotelephone Service involve eligibility for bidding credits and installment payments in the auction of licenses. For purposes of auctions, the Commission defined "small business" as an entity that, together with its affiliates and controlling interests, has average gross revenues not exceeding \$40 million for the preceding three years, and a "very small business" as an entity that, together with its affiliates and controlling interests, has had average annual gross revenues not exceeding \$15 million for the preceding three years. In the auction of Air-Ground Radiotelephone Service licenses in the 800 MHz band, neither of the two winning bidders claimed small business status.

105. In frequency bands where licenses were subject to auction, the Commission notes that as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated. Additionally, the Commission does not collect data on the number of employees for licensees providing these services therefore, at this time we are not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard.

106. *3650–3700 MHz band.* Wireless broadband service licensing in the 3650–3700 MHz band provides for nationwide, non-exclusive licensing of terrestrial operations, utilizing contention-based technologies, in the 3650 MHz band (*i.e.*, 3650–3700 MHz). Licensees are permitted to provide services on a non-common carrier and/or on a common carrier basis. Wireless broadband services in the 3650–3700 MHz band fall in the Wireless Telecommunications Carriers (*except* Satellite) industry with an SBA small business size standard that classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Thus under the SBA size standard, the Commission estimates that a majority of

licensees in this industry can be considered small.

107. The Commission has not developed a small business size standard applicable to 3650–3700 MHz band licensees. Based on the licenses that have been granted, however, we estimate that the majority of licensees in this service are small internet Access Service Providers (ISPs). As of November 2021, Commission data shows that there were 902 active licenses in the 3650–3700 MHz band. However, since the Commission does not collect data on the number of employees for licensees providing these services, at this time we are not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard.

108. *Fixed Microwave Services.* Fixed microwave services include common carrier, private-operational fixed, and broadcast auxiliary radio services. They also include the Upper Microwave Flexible Use Service (UMFUS), Millimeter Wave Service (70/80/90 GHz), Local Multipoint Distribution Service (LMDS), the Digital Electronic Message Service (DEMS), 24 GHz Service, Multiple Address Systems (MAS), and Multichannel Video Distribution and Data Service (MVDDS), where in some bands licensees can choose between common carrier and non-common carrier status. Wireless Telecommunications Carriers (*except* Satellite) is the closest industry with a SBA small business size standard applicable to these services. The SBA small size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Thus under the SBA size standard, the Commission estimates that a majority of fixed microwave service licensees can be considered small.

109. The Commission's small business size standards with respect to fixed microwave services involve eligibility for bidding credits and installment payments in the auction of licenses for the various frequency bands included in fixed microwave services. When bidding credits are adopted for the auction of licenses in fixed microwave services frequency bands, such credits may be available to several types of small businesses based average gross revenues (small, very small and entrepreneur) pursuant to the competitive bidding rules adopted in conjunction with the requirements for

the auction and/or as identified in part 101 of the Commission's rules for the specific fixed microwave services frequency bands.

110. In frequency bands where licenses were subject to auction, the Commission notes that as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated. Additionally, since the Commission does not collect data on the number of employees for licensees providing these services, at this time we are not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard.

111. *Broadband Radio Service and Educational Broadband Service.* Broadband Radio Service systems, previously referred to as Multipoint Distribution Service (MDS) and Multichannel Multipoint Distribution Service (MMDS) systems, and "wireless cable," transmit video programming to subscribers and provide two-way high speed data operations using the microwave frequencies of the Broadband Radio Service (BRS) and Educational Broadband Service (EBS) (previously referred to as the Instructional Television Fixed Service (ITFS)). Wireless cable operators that use spectrum in the BRS often supplemented with leased channels from the EBS, provide a competitive alternative to wired cable and other multichannel video programming distributors. Wireless cable programming to subscribers resembles cable television, but instead of coaxial cable, wireless cable uses microwave channels.

112. In light of the use of wireless frequencies by BRS and EBS services, the closest industry with a SBA small business size standard applicable to these services is Wireless Telecommunications Carriers (*except* Satellite). The SBA small business size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Thus under the SBA size standard, the Commission estimates that a majority of licensees in this industry can be considered small.

113. According to Commission data as of December 2021, there were approximately 5,869 active BRS and EBS licenses. The Commission's small business size standards with respect to BRS involves eligibility for bidding credits and installment payments in the auction of licenses for these services. For the auction of BRS licenses, the Commission adopted criteria for three groups of small businesses. A very small business is an entity that, together with its affiliates and controlling interests, has average annual gross revenues exceed \$3 million and did not exceed \$15 million for the preceding three years, a small business is an entity that, together with its affiliates and controlling interests, has average gross revenues exceed \$15 million and did not exceed \$40 million for the preceding three years, and an entrepreneur is an entity that, together with its affiliates and controlling interests, has average gross revenues not exceeding \$3 million for the preceding three years. Of the ten winning bidders for BRS licenses, two bidders claiming the small business status won 4 licenses, one bidder claiming the very small business status won three licenses and two bidders claiming entrepreneur status won six licenses. One of the winning bidders claiming a small business status classification in the BRS license auction has an active licenses as of December 2021.

114. The Commission's small business size standards for EBS define a small business as an entity that, together with its affiliates, its controlling interests and the affiliates of its controlling interests, has average gross revenues that are not more than \$55 million for the preceding five (5) years, and a very small business is an entity that, together with its affiliates, its controlling interests and the affiliates of its controlling interests, has average gross revenues that are not more than \$20 million for the preceding five (5) years. In frequency bands where licenses were subject to auction, the Commission notes that as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated. Additionally, since the Commission does not collect data on the number of employees for licensees providing these services, at this time we are not able to estimate the number of licensees with

active licenses that would qualify as small under the SBA's small business size standard.

4. Satellite Service Providers

115. *Satellite Telecommunications.* This industry comprises firms "primarily engaged in providing telecommunications services to other establishments in the telecommunications and broadcasting industries by forwarding and receiving communications signals via a system of satellites or reselling satellite telecommunications." Satellite telecommunications service providers include satellite and earth station operators. The SBA small business size standard for this industry classifies a business with \$44 million or less in annual receipts as small. U.S. Census Bureau data for 2017 show that 275 firms in this industry operated for the entire year. Of this number, 242 firms had revenue of less than \$25 million. Consequently, using the SBA's small business size standard most satellite telecommunications service providers can be considered small entities. The Commission notes however, that the SBA's revenue small business size standard is applicable to a broad scope of satellite telecommunications providers included in the U.S. Census Bureau's Satellite Telecommunications industry definition. Additionally, the Commission neither requests nor collects annual revenue information from satellite telecommunications providers, and is therefore unable to more accurately estimate the number of satellite telecommunications providers that would be classified as a small business under the SBA size standard.

116. *All Other Telecommunications.* This industry is comprised of establishments primarily engaged in providing specialized telecommunications services, such as satellite tracking, communications telemetry, and radar station operation. This industry also includes establishments primarily engaged in providing satellite terminal stations and associated facilities connected with one or more terrestrial systems and capable of transmitting telecommunications to, and receiving telecommunications from, satellite systems. Providers of internet services (e.g. dial-up ISPs) or Voice over internet Protocol (VoIP) services, via client-supplied telecommunications connections are also included in this industry. The SBA small business size standard for this industry classifies firms with annual receipts of \$40 million or less as small. U.S. Census Bureau data for 2017 show that there were 1,079 firms in this industry that

operated for the entire year. Of those firms, 1,039 had revenue of less than \$25 million. Based on this data, the Commission estimates that the majority of "All Other Telecommunications" firms can be considered small.

5. Cable Service Providers

117. Because Section 706 of the Act requires us to monitor the deployment of broadband using any technology, we anticipate that some broadband service providers may not provide telephone service. Accordingly, we describe below other types of firms that may provide broadband services, including cable companies, MDS providers, and utilities, among others.

118. *Cable and Other Subscription Programming.* The U.S. Census Bureau defines this industry as establishments primarily engaged in operating studios and facilities for the broadcasting of programs on a subscription or fee basis. The broadcast programming is typically narrowcast in nature (e.g., limited format, such as news, sports, education, or youth-oriented). These establishments produce programming in their own facilities or acquire programming from external sources. The programming material is usually delivered to a third party, such as cable systems or direct-to-home satellite systems, for transmission to viewers. The SBA small business size standard for this industry classifies firms with annual receipts less than \$47 million as small. Based on U.S. Census Bureau data for 2017, 378 firms operated in this industry during that year. Of that number, 149 firms operated with revenue of less than \$25 million a year and 44 firms operated with revenue of \$25 million or more. Based on this data, the Commission estimates that a majority of firms in this industry are small.

119. *Cable Companies and Systems (Rate Regulation).* The Commission has developed its own small business size standard for the purpose of cable rate regulation. Under the Commission's rules, a "small cable company" is one serving 400,000 or fewer subscribers nationwide. Based on industry data, there are about 420 cable companies in the U.S. Of these, only seven have more than 400,000 subscribers. In addition, under the Commission's rules, a "small system" is a cable system serving 15,000 or fewer subscribers. Based on industry data, there are about 4,139 cable systems (headends) in the U.S. Of these, about 639 have more than 15,000 subscribers. Accordingly, the Commission estimates that the majority of cable companies and cable systems are small.

120. *Cable System Operators (Telecom Act Standard)*. The Communications Act of 1934, as amended, contains a size standard for a “small cable operator,” which is “a cable operator that, directly or through an affiliate, serves in the aggregate fewer than one percent of all subscribers in the United States and is not affiliated with any entity or entities whose gross annual revenues in the aggregate exceed \$250,000,000.” For purposes of the Telecom Act Standard, the Commission determined that a cable system operator that serves fewer than 498,000 subscribers, either directly or through affiliates, will meet the definition of a small cable operator. Based on industry data, only six cable system operators have more than 498,000 subscribers. Accordingly, the Commission estimates that the majority of cable system operators are small under this size standard. We note however, that the Commission neither requests nor collects information on whether cable system operators are affiliated with entities whose gross annual revenues exceed \$250 million. Therefore, we are unable at this time to estimate with greater precision the number of cable system operators that would qualify as small cable operators under the definition in the Communications Act.

6. All Other Telecommunications

121. *Electric Power Generators, Transmitters, and Distributors*. The U.S. Census Bureau defines the utilities sector industry as comprised of “establishments, primarily engaged in generating, transmitting, and/or distributing electric power. Establishments in this industry group may perform one or more of the following activities: (1) operate generation facilities that produce electric energy; (2) operate transmission systems that convey the electricity from the generation facility to the distribution system; and (3) operate distribution systems that convey electric power received from the generation facility or the transmission system to the final consumer.” This industry group is categorized based on fuel source and includes Hydroelectric Power Generation, Fossil Fuel Electric Power Generation, Nuclear Electric Power Generation, Solar Electric Power Generation, Wind Electric Power Generation, Geothermal Electric Power Generation, Biomass Electric Power Generation, Other Electric Power Generation, Electric Bulk Power Transmission and Control and Electric Power Distribution.

122. The SBA has established a small business size standard for each of these

groups based on the number of employees which ranges from having fewer than 250 employees to having fewer than 1,000 employees. U.S. Census Bureau data for 2017 indicate that for the Electric Power Generation, Transmission and Distribution industry there were 1,693 firms that operated in this industry for the entire year. Of this number, 1,552 firms had less than 250 employees. Based on this data and the associated SBA size standards, the majority of firms in this industry can be considered small entities.

D. Description of Economic Impact and Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

123. The RFA directs agencies to describe the economic impact of proposed rules on small entities, as well as projected reporting, recordkeeping and other compliance requirements, including an estimate of the classes of small entities which will be subject to the requirements and the type of professional skills necessary for preparation of the report or record.

124. In the Further Notice, we seek comment on ways to further facilitate the approval process for pole attachment applications and make-ready deployment. Some of the matters on which we seek comment may impose new or additional reporting or recordkeeping and/or other compliance obligations on small entities. Specifically, we seek comment on requiring attachers to deploy equipment on poles within 120 days of completion of make-ready work and the potential repercussions against attachers that fail to do so. We also seek comment on whether we should require attachers to make payment on an estimate to a utility within a specific period of time after acceptance and, in particular, utilities’ suggestion that attachers should be required to pay all estimated make-ready costs, in full, within 30 days of the date on which the estimate is accepted by the attacher. If an attacher fails to make any payment within the time frame specified in the rule, the applicable make-ready timeline should be deemed waived. We also ask, more generally, how imposing a timeframe in which an attacher must make payment after acceptance of an estimate can incentivize faster broadband deployment. We also seek comment on limiting the amount that final make-ready costs can exceed the utility’s estimate without receiving prior approval from the attacher, providing some reverse pre-emption states as examples. Additionally, we ask whether

to expand the availability of the OTMR process to include complex survey and make-ready work, rather than continue to limit the process to simple survey and make-ready work. We also ask whether setting a deadline for utilities to complete the on-boarding process for a contractor would improve the viability of the self-help remedy in the Commission’s rules. Finally, as neither Section 224 nor the Commission’s implementing rules define the term “pole” and in response to CTIA’s petition for a declaratory ruling on the matter, we seek comment on whether the Commission should define the term “pole” for purposes of Section 224 of the Act and whether the term should be construed to include light poles. This information will help to inform whether potential rule changes are necessary.

125. At this time, the Commission cannot quantify the cost of compliance for small entities with the approaches discussed in the Further Notice, or whether any compliance requirements will require small entities to hire professionals beyond those necessary to comply with the current rules. The Commission requests information on the costs, benefits, and any cost savings related to the proposed rule changes that may be associated with operational needs such as the availability of qualified contractors and other workforce constraints that may impact the speed and cost of deployment for utilities and attachers.

E. Discussion of Significant Alternatives Considered That Minimize the Significant Economic Impact on Small Entities

126. The RFA directs agencies to provide a description of any significant alternatives to the proposed rules that would accomplish the stated objectives of applicable statutes, and minimize any significant economic impact on small entities. The discussion is required to include alternatives such as: “(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) the use of performance rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities.”

127. The Further Notice seeks comment on whether the Commission should revise its rules to further facilitate the approval process for pole attachment applications and make-ready to enable quicker broadband

deployment, including requiring attachers to deploy equipment on poles within 120 days of completion of make-ready work and the potential repercussions against an attacher that fail to do so. While we ask whether we should impose a fee on those attachers, we alternatively seek comment on whether deployment timeframes and noncompliance fees would be better dealt with in the parties' pole attachment agreements instead of our rules. We also seek comment on whether we should require attachers to make payment on an estimate to a utility within a specific period of time after acceptance and, in particular, utilities' suggestion that we should require attachers make payment within 30 days after acceptance. We alternatively ask whether we should adopt attachers' suggestion that we prohibit utilities from requiring payment upon an attacher's acceptance and instead implement a payment schedule based on make-ready work progress. Additionally, while we seek comment on limiting the amount that final make-ready costs can exceed the utility's estimate without receiving prior approval from the attacher, we ask in the alternative whether such cost-ceilings are better left to private agreement. We further seek comment on whether to expand the availability of the OTMR process to include complex survey and make-ready work, and the obstacles to attachers using OTMR if it were available for complex work. Also, while we seek comment on whether to impose a deadline for utilities to on-board approved contractors, we emphasize that our goals are to understand the overall amount of time actually needed to complete the on-boarding process based on utility procedure and the associated implications for the self-help remedy. Finally, while seeking comment on whether a light pole is a "pole" for purposes of Section 224 of the Act, we consider several alternatives, such as various interpretations of the term "pole" based on its meaning in federal legislation and associated legislative history. The Commission also seeks comment on, and will consider, the relative costs and benefits of any such revisions to its rules. Information submitted in response to these requests for comment will enable the Commission to evaluate the impact that revising its pole attachment rules would have on smaller entities.

F. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

128. None.

V. Ordering Clauses

129. Accordingly, it is ordered pursuant to sections 1–4, 201, 202, 224, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151–54, 201, 202, 224, and 303(r), the Further Notice is adopted.

130. *It is further ordered* that the Commission's Office of the Secretary, shall send a copy of this Further Notice, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2025–16088 Filed 8–21–25; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CG Docket No. 17–169, CC Docket No. 98–170; FCC 25–41; FR ID 308892]

Protecting Consumers From Unauthorized Carrier Changes and Related Unauthorized Charges: Truth-in-Billing and Billing Format

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this Notice of Proposed Rulemaking (NPRM), the Commission seeks comment on whether the current slamming and truth-in-billing rules remain necessary today to protect consumers. The Commission proposes changes to modernize and simplify these rules to reflect the evolution of the telecommunications marketplace, retain core consumer protections against unauthorized carriers switches and charges, and reduce regulatory burdens. The Commission seeks comment on whether the slamming rules remain necessary, and if such rules are necessary, the document proposes to modernize and streamline the current rules consistent with the statutory requirements of section 258 of the Communications Act of 1934, as amended (the Act). The Commission seeks comment on whether the truth-in-billing rules remain necessary and if such rules are necessary, the Commission seeks comment on streamlining them.

DATES: Comments are due on or before September 22, 2025 and reply comments are due on or before October 21, 2025.

ADDRESSES: You may submit comments, identified by CG Docket No. 17–169 and CC Docket No. 98–170, by any of the following methods:

- **Electronic Filers:** Comments may be filed electronically using the internet by accessing the ECFS: <https://www.fcc.gov/ecfs/>.

- **Paper Filers:** Parties who choose to file by paper must file an original and one copy of each filing.

Filings can be sent by commercial courier, or by U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- Hand-delivered or messenger-delivered paper filings (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.

- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street NE, Washington, DC 20554.

- Hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC's mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.

People with Disabilities. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to FCC504@fcc.gov or call the Consumer and Governmental Affairs Bureau at 202–418–0530 (voice).

FOR FURTHER INFORMATION CONTACT: Mika Savir of the Consumer Policy Division, Consumer and Governmental Affairs Bureau, at Mika.Savir@fcc.gov or (202) 418–0384.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking (NPRM), in CG Docket No. 17–169 and CC Docket No. 98–170; FCC 25–41, adopted on July 24, 2025 and released on July 25, 2025. The full text of this document is available online at <https://docs.fcc.gov/public/attachments/FCC-25-41A1.pdf>.

This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules. 47 CFR 1.1200 *et seq.* Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. See 47 CFR 1.1206(b). Other

rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in § 1.1206(b) of the Commission's rules, 47 CFR 1.1206(b).

Initial Paperwork Reduction Act of 1995 Analysis

This document may contain proposed new or modified information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on any information collection requirements contained in this document, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. Pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4), the Commission seeks specific comment on how to further reduce the information collection burden for small business concerns with fewer than 25 employees.

Synopsis

1. In this document, the Commission seeks comment on whether slamming, billing comprehension, and cramming are still such a consumer problem that the Commission should keep the current slamming and truth-in-billing rules. If so, the Commission proposes and seeks comment on modernizing and simplifying the rules while preserving the core consumer protections. The Commission proposes to adopt a unified approach to the slamming and billing rules to favor rules that are clear, enforceable, easy-to-understand and implement, and that do not unnecessarily impede innovation. The existing slamming and billing rules may be outdated due to changes in the telephone service market or technology more generally.

2. The Commission promulgated the slamming rules decades ago when consumers frequently had separate local and interexchange carriers and when slamming was a significant consumer issue. Slamming no longer appears to be a consumer problem, yet the current rules prescribe detailed methods of proving consumer consent to a switch. Are the consumer harms that gave rise to the rules still enough of a problem to justify the rules? Can the Commission eliminate the slamming rules and still enforce section 258's requirement that carriers "submit or execute a change in a subscriber's selection of a provider of telephone exchange service or telephone toll service . . . in accordance with such verification procedures as the Commission shall prescribe."

3. The Commission promulgated the truth-in-billing rules more than a quarter century ago, at a time when confusion about bills and the possibility of third-party scam charges were much more prominent, along with the slamming that the rules made easier to detect. Are the consumer harms that gave rise to the rules still enough of a problem to justify bill regulation? Are consumers protected in other ways that suggest they no longer need federal rules, or at least Commission rules, to protect them? What are the harms of continuing to keep the rules in terms of compliance costs and to innovation in billing and pricing?

4. If the slamming and truth-in-billing rules remain necessary, the Commission seeks comment on proposals to modernize and streamline the rules in order to protect consumers, promote innovation and competition, and avoid imposing unnecessary costs or regulatory burdens on carriers. In addition to the rule language itself, the Commission proposes to consolidate both subjects into a single rule section. Under this proposal, the Commission would consolidate the rules in a single subpart that is titled "Protecting Consumers from Unauthorized Charges and Provider Switches." Would this make compliance easier? Would it help consumers to more easily locate and understand the rules' related protections?

5. Does the Commission's proposed consolidation promote the goal of rules that are clear, enforceable, easy-to-understand and implement, and that do not unnecessarily impede innovation that benefits consumers? Are there other ways the Commission might reorganize the rules to serve the same goals? Are there other rules that could be consolidated into this subsection to further promote these principles? Would a consolidated and streamlined approach better reflect both current market offerings and the way consumers receive communications services? Are there disparate compliance burdens between large and small carriers that necessitate additional rules changes?

6. *Slamming*. If slamming rules are retained, the Commission proposes to modernize and streamline the current rules consistent with the statutory requirements of section 258 of the Communications Act. The Commission proposes to replace the prescriptive rules for verifying consumer switches with a simple requirement that would ensure consumers authorize carrier switches, but also give providers flexibility in how they demonstrate that authorization. The Commission proposes to eliminate the rules related

to Third Party Verification, Letters of Agency, an electronic authorization, and state-enacted verification procedures applicable to intrastate service. The Commission also proposes to eliminate the requirement that providers ensure consumers can stop, or freeze, any attempt to switch their provider. The Commission proposes this because slamming appears to be a waning consumer issue and thus the need for detailed authorization rules no longer appears necessary.

7. In addition, the Commission proposes to delete "Consumer & Governmental Affairs Bureau, for resolution of the complaint" from § 64.1150(b). This language is not necessary because informal complaints are filed with the Commission, generally through its website, and, although the Consumer and Governmental Affairs Bureau traditionally processes such complaints, complaints could be processed elsewhere in the Commission.

8. The Commission also proposes to delete sections 47 CFR 64.1150(e) and 64.1160(e) and replace those sections with a new section 47 CFR 64.1110(c). These two sections consist of identical "Election of forum" language, and the Commission proposes to replace the two subsections with one subsection that contains the same language. The Commission seeks comment on these proposals.

9. The Commission proposes a streamlined rule for proving consent for a carrier change. Specifically, a new rule that states:

No telecommunications carrier shall submit or execute a change on the behalf of a subscriber in the subscriber's selection of a provider of telecommunications service except in accordance with carrier procedures reasonably designed to obtain verification of the consent of the subscriber. No telecommunications carrier may engage in any material misrepresentation to obtain a subscriber's consent to change a provider of telecommunications service. In the event of a dispute, the provider must prove with clear and convincing evidence that it followed its procedures to verify that the switch was authorized and that the provider did not engage in any material misrepresentation to obtain such consent. Nothing in this section shall preclude any state commission from enforcing these procedures with respect to intrastate services.

10. In sum, the Commission proposes to replace 47 CFR 64.1120's five subsections and § 64.1130 with a single paragraph that prohibits a carrier from submitting or executing a provider change without proper authorization and states the clear and convincing strict evidentiary standard providers must meet, while maintaining the important requirement for consumer

authorization and the prohibition against misrepresentation.

11. Does the Commission's proposal achieve the goals of modernizing the rules while preserving consumer protection against unauthorized switches? Commenters opposing the proposed elimination of the verification rules should explain how such rules remain relevant and useful. Does the misrepresentation prohibition offer sufficient protection for consumers so that the comprehensive verification rules are unnecessary? Do the current rules deter consumers who continue to subscribe to separate local and long distance landline service from switching from one preferred carrier to another? Would the proposed rule curtail current marketplace practices that benefit consumers?

12. *Truth-in-Billing.* The Commission stated that if the billing rules remain necessary, the rules should be modernized and simplified. The Commission designed the rules to help consumers understand their bills and to deter slamming and cramming. These consumer harms appear to no longer be a significant consumer issue, yet the rules' complexity may inhibit innovative billing structures and impose unnecessary regulatory burdens.

13. The Commission proposes to eliminate the requirements that bills contain a separate section for third party charges, that bills contain specific contact information, and that providers offering subscribers the option to block third-party charges must notify subscribers of this option and prominently disclose that to consumers on each telephone bill and at the point-of-sale and on carrier websites. The Commission also proposes to eliminate the "purpose" section of the rules as unnecessary. The Commission further proposes to eliminate the requirements in § 64.2401(a)(2) and (c). The Commission seeks comment on these proposals.

14. The Commission believes that there is no longer a need to maintain third-party billing rules that may stifle innovation and prevent carriers from communicating information in ways that best meet consumer expectations. The Commission seeks comment on this view, along with the burdens that maintaining these rules would impose on carriers.

15. The Commission proposes to revise the rules that prescribe several ways consumers can contact carriers to ask questions about billing. This section includes requirements to prominently display a toll-free telephone number on each paper bill and to provide a physical address upon request by a

consumer. The Commission believes much of consumer contact with carriers has evolved away from the use of toll-free numbers and physical mail, making this rule unnecessary. Moreover, to the extent there remains consumer demand for toll-free numbers, providers are free to include them in bills or other locations, such as on their websites. The Commission seeks comment on this view, including the burdens on providers of keeping these rules.

16. The Commission proposes to retain the core of the billing rules and to streamline them. Specifically, the Commission proposes to simplify the requirements to specify that telephone bills must be clearly organized and contain clear and conspicuous disclosure of any information that the subscriber may need to make inquiries about, or contest, charges on the bill. The bill must also clearly and conspicuously identify any change in service provider, including identification of charges from any new service provider, and the name of the service provider associated with each charge and a brief, clear, non-misleading, plain language description of the service or services rendered. The Commission proposes to retain the existing definition of "clear and conspicuous" as notice that would be apparent to the reasonable consumer. The Commission also proposes to retain the prohibition against unauthorized charges.

17. The Commission seeks comment on these proposals. Would the proposed changes ensure that consumers receive the information they need to understand their bills and protect them from bogus charges? Would the proposed rules give carriers sufficient flexibility in their billing practices to better serve customers, including people with disabilities? Would they give service providers sufficient flexibility in their billing practices to better serve customers? Do the Commission's current rules deter providers from adopting improvements to billing systems for fear that such improvements will not meet requirements of the billing rules? The emergence of Artificial Intelligence (AI)-driven fraud poses threats to consumers in different arenas. Companies across a variety of industries are also increasingly using AI to enhance and automate business practices. How should the emergence of AI inform any changes the Commission adopts for the billing rules? Is there a risk that billing problems, including cramming, will reemerge if the Commission streamlines the rules as proposed? Are there other changes the Commission should consider adopting,

either in addition to or instead of this proposal? The Commission seeks comment on these proposals.

18. Does the existing definition of "clear and conspicuous" provide sufficient clarity for consumers and providers? Alternatively, should the Commission adopt the Federal Trade Commission's (FTC's) definition of clear and conspicuous? The FTC defines clear and conspicuous to be a notice that "is reasonably understandable and designed to call attention to the nature and significance of the information in the notice." The FTC definition also includes subsections defining "reasonably understandable" and "designed to call attention," and explains "notices on websites or within-application messaging." Are there other parts of the FTC rule that the Commission should consider?

19. *Costs and Benefits.* In this document the Commission proposes to consolidate and simplify the slamming and billing rules and remove detailed requirements that may no longer be necessary due to changes in the telecommunications industry and consumer preferences. If the Commission were to adopt these proposals, the rules' essential consumer protections would remain. Further, providers would be granted more flexibility to innovate their processes should they decide to do so.

20. The Commission does not anticipate that the proposed changes would impose any additional cost to consumers, particularly because the proposed rules retain the important prohibitions against misrepresentation and unauthorized charges. The Commission has not received consumer complaints alleging violations of the slamming and billing rules recently, and detailed requirements may no longer be necessary to protect consumers and therefore, it seems unlikely that streamlining these rules as proposed would harm consumers. Further, the Commission does not expect these proposals to increase carrier costs. Carrier practices that satisfy the current rules would comply with the proposed changes. That is, a provider would not need to revise its bills or processes to comply with the proposed changes.

21. Accordingly, the Commission tentatively concludes that the costs associated with the proposed rules are negligible and that the benefits associated with the proposed rules, which would consist of fewer requirements for carriers to follow when providing information on bills and when implementing a carrier change, outweigh the costs. The Commission seeks comment on this tentative

conclusion and more generally on the benefits and costs associated with adopting the proposals set forth in this NPRM. Comments should be accompanied by specific data and analysis supporting claimed costs and benefits.

22. *Legal Authority.* The Commission believes that it has the legal authority to make the changes discussed in this document under sections 201(b) and 258 of the Communications Act. The Commission has based its slamming, cramming, and billing rules on these statutory provisions in the past. Section 201(b) prohibits telecommunications carriers from engaging in unjust and unreasonable practices, which the Commission has found includes both deceptive marketing practices as well as deceptive billing practices. Section 258 prohibits carriers executing a switch unless they do so “in accordance with such verification procedures as the Commission shall prescribe.”

23. The Commission tentatively concludes, for example, that the proposed rule changes, specifically, the proposed revisions to § 64.1120, would establish “verification procedures” consistent with the authority specified in section 258 of the Communications Act. Do commenters agree? Are there other sources of authority on which the Commission could rely to adopt any of the rules discussed in this document?

24. *Initial Regulatory Flexibility Analysis.* As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Federal Communications Commission (Commission) has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the policies and rules proposed in the Notice of Proposed Rulemaking (NPRM) assessing the possible significant economic impact on a substantial number of small entities. The Commission requests written public comments on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments specified on the first page of the NPRM. The Commission will send a copy of the NPRM, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA). In addition, the NPRM and IRFA (or summaries thereof) will be published in the **Federal Register**.

25. *Need for, and Objectives of, the Proposed Rules.* In the NPRM, the Commission proposes to streamline the slamming and Truth-in-Billing (billing) rules. More specifically, the Commission proposes to reduce some of the requirements for carrier change verification under the slamming rules, while keeping the essential parts of these rules for consumer protection. The

streamlining the Commission proposes is appropriate due to evolving technology and consumers’ migration away from traditional local and long distance service and increased adoption of Voice over Internet Protocol (VoIP) service or Commercial Mobile Radio Service (CMRS) as their all-distance sole telephone service. The Commission proposes streamlining the billing rules to eliminate procedures that are no longer needed. Existing rules required providers ensure that consumers’ telephone bills are clearly organized, display the name of each service provider, and contain descriptions of charges that are brief, clear, and non-misleading. Through this proposed streamlining, the Commission seeks continued protection of consumers from unauthorized carrier changes and charges while ensuring the information on their bills is clear so that they can make informed choices.

26. *Legal Basis.* The proposed action is authorized pursuant to sections 1–4, 201(b) and 258 of the Communications Act of 1934, as amended, 47 U.S.C. 151–154, 201(b), 258.

27. *Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply.* The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. The RFA generally defines the term “small entity” as having the same meaning as the terms “small business,” “small organization,” and “small governmental jurisdiction.” In addition, the term “small business” has the same meaning as the term “small business concern” under the Small Business Act.” A “small business concern” is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.

28. *Small Businesses, Small Organizations, Small Governmental Jurisdictions.* The Commission’s actions, over time, may affect small entities that are not easily categorized at present. The Commission therefore describe three broad groups of small entities that could be directly affected by its actions. First, while there are industry specific size standards for small businesses that are used in the regulatory flexibility analysis, in general, a small business is an independent business having fewer than 500 employees. These types of small businesses represent 99.9% of all businesses in the United States, which translates to 34.75 million businesses. Next, “small organizations” are not-for-profit enterprises that are independently

owned and operated and not dominant their field. While the Commission does not have data regarding the number of non-profits that meet that criteria, over 99 percent of nonprofits have fewer than 500 employees. Finally, “small governmental jurisdictions” are defined as cities, counties, towns, townships, villages, school districts, or special districts with populations of less than 50,000. Based on the 2022 U.S. Census of Governments data, the Commission estimates that at least 48,724 out of 90,835 local government jurisdictions have a population of less than 50,000.

29. *Local Exchange Carriers (LECs).* Neither the Commission nor the SBA has developed a size standard for small businesses specifically applicable to local exchange services. Providers of these services include both incumbent and competitive local exchange service providers. Wired Telecommunications Carriers is the closest industry with an SBA small business size standard. Wired Telecommunications Carriers are also referred to as wireline carriers or fixed local service providers. The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms that operated in this industry for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 4,590 providers that reported they were fixed local exchange service providers. Of these providers, the Commission estimates that 4,146 providers have 1,500 or fewer employees. Consequently, using the SBA’s small business size standard, most of these providers can be considered small entities.

30. *Incumbent Local Exchange Carriers (Incumbent LECs).* Neither the Commission nor the SBA have developed a small business size standard specifically for incumbent local exchange carriers. Wired Telecommunications Carriers is the closest industry with an SBA small business size standard. The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms in this industry that operated for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of

December 31, 2021, there were 1,212 providers that reported they were incumbent local exchange service providers. Of these providers, the Commission estimates that 916 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, the Commission estimates that the majority of incumbent local exchange carriers can be considered small entities.

31. *Competitive Local Exchange Carriers (CLECs)*. Neither the Commission nor the SBA has developed a size standard for small businesses specifically applicable to local exchange services. Providers of these services include several types of competitive local exchange service providers. Wired Telecommunications Carriers is the closest industry with a SBA small business size standard. The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms that operated in this industry for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 3,378 providers that reported they were competitive local service providers. Of these providers, the Commission estimates that 3,230 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

32. *Interexchange Carriers (IXCs)*. Neither the Commission nor the SBA have developed a small business size standard specifically for Interexchange Carriers. Wired Telecommunications Carriers is the closest industry with a SBA small business size standard. The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms that operated in this industry for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 127 providers that reported they were engaged in the provision of interexchange services. Of these providers, the Commission estimates that 109 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, the

Commission estimates that the majority of providers in this industry can be considered small entities.

33. *Local Resellers*. Neither the Commission nor the SBA have developed a small business size standard specifically for Local Resellers. Telecommunications Resellers is the closest industry with a SBA small business size standard. The Telecommunications Resellers industry comprises establishments engaged in purchasing access and network capacity from owners and operators of telecommunications networks and reselling wired and wireless telecommunications services (except satellite) to businesses and households. Establishments in this industry resell telecommunications; they do not operate transmission facilities and infrastructure. Mobile virtual network operators (MVNOs) are included in this industry. The SBA small business size standard for Telecommunications Resellers classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that 1,386 firms in this industry provided resale services for the entire year. Of that number, 1,375 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 207 providers that reported they were engaged in the provision of local resale services. Of these providers, the Commission estimates that 202 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

34. *Toll Resellers*. Neither the Commission nor the SBA have developed a small business size standard specifically for Toll Resellers. Telecommunications Resellers is the closest industry with a SBA small business size standard. The Telecommunications Resellers industry comprises establishments engaged in purchasing access and network capacity from owners and operators of telecommunications networks and reselling wired and wireless telecommunications services (except satellite) to businesses and households. Establishments in this industry resell telecommunications; they do not operate transmission facilities and infrastructure. Mobile virtual network operators (MVNOs) are included in this industry. The SBA small business size standard for Telecommunications Resellers classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that

1,386 firms in this industry provided resale services for the entire year. Of that number, 1,375 firms operated with fewer than 250 employees.

Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 457 providers that reported they were engaged in the provision of toll services. Of these providers, the Commission estimates that 438 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

35. *Other Toll Carriers*. Neither the Commission nor the SBA has developed a definition for small businesses specifically applicable to Other Toll Carriers. This category includes toll carriers that do not fall within the categories of interexchange carriers, operator service providers, prepaid calling card providers, satellite service carriers, or toll resellers. Wired Telecommunications Carriers is the closest industry with a SBA small business size standard. The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms in this industry that operated for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 90 providers that reported they were engaged in the provision of other toll services. Of these providers, the Commission estimates that 87 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

36. *Wireless Telecommunications Carriers (except Satellite)*. This industry comprises establishments engaged in operating and maintaining switching and transmission facilities to provide communications via the airwaves. Establishments in this industry have spectrum licenses and provide services using that spectrum, such as cellular services, paging services, wireless internet access, and wireless video services. The SBA size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms in this industry that operated for the entire year. Of that number, 2,837 firms employed fewer than 250 employees. Additionally,

based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 594 providers that reported they were engaged in the provision of wireless services. Of these providers, the Commission estimates that 511 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

37. *Satellite Telecommunications.* This industry comprises firms "primarily engaged in providing telecommunications services to other establishments in the telecommunications and broadcasting industries by forwarding and receiving communications signals via a system of satellites or reselling satellite telecommunications." Satellite telecommunications service providers include satellite and earth station operators. The SBA small business size standard for this industry classifies a business with \$44 million or less in annual receipts as small. U.S. Census Bureau data for 2017 show that 275 firms in this industry operated for the entire year. Of this number, 242 firms had revenue of less than \$25 million. Consequently, using the SBA's small business size standard most satellite telecommunications service providers can be considered small entities. The Commission notes however, that the SBA's revenue small business size standard is applicable to a broad scope of satellite telecommunications providers included in the U.S. Census Bureau's Satellite Telecommunications industry definition. Additionally, the Commission neither requests nor collects annual revenue information from satellite telecommunications providers, and is therefore unable to more accurately estimate the number of satellite telecommunications providers that would be classified as a small business under the SBA size standard.

38. *All Other Telecommunications.* This industry is comprised of establishments primarily engaged in providing specialized telecommunications services, such as satellite tracking, communications telemetry, and radar station operation. This industry also includes establishments primarily engaged in providing satellite terminal stations and associated facilities connected with one or more terrestrial systems and capable of transmitting telecommunications to, and receiving telecommunications from, satellite systems. Providers of internet services (e.g. dial-up ISPs) or Voice over Internet Protocol (VoIP) services, via client-supplied telecommunications

connections are also included in this industry. The SBA small business size standard for this industry classifies firms with annual receipts of \$40 million or less as small. U.S. Census Bureau data for 2017 show that there were 1,079 firms in this industry that operated for the entire year. Of those firms, 1,039 had revenue of less than \$25 million. Based on this data, the Commission estimates that the majority of "All Other Telecommunications" firms can be considered small.

39. *Wired Telecommunications Carriers.* The U.S. Census Bureau defines this industry as establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired communications networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services, wired (cable) audio and video programming distribution, and wired broadband internet services. By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry. Wired Telecommunications Carriers are also referred to as wireline carriers or fixed local service providers.

40. The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms that operated in this industry for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 4,590 providers that reported they were engaged in the provision of fixed local services. Of these providers, the Commission estimates that 4,146 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

41. *Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities.* The NPRM includes proposals to streamline the Commission's rules. The proposals do not impose any additional burdens on small entities;

instead, the proposed rules, if adopted, would permit small entities more flexibility and fewer requirements when effecting a carrier change or billing a customer for telecommunications services.

42. *Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered.* The RFA directs agencies to provide a description of any significant alternatives to the proposed rules that would accomplish the stated objectives of applicable statutes, and minimize any significant economic impact on small entities. The discussion is required to include alternatives such as: "(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) the use of performance rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities."

43. In the document, the Commission is proposing to reduce regulatory burdens on all carriers, including small entities. The Commission is proposing to streamline the slamming and billing rules for all carriers; however, providers would still be in compliance with the rules if they followed the existing rules instead of the proposed streamlined rules. The Commission seeks comment on whether there are additional regulatory reforms that are needed to address disparate compliance burdens between large and small carriers with respect to the existing rules.

44. *Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules.*

None.

List of Subjects in 47 CFR Part 64

Communications common carriers, Reporting and recordkeeping requirements, Telecommunications, Telephone.

Federal Communications Commission.

Marlene Dortch,
Secretary.

Proposed Rules

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 64 to read as follows:

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

■ 1. The Authority citation for Part 64 continues to read as follows:

Authority: 47 U.S.C. 151, 152, 154, 201, 202, 217, 218, 220, 222, 225, 226, 227, 227b, 228, 251(a), 251(e), 254(k), 255, 262, 276, 403(b)(2)(B), (c), 616, 620, 716, 1401–1473, unless otherwise noted; Pub. L. 115–141, Div. P, sec. 503, 132 Stat. 348, 1091; Pub. L. 117–338, 136 Stat. 6156.

■ 2. Amend the title by revising Subpart K to read as follows:

Subpart K—Protecting Consumers From Unauthorized Charges and Provider Switches

* * * * *

§ 64.1110 State notification of election to administer FCC rules.

■ 3. Amend § 64.1110 by adding a new paragraph (c) to read as follows:

(c) The Federal Communications Commission will not adjudicate a complaint filed pursuant to §§ 1.719 or §§ 1.720–1.740 of this chapter, involving an alleged unauthorized change, as defined by § 64.1100(e), while a complaint based on the same set of facts is pending with a state commission.

§ 64.1120 Verification of orders for telecommunications service.

■ 4. Revise § 64.1120 to read as follows:

(a) No telecommunications carrier shall submit or execute a change on the behalf of a subscriber in the subscriber's selection of a provider of telecommunications service except in accordance with carrier procedures reasonably designed to obtain verification of the consent of the subscriber. No telecommunications carrier may engage in any material misrepresentation to obtain a subscriber's consent to change a provider of telecommunications service. In the event of a dispute, the provider must prove with clear and convincing evidence that it followed its procedures to verify that the switch was authorized and that the provider did not engage in any material misrepresentation to obtain such consent. Nothing in this section shall preclude any state commission from enforcing these procedures with respect to intrastate services.

■ 5. Remove § 64.1130.

* * * * *

§ 64.1150 Procedures for resolution of unauthorized changes in preferred carrier.

■ 6. Amend § 64.1150 by revising paragraphs (b) and (d), and removing paragraph (e) to read as follows:

(a) * * *

(b) *Referral of complaint.* Any carrier, executing, authorized, or allegedly unauthorized, that is informed by a subscriber or an executing carrier of an unauthorized carrier change shall direct that subscriber either to the state

commission or, where the state commission has not opted to administer these rules, to the Federal Communications Commission. Carriers shall also inform the subscriber that he or she may contact and seek resolution from the alleged unauthorized carrier and, in addition, may contact the authorized carrier.

(c) * * *

(d) *Proof of verification.* Not more than 30 days after notification of the complaint, or such lesser time as is required by the state commission if a matter is brought before a state commission, the alleged unauthorized carrier shall provide to the relevant government agency a copy of any valid proof of verification of the carrier change. This proof of verification must contain clear and convincing evidence of a valid authorized carrier change, as that term is defined in §§ 64.1120. The relevant governmental agency will determine whether an unauthorized change, as defined by § 64.1100(e), has occurred using such proof and any evidence supplied by the subscriber. Failure by the carrier to respond or provide proof of verification will be presumed to be clear and convincing evidence of a violation.

(e) Remove paragraph (e).

§ 64.1160 Absolution procedures where the subscriber has not paid charges.

■ 7. In § 64.1160 remove paragraph (e), redesignate paragraphs (f) and (g) as paragraphs (e) and (f).

§ 64.1190 Preferred carrier freezes.

■ 8. Amend § 64.1190 by revising (a), (b), (c), (d), (e) and adding paragraphs (c)(1), (c)(2) and (c)(3) to read as follows:

(a) These rules shall apply to all telecommunications common carriers and to all bills containing charges for intrastate or interstate services, except as follows: § 64.1190(c)(2) and (3) shall not apply to providers of Commercial Mobile Radio Service as defined in § 20.9 of this chapter, or to other providers of mobile service as defined in § 20.7 of this chapter, unless the Commission determines otherwise in a further rulemaking.

(b) *Preemptive effect of rules.* The requirements in this subpart are not intended to preempt the adoption or enforcement of consistent truth-in-billing requirements by the states.

(c) *Telephone Billing Requirements.*

(1) Telephone bills shall be clearly organized and must contain clear and conspicuous disclosure of any information that the subscriber may need to make inquiries about, or contest, charges on the bill.

(2) Telephone bills must clearly and conspicuously identify any change in

service provider, including identification of charges from any new service provider.

(3) Charges contained on telephone bills must be accompanied by a brief, clear, non-misleading, plain language description of the service or services rendered, and the name of the service provider associated with each charge. The description must be sufficiently clear in presentation and specific enough in content so that customers can accurately assess that the services for which they are billed correspond to those that they have requested and received, and that the costs assessed for those services conform to their understanding of the price charged.

(d) *Definition of clear and conspicuous.* For purposes of this section, “clear and conspicuous” means notice that would be apparent to the reasonable consumer.

(e) *Prohibition against unauthorized charges.* Carriers shall not place or cause to be placed on any telephone bill charges that have not been authorized by the subscriber.

■ 9. Remove § 64.2400.

■ 10. Remove § 64.2401.

[FR Doc. 2025–16089 Filed 8–21–25; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 25–722; MB Docket No. 25–243; RM–12006; FR ID 309227]

Radio Broadcasting Services; Enterprise, Utah

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed SSR Communications, Inc., proposing to amend the Table of FM Allotments, by allotting Channel 226C3 at Enterprise, Utah, as the community's second local service and first competing FM local service. Channel 226C3 can be allotted to Enterprise consistent with the minimum distance separation requirements of the Federal Communications Commission (Commission) rules, with a site restriction of 20 kilometers (12.4 miles) north of the community at reference coordinates 37–45–04 NL and 113–46–26 WL.

DATES: Comments must be filed on or before October 6, 2025, and reply comments on or before October 21, 2025.

ADDRESSES: Secretary, Federal Communications Commission, 45 L Street NE, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner as follows: Matthew K. Wesolowski, CEO, SSR Communications, Inc., 740 Highway 49 North, Suite R, Flora, MS 39071.

FOR FURTHER INFORMATION CONTACT: Rolanda F. Smith, Media Bureau, (202) 418–2054, Rolanda-Faye.Smith@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 25–243, adopted August 15, 2025, and released August 15, 2025. The full text of the Commission decision is available online at <https://www.fcc.gov/ecfs>. The full text of this decision can also be downloaded in Word or Portable Document Format (PDF) at <https://www.fcc.gov/edocs>. This document does not contain proposed 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). The Commission will publish the required summary of this notice of proposed rulemaking on <https://www.fcc.gov/proposed-rulemakings>, pursuant to The Providing Accountability Through Transparency Act, *see* 5 U.S.C. 553(b)(4).

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a notice of proposed rulemaking is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. *See* 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, *see* 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

Federal Communications Commission.

Nazifa Sawez,

Assistant Chief, Audio Division, Media Bureau.

Proposed Rules

For the reasons discussed in the preamble, the Federal Communications

Commission proposes to amend 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, amend table 1 to paragraph (b) under Utah by adding in alphabetical order an entry for “Enterprise” to read as follows:

§ 73.202 Table of Allotments.

* * * * *

(b) * * *

TABLE 1 TO PARAGRAPH (b)
[U.S. States]

					Channel No.
*	*	*	*	*	
Utah					
*	*	*	*	*	
Enterprise	.....				226C3
*	*	*	*	*	

[FR Doc. 2025–16078 Filed 8–21–25; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 25–247; RM–12008; DA 25–709; FR ID 309396]

Television Broadcasting Services West Point, Mississippi

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Table of TV Allotments (table) of the Federal Communications Commission's (Commission) rules by substituting channel 26 for channel 16 at West Point, Mississippi in response to a Petition for Rulemaking filed by WLOV License LLC, the licensee of full power television station WLOV–TV, channel 16, West Point, Mississippi. 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 26 for channel 16 in the table will allow Petitioner to transition from STA to permanent, licensed operation.

DATES: Comments must be filed on or before September 22, 2025 and reply comments on or before October 6, 2025.

ADDRESSES: Federal Communications Commission, Office of the Secretary, 45 L Street NE, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve counsel for the Petitioner as follows: Daniel Kirkpatrick, Baker & Hostetler LLP, 1050 Connecticut Avenue NW, Suite 1100, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Emily Harrison, Media Bureau, at Emily.Harrison@fcc.gov, (202) 418–1665, or Mark Colombo, Media Bureau, at Mark.Colombo@fcc.gov, (202) 418–7611.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rulemaking*, MB Docket No. 25–247; RM–12008; DA 25–709, adopted August 11, 2025, and released August 11, 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.

Members of the public should note that all *ex parte* contacts are prohibited from the time a notice of proposed rulemaking is issued to the time the matter is no longer subject to Commission consideration or court review, *see* 47 CFR 1.1208. There are, however, exceptions to this prohibition, which can be found in § 1.1204(a) of the Commission's rules, 47 CFR 1.1204(a).

See §§ 1.415 and 1.420 of the Commission's rules for information regarding the proper filing procedures for comments, 47 CFR 1.415 and 1.420.

Providing Accountability Through Transparency Act: The Providing Accountability Through Transparency Act, Public Law 118–9, requires each agency, in providing notice of a rulemaking, to post online a brief plain-language summary of the proposed rule. The required summary of this notice of proposed rulemaking is available at <https://www.fcc.gov/proposed-rulemakings>.

List of Subjects in 47 CFR Part 73

Television.

Federal Communications Commission.
Thomas Horan,
Chief of Staff, Media Bureau.

Proposed Rule

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 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 Mississippi, revise the entry for “West Point” to read as follows:

§ 73.622 Digital television table of allotments.

* * * * *

(j) * * *

Community	Channel No.
* * *	*
Mississippi	
* * *	*
West Point	26
* * *	*

* * * * *

[FR Doc. 2025–16162 Filed 8–21–25; 8:45 am]
BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 25–246; RM–12007; DA 25–708; FR ID 309395]

Television Broadcasting Services Fort Bragg and Cloverdale, California

AGENCY: Federal Communications Commission.
ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Table of TV Allotments (table) of the Federal Communications Commission’s (Commission) rules by deleting channel 8 at Fort Bragg, California and reallocating channel 8 from Fort Bragg to Cloverdale, California in response to a Petition for Rulemaking filed by One Ministries, Inc., the licensee of KQSL(TV) (KQSL), channel 8, Fort Bragg, California. The staff engineering analysis finds that the

proposal is in compliance with the Commission’s principal community coverage and technical requirements. One Ministries, Inc. also requested modification of its license to specify Cloverdale as its community of license.

DATES: Comments must be filed on or before September 22, 2025 and reply comments on or before October 6, 2025.

ADDRESSES: Federal Communications Commission, Office of the Secretary, 45 L Street NE, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve counsel for the Petitioner as follows: Ari Meltzer, Wiley Rein LLP, 2050 M Street NW, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Emily Harrison, Media Bureau, at Emily.Harrison@fcc.gov, (202) 418–1665, or Mark Colombo, Media Bureau, at Mark.Colombo@fcc.gov, (202) 418–7611.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission’s *Notice of Proposed Rulemaking*, MB Docket No. 25–246; RM–12007; DA 25–708, adopted August 11, 2025, and released August 11, 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.

Members of the public should note that all *ex parte* contacts are prohibited from the time a notice of proposed rulemaking is issued to the time the matter is no longer subject to Commission consideration or court review, *see* 47 CFR 1.1208. There are, however, exceptions to this prohibition, which can be found in § 1.1204(a) of the Commission’s rules, 47 CFR 1.1204(a).

See §§ 1.415 and 1.420 of the Commission’s rules for information regarding the proper filing procedures for comments, 47 CFR 1.415 and 1.420.

Providing Accountability Through Transparency Act: The Providing Accountability Through Transparency Act, Public Law 118–9, requires each agency, in providing notice of a rulemaking, to post online a brief plain-language summary of the proposed rule. The required summary of this notice of proposed rulemaking is available at

<https://www.fcc.gov/proposed-rulemakings>.

List of Subjects in 47 CFR Part 73
Television.

Federal Communications Commission.
Thomas Horan,
Chief of Staff, Media Bureau.

Proposed Rule

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 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 California, revise the entry for “Fort Bragg” and add an entry in alphabetical order for “Cloverdale” to read as follows:

§ 73.622 Digital television table of allotments.

* * * * *

(j) * * *

Community	Channel No.
* * *	*
California	
* * *	*
Cloverdale	8
* * *	*
Fort Bragg	*4
* * *	*

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 250813–0137]

RIN 0648–BN53

Atlantic Highly Migratory Species; Prohibit Retention of Mobulid Rays in Fisheries for Atlantic Highly Migratory Species

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS is proposing changes to regulations to implement the binding International Commission for the Conservation of Atlantic Tunas (ICCAT) Recommendation 24–12 on mobulid rays of the family Mobulidae, which was adopted in 2024. Specifically, NMFS is proposing to prohibit retention of mobulid rays in fisheries for Atlantic highly migratory species (HMS), to require mobulid rays to be released unharmed in HMS fisheries, and to implement mobulid ray handling practices for vessels fishing with pelagic longline gear.

DATES: Written comments must be received by September 22, 2025. NMFS will hold a public hearing webinar on September 18, 2025, from 1 p.m. to 3 p.m. ET. For additional details on the public hearing, see the **SUPPLEMENTARY INFORMATION** section of this document.

ADDRESSES: A plain language summary of this proposed rule is available at <https://www.regulations.gov/docket/NOAA-NMFS-2025-0015>. You may submit comments on this document, identified by NOAA–NMFS–2025–0015, by electronic submission. Submit all electronic public comments via the Federal e-Rulemaking Portal. Visit <https://www.regulations.gov> and type “NOAA–NMFS–2025–0015” in the Search box. Click on the “Comment” icon, complete the required fields, and enter or attach your comments.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on <https://www.regulations.gov> without change. All personal identifying information (*e.g.*, name, address, *etc.*), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous).

Additional information related to this proposed rule, including electronic copies of the supporting documents are available from the HMS Management Division website at <https://www.fisheries.noaa.gov/action/comments-requested-proposed-rule-prohibit-retention-mobulid-rays-atlantic-highly-migratory> or by contacting Carrie Soltanoff at

carrie.soltanoff@noaa.gov or by phone at 301–427–8503.

FOR FURTHER INFORMATION CONTACT: Carrie Soltanoff at carrie.soltanoff@noaa.gov, or by phone at 301–427–8503.

SUPPLEMENTARY INFORMATION: Federal Atlantic HMS fisheries (tunas, billfish, swordfish, and sharks) are managed under the 2006 Consolidated HMS Fishery Management Plan (HMS FMP) and its amendments, pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*) and consistent with the Atlantic Tunas Convention Act (ATCA; 16 U.S.C. 971 *et seq.*). HMS are defined at section 3(21) of the Magnuson-Stevens Act (see 16 U.S.C. 1802(21)) and the provisions for their management are at section 304(g)(1) (see 16 U.S.C. 1854(g)(1)). ATCA is the implementing statute for binding recommendations of ICCAT. HMS implementing regulations are at 50 CFR part 635.

NMFS has prepared a draft Environmental Assessment (EA), Regulatory Impact Review (RIR), and an Initial Regulatory Flexibility Analysis (IRFA), which present the alternatives considered for this proposed rule and analyze their anticipated environmental, social, and economic impacts. A brief summary of background information and the alternatives considered is provided below. Additional information regarding this action and HMS management overall can be found in the draft EA/RIR/IRFA, the HMS FMP and its amendments, the annual HMS Stock Assessment and Fishery Evaluation Reports, and online at <https://www.fisheries.noaa.gov/topic/atlantic-highly-migratory-species>.

Statutory Authority

Under section 971d(c)(1)(A) of ATCA, NMFS must promulgate such regulations as may be necessary and appropriate to carry out binding recommendations of ICCAT. Further, regulations promulgated shall, to the extent practicable, be consistent with FMPs prepared and implemented under the Magnuson-Stevens Act (see section 971d(c)(1)(C)). Additionally, the Magnuson-Stevens Act requires measures in an FMP such as the HMS FMP to be consistent with regulations implementing recommendations by international organizations, as well as the National Standards (see section 303(a)(1)(C) or 16 U.S.C. 1853(a)(1)(C)). National Standard 9 requires that conservation and management measures shall, to the extent practicable: (A) minimize bycatch (as defined at 16 U.S.C. 1802(2)); and, (B) to the extent

bycatch cannot be avoided, minimize the mortality of such bycatch (see section 301(a)(9) or 16 U.S.C. 1851(a)(9)). Section 305(d) provides for the promulgation of such regulations as may be necessary to implement an FMP such as the HMS FMP, and would help ensure that the HMS FMP is implemented consistently with the ICCAT recommendation, as well as National Standard 9 (see section 305(d) or 16 U.S.C. 1855(d)).

Background

This section provides a brief overview of domestic and international management measures for mobulid rays (family Mobulidae) in the Atlantic, as well as the current operational practices of HMS fisheries in relation to mobulid rays. There are currently no regulations at 50 CFR part 635 concerning mobulid rays, nor are there any measures described in the HMS FMP or its amendments. The FMP for the Exclusive Economic Zone (EEZ) around Puerto Rico lists one species of mobulid ray, the giant manta ray (*Mobula birostris*), as a prohibited species (87 FR 56204, September 13, 2022; see 50 CFR 622.438(f)). The harvest of mobulid rays is not managed under any other FMPs in the U.S. Atlantic, including in the Gulf or Caribbean.

In HMS fisheries, mobulid rays are bycatch and are not targeted or retained. NMFS does not have records of sales of mobulid rays from HMS fisheries. Interaction rates of HMS fisheries with mobulid rays are low. While there are no regulatory requirements specific to mobulid rays in HMS fisheries, HMS fisheries are subject to a number of requirements on bycatch mitigation and safe handling and release of other bycatch species (see for example, requirements for all HMS gears at § 635.21(a)(1) and (2), pelagic longline sea turtle bycatch mitigation measures at § 635.21(c)(5) and shark bycatch mitigation measures at § 635.21(c)(6), and bottom longline bycatch mitigation measures at § 635.21(d)(2)).

The giant manta ray is listed as threatened under the Endangered Species Act (ESA; 83 FR 2916, January 22, 2018; 88 FR 81351, November 22, 2023). In recognition of the ESA listing, NMFS developed recommended giant manta ray handling and release procedures (https://media.fisheries.noaa.gov/dam-migration/manta_hms_placard_2020.pdf). These procedures were distributed to HMS fishermen per the Terms and Conditions of 2020 Biological Opinions for HMS fisheries. A Draft Recovery Plan, a Draft Recovery Implementation Strategy, and a Recovery Status Review for giant manta

ray were released in 2024 (<https://www.fisheries.noaa.gov/species/giant-manta-ray/conservation-management>). Under the Draft Recovery Plan, recovery actions include: through international coordination and collaboration with relevant international organizations, such as Regional Fishery Management Organizations (RFMOs), eliminate target fisheries and minimize fisheries bycatch and mortality of giant manta rays; improve species-specific monitoring and reporting of giant manta rays in commercial and artisanal fisheries by RFMOs and individual countries to improve estimates of catch and discards, provide a better understanding of the effects of illegal, unreported, and unregulated fishing, and measure progress towards recovery; and minimize fishing mortality of giant manta rays through effective development, implementation, and enforcement of international and domestic measures such as legislation and regulations.

ICCAT conservation and management measures for mobulid rays were first adopted in 2023 under Recommendation 23–14. However, implementation of that recommendation was delayed pending further scientific advice from ICCAT's Standing Committee on Research and Statistics (SCRS). In 2024, the SCRS advised that the Commission give full effect to the measures in Recommendation 23–14, due to factors including life history traits of mobulid rays such as low productivity and slow growth; known interactions between mobulids and fisheries, including purse seine fisheries and, to a lesser extent, longline fisheries; incomplete fisheries data; and poor species identification.

In 2024, ICCAT adopted Recommendation 24–12 on mobulid rays. This recommendation replaced Recommendation 23–14 and has identical provisions to the previous recommendation with the addition of a reference to Recommendation 19–01. Recommendation 24–12 requires, among other things, that the United States and other ICCAT parties prohibit retaining on board, transshipping, landing, or storing any part or whole carcass of all species of mobulid rays (family Mobulidae) as listed in Recommendation 19–01 and taken in the Convention area in association with ICCAT fisheries. Further, Recommendation 24–12 requires that vessels promptly release unharmed, to the extent practicable, mobulid rays as soon as they are seen in the net, on the hook, or at the vessel, in a manner that shall result in the least possible harm to the individual. Recommendation 24–12

also encourages implementation of best handling practices for the safe release of mobulid rays. For longline gear, suggested handling practices include to leave the animal in the water, to use a de-hooker to remove the hook or a long-handled line cutter to cut the gear as close to the hook as possible, and not to gaff, drag, carry, lift or pull a ray by its “cephalic lobes” or tail or by inserting hooks or hands into the gill slits or the spiracles.

Of the species of mobulid rays in the family Mobulidae, HMS fisheries are most likely to interact with the following five species: *Mobula birostris*, *M. hypostoma*, *M. mobular*, *M. tarapacana*, and *M. thurstoni*. Recommendation 19–01, referenced in Recommendation 24–12, lists the following seven species of mobulid rays as relevant to ICCAT: *Manta alfredi* (reef manta ray), *Manta birostris* (giant manta ray), *Mobula hypostoma* (lesser, or pygmy, devil ray), *M. japonica*, *M. mobular* (devil fish or spinetail devil ray), *M. tarapacana* (Chilean, or sicklefin, devil ray), and *M. thurstoni* (smoothtail mobula or bentfin devil ray). Subsequent to adoption of Recommendation 19–01 and as detailed in a 2024 SCRS paper (https://www.iccat.int/Documents/CVSP/CV081_2024/n_9/CV08109098.pdf), *Manta alfredi* and *Manta birostris* became recognized as belonging to the genus *Mobula*. *M. japonica* is now considered to be the same species as *M. mobular*. *M. alfredi* occurs in the Pacific, with some studies indicating the species may have been reported in the eastern Atlantic Ocean and thus highly unlikely to interact with HMS fisheries. Therefore, HMS fisheries are most likely to interact with five species of mobulid rays. The 2024 SCRS paper notes that the taxonomy of mobulid rays is still somewhat uncertain, as evidenced by these recent changes, and any management measures should be established at the family level (*i.e.*, Mobulidae) to alleviate potential future problems with management or enforcement if there are further taxonomic revisions.

Proposed Measures

Consistent with ICCAT Recommendation 24–12, NMFS is proposing to prohibit retention of mobulid rays of the family Mobulidae in HMS fisheries, to require mobulid rays to be released unharmed in HMS fisheries, and to implement mobulid ray handling practices for vessels fishing with pelagic longline gear. These proposed measures would also be consistent with National Standard 9, and for giant manta rays, the ESA Draft

Recovery Plan, Draft Recovery Implementation Strategy, and recommended handling and release procedures that have already been distributed to HMS fisheries. As described below, NMFS considered three alternatives on retention of mobulid rays and three alternatives on handling and release practices for mobulid rays. These alternatives included both no action and the preferred alternatives. The purpose of this action is to protect mobulid rays and minimize their bycatch and bycatch mortality to the extent practicable in HMS fisheries.

Prohibition on Retention of Mobulid Rays

NMFS is proposing, under preferred Alternative A3, to prohibit retention of mobulid rays in all HMS fisheries. Vessels issued, or which should have been issued, any HMS permit, commercial or recreational, would be prohibited from retaining, transshipping, landing, or storing any parts or whole carcasses of mobulid rays. Persons would be prohibited from selling or purchasing any mobulid ray, a whole carcass or part thereof, that was caught by a vessel issued or required to be issued a permit for HMS.

This alternative would implement Recommendation 24–12, prohibiting retention of mobulid rays taken in association with ICCAT fisheries. Fisheries for tunas and tuna-like species (*i.e.*, swordfish and billfish) are considered to be ICCAT fisheries. This alternative would additionally prohibit retention of mobulid rays in fisheries for sharks. While fisheries for sharks are not ICCAT fisheries for tunas and tuna-like species, application of the measures for shark fisheries would ensure consistent application, facilitate effective implementation, and provide clarity for the regulated community and for enforcement purposes. Applying this requirement in all HMS fisheries would further implement measures in the HMS FMP consistent with the National Standards (specifically National Standard 9 here) and regulations implementing recommendations by international organizations, as required under the Magnuson-Stevens Act. Similarly, implementing a prohibition on sale or purchase of mobulid rays in addition to prohibiting their retention would facilitate effective implementation and provide clarity for the regulated community and for enforcement purposes.

Under this alternative, researchers conducting research on mobulid rays would need an exempted fishing permit or related permit (*e.g.*, scientific

research permit, display permit) consistent with the regulations at § 635.32 exempting them from the mobulid ray regulations when conducting research on any HMS-permitted fishing vessel. Researchers who interact with giant manta rays would continue to need to consult with the NMFS Office of Protected Resources for any additional authorizations required under the ESA.

Handling and Release Practices for Mobulid Rays

NMFS is proposing, under preferred Alternative B2, to require vessels issued, or which should have been issued, any HMS permit to release unharmed, to the extent practicable, mobulid rays as soon as they are seen on the hook or at the vessel (with additional requirements for pelagic longline vessels as described under Alternative B3). This alternative would implement Recommendation 24–12, requiring vessels to promptly release mobulid rays unharmed, to the extent practicable. Application of this requirement in all HMS fisheries, rather than only ICCAT fisheries for tunas and tuna-like species, would ensure consistent application, facilitate effective implementation, and provide clarity for the regulated community and for enforcement purposes.

In addition, this alternative would align HMS fishery requirements with the giant manta ray handling and release procedures recommended after the ESA listing which state that giant manta rays should be released in a manner that will promote their survival after any fishery interaction (https://media.fisheries.noaa.gov/dam-migration/manta_hms_placard_2020.pdf). As Alternative B2 would apply this requirement to all mobulid rays, this alternative would also avoid any differing requirement among species of mobulid rays that could lead to mishandling of giant manta rays due to misidentification. The 2024 Recovery Status Review for Giant Manta Ray describes a high rate of misidentification between giant manta rays and other mobulid rays.

NMFS is also proposing, under preferred Alternative B3, to require vessels issued, or which should have been issued, an HMS permit and fishing with pelagic longline gear to release, as safely as practicable, any hooked or entangled mobulid rays using dehookers or line clippers or cutters. If using a line clipper or cutter, the gangion would be required to be cut so that less than 3 feet (91.4 centimeters (cm)) of line remains attached to the hook. Handling requirements would also state that mobulid rays must be left in the water, and no mobulid ray may be gaffed.

This alternative would implement the suggested best handling practices for the safe release of mobulid rays in Recommendation 24–12. In addition, similar to Alternative B2, this alternative would align HMS fisheries with aspects of the recommended giant manta ray handling and release procedures. As Alternative B3 would apply this requirement to all mobulid rays, this alternative would also avoid any differing requirement among species of mobulid rays that could lead to mishandling of giant manta rays due to misidentification. Further, requiring mobulid rays to be dehooked or cut off with a limited amount of line would facilitate the ability of NMFS observers and vessel captains or crew to identify and report which species of mobulid ray was involved in the interaction. The requirement to cut the gangion so that less than 3 feet of line remains attached to the hook would be consistent with handling and release requirements for shark bycatch on pelagic longline gear (see § 635.21(c)(6)(i)).

Other Alternatives Analyzed

In addition to the proposed measures described above, in the EA for this action, NMFS analyzed two no action alternatives (Alternatives A1 and B1) that would maintain the status quo in HMS fisheries. NMFS does not prefer the no action alternatives because they do not meet the objectives of the rule. The EA for this action also describes the impacts of one other alternative. Alternative A2 would prohibit retention of mobulid rays in fisheries for tunas and tuna-like species. NMFS does not prefer Alternative A2 because, while it would implement Recommendation 24–12, application of this measure in some HMS fisheries and not others (*i.e.*, fisheries for sharks) could lead to issues related to inconsistent application, complicate implementation, and cause confusion or complications for the regulated community and for enforcement purposes.

Request for Comments

NMFS is requesting comments on this proposed rule, which may be submitted via <https://www.regulations.gov> or at a public hearing. NMFS solicits comments on this action by September 22, 2025 (see **DATES and ADDRESSES** sections).

During the comment period, NMFS will hold a public hearing via webinar for this proposed action on September 18, 2025, from 1 p.m. to 3 p.m. ET. Further information on how to attend the webinar can be found at <https://www.fisheries.noaa.gov/action/comments-requested-proposed-rule>.

prohibit-retention-mobulid-rays-atlantic-highly-migratory. Requests for sign language interpretation or other auxiliary aids should be directed to Carrie Soltanoff at carrie.soltanoff@noaa.gov or 301–427–8503, at least 7 days prior to the meeting. In addition, any requests for in-person public hearings during the comment period should be directed to Carrie Soltanoff.

The public is reminded that NMFS expects participants at the public hearings to conduct themselves appropriately. At the beginning of each public hearing, a representative of NMFS will explain the ground rules (*e.g.*, alcohol is prohibited from the hearing room, attendees will be called to give their comments in the order in which they registered to speak, each attendee will have an equal amount of time to speak, and attendees should not interrupt one another). At the beginning of each webinar, the moderator will explain how the webinar will be conducted and how and when participants can provide comments. The NMFS representative(s) will attempt to structure the webinar so that all attending members of the public will be able to comment, if they so choose, regardless of the controversial nature of the subject(s). Attendees are expected to respect the ground rules, and if they do not, they may not be allowed to speak during the webinar.

Classification

As described in the introduction, NMFS is issuing this proposed rule pursuant to the Atlantic Tunas Convention Act section 971d(c)(1)(A) and the Magnuson-Stevens Act section 305(d). The NMFS Assistant Administrator has determined that this proposed rule is consistent with the HMS FMP and its amendments, other provisions of the Magnuson-Stevens Act and other applicable law, subject to further consideration after public comment.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

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

An IRFA was prepared, as required by section 603 of the Regulatory Flexibility Act (RFA). The IRFA describes the economic impact that this proposed rule, if adopted, would have on small entities. A description of the action, why it is being considered, and the legal basis for this action are contained at the beginning of this section in the preamble and in the **SUMMARY** section of the preamble. A summary of the

analysis follows. A copy of this analysis is available from NMFS (see **ADDRESSES** section).

Section 603(b)(1) requires agencies to describe the reasons why the action is being considered. The purpose of this proposed rulemaking is to protect mobulid rays and minimize their bycatch and bycatch mortality to the extent practicable in HMS fisheries consistent with ICCAT Recommendation 24–12, as well as National Standard 9 of the Magnuson-Stevens Act.

Section 603(b)(2) of the RFA requires agencies to state the objectives of, and legal basis for, the proposed action. The objective of this proposed rulemaking is to implement binding ICCAT Recommendation 24–12, adopted in 2024, which prohibits the retention of mobulid rays in ICCAT fisheries and details best practices for handling and release of mobulid rays. NMFS is issuing this proposed rule pursuant to the Atlantic Tunas Convention Act section 971d(c)(1)(A) and the Magnuson-Stevens Act section 305(d).

Section 603(b)(3) of the RFA requires agencies to provide an estimate of the number of small entities to which the proposed rule would apply. The Small Business Administration (SBA) has established size criteria for all major industry sectors in the United States, including fish harvesters. Provision is made under SBA's regulations for an agency to develop its own industry-specific size standards after consultation with Advocacy and an opportunity for public comment (see 13 CFR 121.903(c)). Under this provision, NMFS may establish size standards that differ from those established by the SBA Office of Size Standards, but only for use by NMFS and only for the purpose of conducting an analysis of economic effects in fulfillment of the agency's obligations under the RFA. To utilize this provision, NMFS must publish such size standards in the **Federal Register**, which NMFS did on December 29, 2015 (80 FR 81194). In that final rule, effective on July 1, 2016, NMFS established a small business size standard of \$11 million in annual gross receipts for all businesses in the commercial fishing industry (North American Industry Classification System (NAICS) code 11411) for RFA compliance purposes. NMFS considers all HMS permit holders to be small entities because they had average annual receipts of less than \$11 million for commercial fishing. SBA has established size standards for all other major industry sectors in the United States, including the scenic and sightseeing transportation (water) sector

(NAICS code 487210, for-hire), which includes charter/party boat entities. SBA has defined a small charter/party boat entity as one with average annual receipts (revenue) of less than \$14 million.

The proposed rule would apply to the permit holders of 164 Swordfish Directed, 63 Swordfish Incidental, 68 Swordfish Handgear, 188 Shark Directed, 221 Shark Incidental, and 223 Atlantic Tunas Longline category limited access permits. The proposed rule would also apply to the permit holders of 4,324 HMS Charter/Headboat permits (with 3,085 shark endorsements) and 2,014 commercial sale endorsements), 3,471 Atlantic Tunas General category and Swordfish General Commercial permits (with 1,709 shark endorsements), 37 Atlantic Tunas Harpoon category permits, 66 Commercial Caribbean Small Boat permits, and 188 Smoothhound Shark permits. This proposed rule would also affect HMS Angling permit holders, but those permit holders are considered individuals and not small entities under RFA. NMFS considers all HMS permit holders, both commercial and for-hire, to be small entities because they have average annual receipts of less than their respective sector's standard of \$11 million and \$14 million. NMFS has determined that the proposed rule would not likely affect any small governmental jurisdictions. More information regarding the description of the fisheries affected, and the categories and number of permit holders can be found in the HMS Stock Assessment and Fishery Evaluation Report.

Section 603(b)(4) of the RFA requires agencies to describe any new reporting, record-keeping, and other compliance requirements. This proposed rule does not contain any new collection of information, reporting, or record-keeping requirements.

Under section 603(b)(5) of the RFA, agencies must identify, to the extent practicable, relevant Federal rules which duplicate, overlap, or conflict with the proposed action. Fishermen, dealers, and managers in these fisheries must comply with a number of international agreements, domestic laws, and other fishery management measures. These include, but are not limited to, the Magnuson-Stevens Act, ATCA, the High Seas Fishing Compliance Act, the Marine Mammal Protection Act, the ESA, the National Environmental Policy Act, the Paperwork Reduction Act, and the Coastal Zone Management Act. This proposed action has been determined not to duplicate, overlap, or conflict with any Federal rules.

Under section 603(c) of the RFA, agencies must describe any significant alternatives to the proposed rule which accomplish the stated objectives of applicable statutes and which minimize any significant economic impact of the proposed rule on small entities. The analysis shall discuss significant alternatives such as: (1) establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) use of performance rather than design standards; and (4) exemptions from coverage of the rule, or any part thereof, for small entities. These categories of alternatives are described at 5 U.S.C. 603(c)(1)-(4). NMFS examined each of these categories of alternatives. Regarding the first, second, and fourth categories, NMFS cannot establish differing compliance or reporting requirements for small entities or exempt small entities from coverage of the rule or parts of it because all of the businesses impacted by this rule are considered small entities and thus the requirements are already designed for small entities. NMFS does not know of any performance or design standards that would satisfy the aforementioned objectives of this rulemaking while, concurrently, complying with ATCA and the Magnuson-Stevens Act. As described below, NMFS analyzed several different alternatives in this proposed rulemaking, and provides rationales for identifying the preferred alternatives to achieve the desired objectives. The alternatives considered and analyzed are described below. The IRFA assumes that each vessel will have similar catch and gross revenues to show the relative impact of the proposed action on vessels.

Under Alternative A1, the No Action alternative, the HMS regulations at 50 CFR part 635 would continue not to address retention of mobulid rays. In HMS fisheries, mobulid rays are bycatch and are not targeted or retained. NMFS does not have records of sales of mobulid rays from HMS fisheries. This would likely indicate neutral economic impacts on small entities participating in HMS fisheries. However, there are potential costs to not implementing binding ICCAT recommendations, including potentially being identified for noncompliance by the ICCAT Compliance Committee and thereby influencing decisions by consumers due to negative public perception, which could result in minor adverse economic

impacts. By contrast, in the future, if small entities permitted in HMS fisheries decide to retain and sell mobulid rays under Alternative A1, that decision could result in revenue that has minor beneficial economic impacts. The impact is likely to be minor since there is a very limited market in the United States. The same potential costs to noncompliance with binding ICCAT recommendations could exist.

Under Alternative A2, NMFS would prohibit retention of mobulid rays in fisheries for tunas and tuna-like species (*i.e.*, swordfish and billfish), which are considered to be ICCAT fisheries. Retention of mobulid rays in fisheries for sharks would not be addressed under this alternative. In HMS fisheries, mobulid rays are bycatch and are not targeted or retained. NMFS does not have records of sales of mobulid rays from HMS fisheries. Therefore, Alternative A2 would likely result in neutral economic impacts on small entities participating in HMS fisheries. However, if small entities permitted to fish for sharks with bottom longline or gillnet decide to retain and sell mobulid rays in the future under Alternative A2, that revenue could result in long-term minor beneficial social and economic impacts, but to a lesser degree than potential revenue in all HMS fisheries under Alternative A1. The impact is likely to be minor since there is a very limited market in the United States.

Under preferred Alternative A3, NMFS would prohibit retention of mobulid rays in all HMS fisheries. In HMS fisheries, mobulid rays are bycatch and are not targeted or retained. NMFS does not have records of sales of mobulid rays from HMS fisheries. Therefore, Alternative A3 would likely result in neutral economic impacts on small entities participating in HMS fisheries.

Under Alternative B1, the No Action alternative, the HMS regulations at 50 CFR part 635 would continue not to address handling practices or release of mobulid rays. Current giant manta ray handling and release procedures under the ESA would remain in place. Alternative B1 would not require any changes to current mobulid rays handling and release practices and, therefore, would likely result in neutral economic impacts on small entities participating in HMS fisheries. However, there are potential costs to not implementing binding ICCAT recommendations, including potentially being identified for noncompliance by the ICCAT Compliance Committee and thereby influencing decisions by consumers due to negative public

perception, which could result in minor adverse economic impacts.

Under preferred Alternative B2, vessels issued any HMS permit would be required to release unharmed, to the extent practicable, mobulid rays as soon as they are seen on the hook or at the vessel (with additional requirements for pelagic longline vessels as described under Alternative B3). In HMS fisheries, mobulid rays are bycatch and are not targeted or retained. NMFS does not have records of sales of mobulid rays from HMS fisheries. Therefore, Alternative B2 would likely result in neutral economic impacts on small entities participating in HMS fisheries.

Under preferred Alternative B3, NMFS would implement handling practices for mobulid rays caught on pelagic longline gear, including requirements to limit trailing line to three feet, to leave mobulid rays in the water, to use a dehooking device, and to not gaff mobulid rays. Currently, pelagic longline fishermen are required to use a dehooking device if a protected species (*e.g.*, sea turtle or marine mammal) is caught, as well as for sharks that will not be retained, but they are not currently required to use a dehooker to release all mobulid rays. While this fishery infrequently interacts with mobulid rays, it is common practice in the pelagic longline fishery to release mobulid rays by cutting the gangion. However, they usually do not cut the gangions so only three feet remains. They are, nevertheless, already required to leave only three feet of trailing line when cutting off a shark that will not be retained. Therefore, Alternative B3 would likely result in short-term minor adverse economic impacts to small entities as fishermen adjust to this new practice. Although this may be an initial issue, NMFS expects that these inefficiencies would be minimal and that fishermen would become adept in using these practices to release mobulid rays over time given they are adept at using similar practices to release sharks and protected species. Thus, Alternative B3 would be expected to have neutral long-term economic impacts.

This proposed rule contains no information collection requirements under the Paperwork Reduction Act of 1995.

List of Subjects in 50 CFR Part 635

Fisheries, Fishing, Fishing vessels, Foreign relations, Imports, Penalties, Reporting and recordkeeping requirements, Statistics, Treaties.

Dated: August 20, 2025.

Samuel D. Rauch III,

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

For the reasons set out in the preamble, NMFS proposes to amend 50 CFR part 635 as follows:

PART 635—ATLANTIC HIGHLY MIGRATORY SPECIES

■ 1. The authority citation for part 635 continues to read as follows:

Authority: 16 U.S.C. 971 *et seq.*; 16 U.S.C. 1801 *et seq.*

■ 2. In § 635.2, add the definition of “mobulid ray” in alphabetical order to read as follows:

§ 635.2 Definitions.

* * * * *

Mobulid ray means any species of ray in the family Mobulidae.

* * * * *

■ 3. In § 635.21, add paragraphs (a)(5) and (c)(7) to read as follows:

§ 635.21 Gear operation and deployment restrictions.

(a) * * *

* * * * *

(5) Any mobulid ray caught by a vessel that has been issued or should have been issued an HMS permit must be released unharmed, to the extent practicable, as soon as it is seen on the hook or at the vessel, except that a vessel with pelagic longline on board must undertake the bycatch mitigation measures described in paragraph (c)(7) of this section.

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(c) * * *

* * * * *

(7) The owner or operator of a vessel permitted or required to be permitted under this part and that has pelagic longline gear on board must, as safely as practicable, release any hooked or entangled mobulid ray using dehookers or line clippers or cutters. If using a line clipper or cutter, the gangion must be cut so that less than three feet (91.4 cm) of line remains attached to the hook. Mobulid rays must be released without removing the ray from the water. No mobulid ray may be gaffed.

* * * * *

■ 4. In § 635.22, add paragraph (g) to read as follows:

§ 635.22 Recreational retention limits.

* * * * *

(g) *Mobulid rays.* No mobulid ray, a whole carcass or part thereof, may be retained, landed, or stored by a vessel

issued or required to be issued a permit for HMS under § 635.4.

* * * * *

■ 5. In § 635.24, add paragraph (d) to read as follows:

§ 635.24 Commercial retention limits for sharks, swordfish, and BAYS tunas.

* * * * *

(d) *Mobulid rays.* No mobulid ray, a whole carcass or part thereof, may be retained, transshipped, landed, or stored by a vessel issued or required to be issued a permit for HMS under § 635.4.

* * * * *

■ 6. In § 635.31, add paragraph (e) to read as follows:

§ 635.31 Restrictions on sale and purchase.

* * * * *

(e) *Mobulid rays.* Persons may not sell or purchase any mobulid ray, a whole carcass or part thereof, that was caught by a vessel issued or required to be issued a permit for HMS under § 635.4.

* * * * *

■ 7. In § 635.71, add paragraphs (a)(63) and (64) to read as follows:

§ 635.71 Prohibitions.

* * * * *

(a) * * *

(63) Retain, transship, land, store, sell, or purchase any mobulid ray, a whole carcass or part thereof, as specified in § 635.21(a)(5), § 635.22(g), § 635.24(d), and § 635.31(e).

(64) Release a mobulid ray with more than 3 feet (91.4 cm) of trailing gear, remove a mobulid ray from the water, or gaff a mobulid ray, as specified in § 635.21(c)(7).

* * * * *

[FR Doc. 2025–16158 Filed 8–21–25; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 90, No. 161

Friday, August 22, 2025

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

DEPARTMENT OF AGRICULTURE

Forest Service

National Urban and Community Forestry Advisory Council

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The National Urban and Community Forestry Advisory Council (Council) will hold a public meeting according to the details shown below. The committee is authorized under the Cooperative Forestry Assistance Act, Section 9 (the Act) and operates in compliance with the Federal Advisory Committee Act (FACA). The purpose of the committee is to develop a national urban and community forestry ten-year action plan in accordance with Section (9)(g)(3)(A–F) of the Act, evaluate and report annually on the implementation of that plan to the Secretary, and develop criteria for and submit recommendations to the Forest Service's National Urban and Community Forestry Challenge Cost-share Grant Program as required by Section (9)(f)(1–2) of the Act.

DATES: An in person and virtual meeting will be held on September 8, 2025, at 1:00 p.m.–4:00 p.m., Eastern Daylight Time.

Written and Oral Comments: Anyone wishing to provide in-person or virtual oral comments must pre-register by 11:59 p.m. Eastern Daylight Time on August, 29, 2025. Written public comments will be accepted by 11:59 p.m. Eastern Daylight Time on August, 29, 2025. Comments submitted after this date will be provided to the Agency, but the Committee may not have adequate time to consider those comments prior to the meeting.

All National Urban and Community Forestry Advisory Council meetings are subject to cancellation. For status of the meeting prior to attendance, please

contact the person listed under **FOR FURTHER INFORMATION CONTACT.**

ADDRESSES: This meeting will be held at University of Tennessee, 401 Agriculture & Natural Resources Building, 2431 Joe Johnson Drive, Knoxville, TN 37996–4563 and virtually via telephone and/or video conference. Members of the public may participate in the meeting by joining virtually via videoconference at: Microsoft Teams/ Meeting ID: 255 609 267 394 1, Passcode: D3MV23rm or Dial in by phone +1 (202) 650–0123, United States, Washington; Phone conference ID: 841855659#. Council information and meeting details can be found at the following website <https://www.fs.usda.gov/managing-land/urban-forests/ucf> or by contacting the person listed under **FOR FURTHER INFORMATION CONTACT.**

Written Comments: Written comments must be sent by email to *nancy.stremple@usda.gov* or via mail (postmarked) to Nancy Stremple, 201 Fourteenth Street, South West, Sidney Yates Building 3SC–01B, Washington, DC 20024. The Forest Service strongly prefers comments to be submitted electronically.

Oral Comments: Persons or organizations wishing to make oral comments must pre-register by 11:59 Eastern Daylight Time, August, 29, 2025, and speakers can only register for one speaking slot. Oral comments must be sent by email to *nancy.stremple@usda.gov* or via mail (postmarked) to Nancy Stremple, 201 Fourteenth Street, South West, Sidney Yates Building 3NW–03G, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Nancy Stremple, Designated Federal Officer (DFO), by email at *nancy.stremple@usda.gov*.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Add, remove, or edit the agenda items, as needed;
2. Introduction of National Urban and Community Forestry Council members and guests;
3. Discuss next National Ten-Year Action Plan (2027–2037) process;
4. Forest Service Updates;
5. Review past action items;
6. Accomplishment/Recommendation Report preparation;
7. Other;
8. Public input;
9. Next meeting/close.

Please contact the person listed under **FOR FURTHER INFORMATION CONTACT**, by or before the deadline, for all questions related to the meeting. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received upon request.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make a request in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case-by-case basis.

Equal opportunity practices, in accordance with USDA policies, will be followed in all membership appointments to the Committee.

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, disability, age, marital status, family/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. (below section completed by CMO)

Dated: August 19, 2025.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2025–16087 Filed 8–21–25; 8:45 am]

BILLING CODE 3411–15–P

CIVIL RIGHTS COLD CASE RECORDS REVIEW BOARD

[Agency Docket Number: CRCCRRB–2025–0021–N]

Notice of Formal Determination on Records Release

AGENCY: Civil Rights Cold Case Records Review Board.

ACTION: Notice.

SUMMARY: The Civil Rights Cold Case Records Review Board previously reviewed and made formal disclosure determinations on records related to civil rights cold case incident 2024–003–011 in which the National Archives and Records Administration (NARA) proposed postponements. NARA provided additional information about

seven postponements that led the Review Board to make new formal determinations on July 30, 2025. By issuing this notice, the Review Board complies with the Civil Rights Cold Case Records Collection Act of 2018 that requires the Review Board to publish in the **Federal Register** its determinations on the disclosure or postponement of

records in the Collection no more than 14 days after the date of its decision.

FOR FURTHER INFORMATION CONTACT: Stephannie Oriabure, Chief of Staff, Civil Rights Cold Case Records Review Board, 1800 F Street NW, Washington, DC 20405, (771) 221–0014, *info@coldcaserecords.gov*.

SUPPLEMENTARY INFORMATION:

Incident identifier	Postponement identifier	Previous Review Board decision	New Review Board decision
2024–003–011	2024–NARA–03–0017 through 2024–NARA–03–0019	Reject	Approve.
2024–003–011	2024–NARA–03–0074 through 2024–NARA–03–0077	Reject	Approve.

Authority: Public Law 115–426, 132 Stat. 5489 (44 U.S.C. 2107).

Dated: August 19, 2025.

Stephannie Oriabure,
Chief of Staff.

[FR Doc. 2025–16085 Filed 8–21–25; 8:45 am]

BILLING CODE 6820–SY–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–148–2025]

Approval of Subzone Status; Radix Group Int’l dba DHL Global Forwarding; Fort Worth, Texas

On June 3, 2025, the Executive Secretary of the Foreign-Trade Zones (FTZ) Board docketed an application submitted by the Alliance Corridor, Inc., grantee of FTZ 196, requesting subzone status subject to the existing activation limit of FTZ 196, on behalf of Radix Group Int’l dba DHL Global Forwarding, in Fort Worth, Texas.

The application was processed in accordance with the FTZ Act and Regulations, including notice in the **Federal Register** inviting public comment (90 FR 24093, June 6, 2025). The FTZ staff examiner reviewed the application and determined that it meets the criteria for approval. Pursuant to the authority delegated to the FTZ Board Executive Secretary (15 CFR 400.36(f)), the application to establish Subzone 196C was approved on August 19, 2025, subject to the FTZ Act and the Board’s regulations, including section 400.13, and further subject to FTZ 196’s 2,000-acre activation limit.

Dated: August 19, 2025.

Elizabeth Whiteman,
Executive Secretary.

[FR Doc. 2025–16100 Filed 8–21–25; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration
[A–821–840]

Unwrought Palladium From the Russian Federation: Initiation of Less-Than-Fair-Value Investigation

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Applicable August 19, 2025.

FOR FURTHER INFORMATION CONTACT: Rebecca Janz, Office II, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2972.

SUPPLEMENTARY INFORMATION:

The Petition

On July 30, 2025, the U.S. Department of Commerce (Commerce) received an antidumping duty (AD) Petition concerning imports of unwrought palladium from the Russian Federation (Russia), filed in proper form on behalf of Stillwater Mining Company d/b/a Sibanye-Stillwater and the United Steel Paper, and Forestry, Rubber, Manufacturing, Energy, Industrial and Service Workers International Union, AFL–CIO, CLC (the petitioners), a domestic producer of unwrought palladium and a certified union, which represents workers engaged in the production of unwrought palladium in the United States.¹ The AD Petition was accompanied by a countervailing duty (CVD) Petition concerning imports of unwrought palladium from Russia.²

Between August 4 and 11, 2025, Commerce requested supplemental

information pertaining to certain aspects of the Petition in supplemental questionnaires.³ Between August 6 and 11, 2025, the petitioners filed timely responses to these requests for additional information.⁴

In accordance with section 732(b) of the Tariff Act of 1930, as amended (the Act), the petitioners allege that imports of unwrought palladium from Russia are being, or are likely to be, sold in the United States at less than fair value (LTFV) within the meaning of section 731 of the Act, and that imports of such products are materially injuring, or threatening material injury to, the unwrought palladium industry in the United States. Consistent with section 732(b)(1) of the Act, the Petition was accompanied by information reasonably available to the petitioners supporting their allegations.

Commerce finds that the petitioners filed the Petition on behalf of the domestic industry, because the petitioners are interested parties, as defined in sections 771(9)(C) and (D) of the Act. Commerce also finds that the petitioners demonstrated sufficient industry support for the initiation of the requested LTFV investigation.⁵

³ See Commerce’s Letters, “Supplemental Questions,” dated August 4, 2025 (First General Issues Supplemental Questionnaire); “Supplemental Questions,” dated August 4, 2025 (AD Supplemental Questionnaire); and “Second General Issues Supplemental Questions,” dated August 7, 2025 (Second General Issues Supplemental Questionnaire); *see also* Memorandum, “Phone Call with Counsel to the Petitioners,” dated August 11, 2025.

⁴ See Petitioners’ Letters, “Petitioners’ Response to Commerce’s Supplemental Questions on General Issues,” dated August 6, 2025 (First General Issues Supplement); “Petitioners’ Response to Commerce’s Supplemental Questions,” dated August 6, 2025 (AD Supplement); “Petitioners’ Response to Commerce’s Second Supplemental Questions on General Issues,” dated August 8, 2025 (Second General Issues Supplement); and “Additional Certifications for Petitioners’ Responses to Commerce’s Supplemental Questions,” dated August 11, 2025.

⁵ See section on “Determination of Industry Support for the Petition,” *infra*.

¹ See Petitioners’ Letter, “Petitions for the Imposition of Antidumping and Countervailing Duties on Unwrought Palladium from the Russian Federation,” dated July 30, 2025 (Petition).

² *Id.*

Period of Investigation

Because the Petition was filed on July 30, 2025, pursuant to 19 CFR 351.204(b)(1), the period of investigation (POI) for the Russia LTFV investigation is January 1, 2025, through June 30, 2025.

Scope of the Investigation

The product covered by this investigation is unwrought palladium from Russia. For a full description of the scope of this investigation, see the appendix to this notice.

Comments on the Scope of the Investigation

On August 4 and 7, 2025, Commerce requested information and clarification from the petitioners regarding the proposed scope to ensure that the scope language in the Petition is an accurate reflection of the products for which the domestic industry is seeking relief.⁶ On August 6 and 8, 2025, the petitioners provided clarifications and revised the scope.⁷ The description of merchandise covered by this investigation, as described in the appendix to this notice, reflects these clarifications.

As discussed in the *Preamble* to Commerce's regulations, we are setting aside a period for interested parties to raise issues regarding product coverage (*i.e.*, scope).⁸ Commerce will consider all scope comments received from interested parties and, if necessary, will consult with interested parties prior to the issuance of the preliminary determination. If scope comments include factual information,⁹ all such factual information should be limited to public information. Commerce requests that interested parties provide at the beginning of their scope comments a public executive summary for each comment or issue raised in their submission. Commerce further requests that interested parties limit their public executive summary of each comment or issue to no more than 450 words, not including citations. Commerce intends to use the public executive summaries as the basis of the comment summaries included in the analysis of scope comments. To facilitate preparation of its questionnaires, Commerce requests that scope comments be submitted by

5:00 p.m. Eastern Time (ET) on September 8, 2025, which is 20 calendar days from the signature date of this notice. Any rebuttal comments, which may include factual information, and should also be limited to public information, must be filed by 5:00 p.m. ET on September 18, 2025, which is 10 calendar days from the initial comment deadline.

Commerce requests that any factual information that parties consider relevant to the scope of this investigation be submitted during that period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigation may be relevant, the party must contact Commerce and request permission to submit the additional information. All scope comments must be filed simultaneously on the records of the concurrent LTFV and CVD investigations.

Filing Requirements

All submissions to Commerce must be filed electronically via Enforcement and Compliance's Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS), unless an exception applies.¹⁰ An electronically filed document must be received successfully in its entirety by the time and date it is due.

Comments on Product Characteristics

Commerce is providing interested parties an opportunity to comment on the appropriate physical characteristics of unwrought palladium to be reported in response to Commerce's AD questionnaires. This information will be used to identify the key physical characteristics of the subject merchandise in order to report the relevant factors of production (FOP) accurately, as well as to develop appropriate product comparison criteria.

Interested parties may provide any information or comments that they feel are relevant to the development of an accurate list of physical characteristics. In order to consider the suggestions of interested parties in developing and issuing the AD questionnaires, all product characteristics comments must

be filed by 5:00 p.m. ET on September 8, 2025, which is 20 calendar days from the signature date of this notice. Any rebuttal comments must be filed by 5:00 p.m. ET on September 18, 2025, which is 10 calendar days from the initial comment deadline. All comments and submissions to Commerce must be filed electronically using ACCESS, as explained above, on the record of the LTFV investigation.

Determination of Industry Support for the Petition

Section 732(b)(1) of the Act requires that a Petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a Petition meets this requirement if the domestic producers or workers who support the Petition account for: (i) at least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 732(c)(4)(D) of the Act provides that, if the Petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, Commerce shall: (i) poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the "industry."

Section 771(4)(A) of the Act defines the "industry" as the producers as a whole of a domestic like product. Thus, to determine whether a Petition has the requisite industry support, the statute directs Commerce to look to producers and workers who produce the domestic like product. The U.S. International Trade Commission (ITC), which is responsible for determining whether "the domestic industry" has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both Commerce and the ITC must apply the same statutory definition regarding the domestic like product,¹¹ they do so for different purposes and pursuant to a separate and distinct authority. In addition, Commerce's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the

⁶ See First General Issues Supplemental Questionnaire; see also Second General Issues Supplemental Questionnaire.

⁷ See First General Issues Supplement at 1–3 and Exhibit 2; see also Second General Issues Supplement at 1–2 and Exhibit 4.

⁸ See *Antidumping Duties; Countervailing Duties, Final Rule*, 62 FR 27296, 27323 (May 19, 1997) (*Preamble*); see also 19 CFR 351.312.

⁹ See 19 CFR 351.102(b)(21) (defining "factual information").

¹⁰ See *Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures*, 76 FR 39263 (July 6, 2011); see also *Enforcement and Compliance: Change of Electronic Filing System Name*, 79 FR 69046 (November 20, 2014) for details of Commerce's electronic filing requirements, effective August 5, 2011. Information on using ACCESS can be found at <https://access.trade.gov/help.aspx> and a handbook can be found at https://access.trade.gov/help/Handbook_on_Electronic_Filing_Procedures.pdf.

¹¹ See section 771(10) of the Act.

decision of either agency contrary to law.¹²

Section 771(10) of the Act defines the domestic like product as “a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.” Thus, the reference point from which the domestic like product analysis begins is “the article subject to an investigation” (*i.e.*, the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition).

With regard to the domestic like product, the petitioners do not offer a definition of the domestic like product distinct from the scope of the investigation.¹³ Based on our analysis of the information submitted on the record, we have determined that unwrought palladium, as defined in the scope, constitutes a single domestic like product, and we have analyzed industry support in terms of that domestic like product.¹⁴

In determining whether the petitioners have standing under section 732(c)(4)(A) of the Act, we considered the industry support data contained in the Petition with reference to the domestic like product as defined in the “Scope of the Investigation,” in the appendix to this notice. To establish industry support, the petitioners provided the 2024 production of the domestic like product for the U.S. producers that support the Petition and compared this to total 2024 U.S. production of the domestic like product by the entire U.S. unwrought palladium industry, as reported by the U.S. Geological Survey (USGS) in the 2025 Mineral Commodity Summaries publication.¹⁵ Commerce contacted USGS officials on August 14, 2025, to request clarification regarding the USGS data provided in the Petition and the availability of data on total U.S. refinery production in 2024.¹⁶ During our

communications with USGS, USGS referred us to the total U.S. refinery production data in the 2023 Minerals Yearbook, which was published in February 2025 and which contains the most recently available USGS data on total U.S. refinery production.¹⁷ Accordingly, we relied upon the 2023 Minerals Yearbook data and made certain adjustments using historical data in that publication as well as other USGS data provided in the Petition to estimate total 2024 U.S. production of unwrought palladium.¹⁸ We then compared the 2024 production of the domestic like product for the U.S. producers that support the Petition to the estimated total 2024 U.S. production of the domestic like product by the entire U.S. unwrought palladium industry (based on the USGS data described above) for purposes of measuring industry support.¹⁹

On August 12, 2025, we received timely filed comments on industry support and a statement of opposition from BASF Metals LLC (BASF), a U.S. producer and importer of unwrought palladium.²⁰ On August 14, 2025, the petitioners responded to the comments from BASF in a timely filed rebuttal submission.²¹

Our review of the data provided in the Petition, the First General Issues Supplement, the Second General Issues Supplement, the Petitioners’ Response, and other information readily available to Commerce indicates that the petitioners have established industry support for the Petition.²² First, the Petition established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, Commerce is not required to take further action in order to evaluate industry support (*e.g.*, polling).²³ Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petition account for at least 25 percent of the total production of the domestic like

product.²⁴ Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petition account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petition.²⁵ Accordingly, Commerce determines that the Petition was filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act.²⁶

Allegations and Evidence of Material Injury and Causation

The petitioners allege that the U.S. industry producing the domestic like product is being materially injured, or is threatened with material injury, by reason of the imports of the subject merchandise sold at LTFV. In addition, the petitioners allege that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.²⁷

The petitioners contend that the industry’s injured condition is illustrated by a significant increase in the volume of subject imports; underselling and price depression and/or suppression; declines in production and shipments; layoffs; negative impact on financial performance and capital expenditures; and reduced market share.²⁸ We assessed the allegations and supporting evidence regarding material injury, threat of material injury, causation, as well as negligibility, and we have determined that these allegations are properly supported by adequate evidence, and meet the statutory requirements for initiation.²⁹

Allegations of Sales at LTFV

The following is a description of the allegations of sales at LTFV upon which Commerce based its decision to initiate an LTFV investigation of imports of unwrought palladium from Russia. The sources of data for the deductions and adjustments relating to U.S. price and normal value (NV) are discussed in greater detail in the Russia AD Initiation Checklist.

¹² See *USEC, Inc. v. United States*, 132 F.Supp.2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd. v. United States*, 688 F.Supp. 639, 644 (CIT 1988), *aff’d* 865 F.2d 240 (Fed. Cir. 1989)).

¹³ For a discussion of the domestic like product analysis as applied to this case and information regarding industry support, see Checklist, “Antidumping Duty Investigation Initiation Checklist: Unwrought Palladium from the Russian Federation,” dated concurrently with, and hereby adopted by, this notice (Russia AD Initiation Checklist), at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Unwrought Palladium from the Russian Federation (Attachment II). This checklist is on file electronically via ACCESS.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ See Memorandum, “Teleconference with a Commodity Specialist of the United States Geological Survey,” dated August 15, 2025.

¹⁷ *Id.*

¹⁸ For further discussion, see Attachment II of the Russia AD Initiation Checklist.

¹⁹ *Id.*

²⁰ See BASF’s Letter, “BASF Metals LLC Comments Regarding Industry Support,” dated August 12, 2025.

²¹ See Petitioners’ Letter, “Petitioners’ Industry Support Rebuttal,” August 14, 2025 (Petitioners’ Response).

²² For further discussion, see Attachment II of the Russia AD Initiation Checklist.

²³ *Id.*; see also section 732(c)(4)(D) of the Act.

²⁴ See Attachment II of the Russia AD Initiation Checklist.

²⁵ *Id.*

²⁶ *Id.*

²⁷ For further discussion, see Russia AD Initiation Checklist at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Unwrought Palladium from the Russian Federation.

²⁸ *Id.*

²⁹ *Id.*

U.S. Price

The petitioners based export price (EP) on the POI average unit value (AUV) derived from official U.S. import statistics for imports of unwrought palladium produced in and exported from Russia.³⁰ The petitioners made no adjustments to the U.S. price to calculate a net ex-factory U.S. price.³¹

Normal Value

Commerce considers Russia to be an NME country.³² In accordance with section 771(18)(C)(i) of the Act, any determination that a foreign country is an NME country shall remain in effect until revoked by Commerce. Therefore, we continue to treat Russia as an NME country for purposes of the initiation of this LTFV investigation. Accordingly, we base NV on FOPs valued in a surrogate market economy country in accordance with section 773(c) of the Act.

The petitioners claim that Malaysia is an appropriate surrogate country for Russia because it is a market economy that is at a level of economic development comparable to that of Russia and a significant producer of comparable merchandise.³³ The petitioners provided publicly available information from Malaysia to value all FOPs (except palladium, platinum, and rhodium).³⁴ To value palladium, platinum, and rhodium, the petitioners provided import statistics from another surrogate country, Romania.³⁵ Based on the information provided by the petitioners, we believe it is appropriate to use Malaysia as a surrogate country for Russia to value all FOPs (except palladium, platinum, and rhodium), and Romania to value palladium, platinum, and rhodium for initiation purposes.

Interested parties will have the opportunity to submit comments regarding surrogate country selection and, pursuant to 19 CFR 351.301(c)(3)(i), will be provided an opportunity to submit publicly available information to value FOPs within 30 days before the scheduled date of the preliminary determination.

Factors of Production

The petitioners used publicly available information on the production experience and product-specific consumption and co-product recovery rates of Norilsk Nickel, a Russian producer/exporter of unwrought palladium, to value Russian manufacturers' FOPs.³⁶ The petitioners then allocated the portion of the ore input cost attributable to palladium using a net realizable value methodology.³⁷

Fair Value Comparisons

Based on the data provided by the petitioners, there is reason to believe that imports of unwrought palladium from Russia are being, or are likely to be, sold in the United States at LTFV. Based on comparisons of EP to NV in accordance with sections 772 and 773 of the Act, the estimated dumping margin for unwrought palladium from Russia covered by this initiation is 828.09 percent.³⁸

Initiation of LTFV Investigation

Based upon the examination of the Petition and supplemental responses, we find that they meet the requirements of section 732 of the Act. Therefore, we are initiating an LTFV investigation to determine whether imports of unwrought palladium from Russia are being, or are likely to be, sold in the United States at LTFV. In accordance with section 733(b)(1)(A) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determination no later than 140 days after the date of this initiation.

Respondent Selection

In the Petition, the petitioners identified four companies in Russia as producers and/or exporters of unwrought palladium.³⁹ Our standard practice for respondent selection in AD investigations involving NME countries is to select respondents based on quantity and value (Q&V) questionnaires in cases where it has determined that the number of companies is large and it cannot individually examine each company based upon its resources. Therefore, considering the number of producers and/or exporters identified in the Petition, Commerce will solicit Q&V information that can serve as a basis for selecting exporters for individual

examination in the event that Commerce determines that the number is large and decides to limit the number of respondents individually examined pursuant to section 777A(c)(2) of the Act. Because there are four Russian producers and/or exporters identified in the Petition, Commerce has determined that it will issue Q&V questionnaires to each potential respondent for which there is complete address information on the record.

Commerce will post the Q&V questionnaire along with filing instructions on Commerce's website at <https://www.trade.gov/ec-adcvd-case-announcements>. Producers/exporters of unwrought palladium from Russia that do not receive Q&V questionnaires may still submit a response to the Q&V questionnaire and can obtain a copy of the Q&V questionnaire from Commerce's website. Responses to the Q&V questionnaire must be submitted by the relevant Russian producers/exporters no later than 5:00 p.m. ET on September 2, 2025, which is two weeks from the signature date of this notice. All Q&V questionnaire responses must be filed electronically via ACCESS. An electronically filed document must be received successfully, in its entirety, by ACCESS no later than 5:00 p.m. ET on the deadline noted above.

Interested parties must submit applications for disclosure under administrative protective order (APO) in accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found on Commerce's website at <https://www.trade.gov/administrative-protective-orders>.

Separate Rates

In order to obtain separate rate status in an NME investigation, exporters and producers must submit a separate rate application. The specific requirements for submitting a separate rate application in an NME investigation are outlined in detail in the application itself, which is available on Commerce's website at <https://access.trade.gov/Resources/nme/nme-sep-rate.html>. Note that Commerce recently promulgated new regulations pertaining to separate rates, including the separate rate application deadline and eligibility for separate rate status, in 19 CFR 351.108.⁴⁰ Pursuant to 19 CFR 351.108(d)(1), the separate rate application will be due 21 days after publication of this initiation notice.⁴¹

³⁰ See Russia AD Initiation Checklist.

³¹ *Id.*

³² See, e.g., *Emulsion Styrene-Butadiene Rubber from the Russian Federation: Final Affirmative Determination of Sales at Less Than Fair Value and Classification of the Russian Federation as a Non-Market Economy*, 87 FR 69002 (November 17, 2022), and accompanying "Reconsideration of Russia's Status as a Market Economy" Decision Memorandum.

³³ See Russia AD Initiation Checklist.

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

³⁹ See Petition at Volume I (page I-10 and Exhibit I-9); see also First General Issues Supplement at 1 and Exhibit 1.

⁴⁰ See *Regulations Enhancing the Administration of the Antidumping and Countervailing Duty Trade Remedy Laws*, 89 FR 101694, 101759-60 (December 16, 2024).

⁴¹ See 19 CFR 351.108(d)(1).

Exporters and producers must file a timely separate rate application if they want to be considered for individual examination. In addition, pursuant to 19 CFR 351.108(e), exporters and producers who submit a separate rate application and have been selected as mandatory respondents will be eligible for consideration for separate rate status only if they fully respond to all parts of Commerce's AD questionnaire and participate in the LTFV proceeding as mandatory respondents.⁴² Commerce requires that companies from China submit a response both to the Q&V questionnaire and to the separate rate application by the respective deadlines to receive consideration for separate rate status. Companies not filing a timely Q&V questionnaire response will not receive separate rate consideration.

Use of Combination Rates

Commerce will calculate combination rates for certain respondents that are eligible for a separate rate in an NME investigation. The Separate Rates and Combination Rates Bulletin states:

{w}hile continuing the practice of assigning separate rates only to exporters, all separate rates that {Commerce} will now assign in its NME investigation will be specific to those producers that supplied the exporter during the period of investigation. Note, however, that one rate is calculated for the exporter and all of the producers which supplied subject merchandise to it during the period of investigation. This practice applies both to mandatory respondents receiving an individually calculated separate rate as well as the pool of non-investigated firms receiving the {weighted average} of the individually calculated rates. This practice is referred to as the application of "combination rates" because such rates apply to specific combinations of exporters and one or more producers. The cash-deposit rate assigned to an exporter will apply only to merchandise both exported by the firm in question *and* produced by a firm that supplied the exporter during the period of investigation.⁴³

Distribution of Copies of the Petition

In accordance with section 732(b)(3)(A) of the Act and 19 CFR 351.202(f), a copy of the public version of the Petition has been provided to the Government of Russia via ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the Petition to each exporter named in the Petition, as provided under 19 CFR 351.203(c)(2).

⁴² See 19 CFR 351.108(e).

⁴³ See Enforcement and Compliance's Policy Bulletin No. 05.1, regarding, "Separate-Rates Practice and Application of Combination Rates in Antidumping Investigation Involving NME Countries," (April 5, 2005) at 6 (emphasis added), available on Commerce's website at <https://access.trade.gov/Resources/policy/bull05-1.pdf>.

ITC Notification

Commerce will notify the ITC of our initiation, as required by section 732(d) of the Act.

Preliminary Determination by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petition was filed, whether there is a reasonable indication that imports of unwrought palladium from Russia are materially injuring, or threatening material injury to, a U.S. industry.⁴⁴ A negative ITC determination will result in the investigation being terminated.⁴⁵ Otherwise, this LTFV investigation will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). Section 351.301(b) of Commerce's regulations requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted⁴⁶ and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct.⁴⁷ Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Interested parties should review the regulations prior to submitting factual information in this investigation.

Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351.301, or as otherwise specified by Commerce. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301, or as otherwise specified by

Commerce.⁴⁸ For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. ET on the due date. Under certain circumstances, Commerce may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, we will inform parties in a letter or memorandum of the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, standalone submission; under limited circumstances we will grant untimely filed requests for the extension of time limits, where we determine, based on 19 CFR 351.302, that extraordinary circumstances exist. Parties should review Commerce's regulations concerning the extension of time limits and the *Time Limits Final Rule* prior to submitting factual information in this investigation.⁴⁹

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.⁵⁰ Parties must use the certification formats provided in 19 CFR 351.303(g).⁵¹ Commerce intends to reject factual submissions if the submitting party does not comply with the applicable certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. Parties wishing to participate in this investigation should ensure that they meet the requirements of 19 CFR 351.103(d) (e.g., by filing the required letter of appearance). Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).⁵²

⁴⁸ See 19 CFR 351.301; see also *Extension of Time Limits; Final Rule*, 78 FR 57790 (September 20, 2013) (*Time Limits Final Rule*), available at <https://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm>.

⁴⁹ See 19 CFR 351.302; see also, e.g., *Time Limits Final Rule*.

⁵⁰ See section 782(b) of the Act.

⁵¹ See *Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings*, 78 FR 42678 (July 17, 2013) (*Final Rule*). Additional information regarding the *Final Rule* is available at <https://access.trade.gov/Resources/filing/index.html>.

⁵² See *Administrative Protective Order, Service, and Other Procedures in Antidumping and*

⁴⁴ See section 733(a) of the Act.

⁴⁵ *Id.*

⁴⁶ See 19 CFR 351.301(b).

⁴⁷ See 19 CFR 351.301(b)(2).

This notice is issued and published pursuant to sections 732(c)(2) and 777(i) of the Act, and 19 CFR 351.203(c).

Dated: August 19, 2025.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix

Scope of the Investigation

The scope of this investigation is unwrought palladium. Unwrought palladium includes palladium, whether or not refined, in the form of ingots, blocks, lumps, billets, cakes, slabs, pigs, cathodes, anodes, briquettes, cubes, sticks, grains, sponge, pellets, shot, powder, and similar primary forms.

Unwrought palladium is covered by the scope regardless of production method. The scope includes unwrought palladium produced through ore extraction, unwrought palladium produced by recycling palladium-containing scrap, unwrought palladium produced by any other method, and blends of unwrought palladium produced by different methods.

The scope includes unwrought palladium that is commingled with unwrought palladium from sources not subject to this investigation or commingled with other metals. Only the subject unwrought palladium component of such commingled products is covered by the scope of this investigation.

Subject merchandise includes merchandise matching the above description that has been finished, packaged, or otherwise processed in a third country, including by refining, grinding, commingling, adding or removing additives (such as other metals), or performing any other finishing, packaging, or processing that would not otherwise remove the merchandise from the scope of the investigation if performed in the subject country.

The covered merchandise is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) at subheading 7110.21.0000. Unwrought palladium meeting the scope description may also enter under HTSUS subheading 7110.29.0000. Although the HTSUS subheadings are provided for convenience and for customs purposes, the written description of the subject merchandise is dispositive.

[FR Doc. 2025–16156 Filed 8–21–25; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–423–813]

Citric Acid and Certain Citrate Salts From Belgium: Preliminary Results of Antidumping Duty Administrative Review; 2023–2024

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that Citribel nv. (Citribel) did not sell subject merchandise in the United States at prices below normal value (NV) during the period of review (POR), July 1, 2023, through June 30, 2024. We invite interested parties to comment on these preliminary results.

DATES: Applicable August 22, 2025.

FOR FURTHER INFORMATION CONTACT: Deborah Cohen, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4521.

SUPPLEMENTARY INFORMATION:

Background

On July 25, 2018, Commerce published the antidumping duty (AD) order on citric acid and certain citrate salts (citric acid) from Belgium in the **Federal Register**.¹ On August 14, 2024, pursuant to section 751(a)(1) of the Tariff Act of 1930, as amended (the Act), Commerce initiated an AD administrative review of the *Order*.² During the course of this administrative review, Citribel responded to Commerce's questionnaire and supplemental questionnaires. For further details, see the Preliminary Decision Memorandum.³

Scope of the Order

The merchandise covered by this *Order* includes all grades and granulation sizes of citric acid, sodium citrate, and potassium citrate in their unblended forms, whether dry or in solution, and regardless of packaging type. For a full description of the scope

¹ See *Citric Acid and Certain Citrate Salts from Belgium, Colombia and Thailand: Antidumping Duty Orders*, 83 FR 35214 (July 25, 2018) (*Order*).

² See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 89 FR 66035 (August 14, 2024).

³ See Memorandum, “Decision Memorandum for the Preliminary Results of the Antidumping Duty Administrative Review: Citric Acid and Certain Citrate Salts from Belgium; 2023–2024,” dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

of the *Order*, see the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this review in accordance with section 751(a) of the Act. Export price has been calculated in accordance with section 772(a) of the Act, and NV was calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum. A list of the topics discussed in the Preliminary Decision Memorandum is attached as an appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Preliminary Results of the Review

Commerce preliminarily determines that the following estimated weighted-average dumping margin exists for the period July 1, 2023, through June 30, 2024:

Exporter/producer	Weighted-average dumping margin (percent)
Citribel nv	0.00

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties for these preliminary results 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).

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance. Pursuant to 19 CFR 351.309(c)(1)(ii), we have modified the deadline for interested parties to submit case briefs to Commerce to no later than 21 days after the date of the publication of this notice.⁴ Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the

⁴ See 19 CFR 351.309.

date for filing case briefs.⁵ Interested parties who submit case or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.⁶ All briefs must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety in ACCESS by 5:00 p.m. Eastern Time on the established deadline.

As provided under 19 CFR 351.309(c)(2) and (d)(2), in prior proceedings we have encouraged interested parties to provide an executive summary of their brief that should be limited to five pages total, including footnotes. In this review, we instead request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.⁷ Further, we request that interested parties limit their executive summary of each issue to no more than 450 words, not including citations. We intend to use the executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final results in this administrative review. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).⁸

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants and whether any participant is a foreign national; and (3) a list of issues to be discussed. Oral presentations at the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, Commerce intends to hold a hearing at a date and time to be determined.⁹ Parties should confirm the date, time, and location of the hearing two days before the scheduled date.

⁵ See 19 CFR 351.309(d); see also *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Final Rule*).

⁶ See 19 CFR 351.309(c)(2) and (d)(2).

⁷ We use the term "issue" here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

⁸ See *APO and Service Final Rule*.

⁹ See 19 CFR 351.310(d).

Assessment Rates

Pursuant to section 751(a)(2)(A) of the Act, upon completion of the final results of this administrative review, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise covered by this review.¹⁰ If the weighted-average dumping margin for Citribel (*i.e.*, the sole individually-examined respondent in this review) is not zero or *de minimis* (*i.e.*, greater than or equal to 0.5 percent) in the final results of this review, we will calculate importer-specific *ad valorem* assessment rates for the merchandise based on the ratio of the total amount of dumping calculated for the examined sales made during the POR to each importer and the total entered value of those same sales, in accordance with 19 CFR 351.212(b)(1). Where we do not have entered values for all U.S. sales to a particular importer, we will calculate an importer-specific, per-unit assessment rate on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales to the total quantity of those sales.¹¹ To determine whether an importer-specific, per-unit assessment rate is *de minimis*, in accordance with 19 CFR 351.106(c)(2), we also will calculate an importer-specific *ad valorem* ratio based on estimated entered values. Where an importer-specific *ad valorem* assessment rate is zero or *de minimis* in the final results of the review, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.¹² The final results of this administrative review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.¹³

In accordance with Commerce's "automatic assessment" practice, for entries of subject merchandise during the POR produced by Citribel for which the producer did not know its merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate established in the original less-than-fair value (LTFV) investigation (*i.e.*, 18.81 percent)¹⁴ if there is no rate for the intermediate company (or

companies) involved in the transaction.¹⁵

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for Citribel will be equal to the weighted-average dumping margin established in the final results of this administrative review, except if the rate is less than 0.50 percent, and therefore *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the company participated; (3) if the exporter is not a firm covered in this review, a prior review, or in the investigation but the producer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be the all-others rate of 19.30 percent, the rate established in the LTFV investigation of this proceeding.¹⁶ These cash deposit requirements, when imposed, shall remain in effect until further notice.

Final Results of Review

Unless the deadline is extended pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(2), Commerce will issue the final results of this administrative review, including the results of our analysis of the issues raised by the parties in their case briefs,

¹⁵ See *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

¹⁶ See *Order*, 83 FR at 35215.

¹⁰ See 19 CFR 351.212(b).

¹¹ See 19 CFR 351.212(b)(1).

¹² See 19 CFR 351.106(c)(2).

¹³ See section 751(a)(2)(C) of the Act.

¹⁴ See *Order*, 83 FR at 35215.

not later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping and/or countervailing duties occurred and the subsequent assessment of double antidumping duties, and/or an increase in the amount of antidumping duties by the amount of the countervailing duties.

Notification to Interested Parties

We are issuing and publishing these preliminary results in accordance with sections 751(a)(1) and 777(i) of the Act, and 19 CFR 351.213(h)(1).

Dated: August 19, 2025.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Discussion of the Methodology
- V. Currency Conversion
- VI. Recommendation

[FR Doc. 2025–16154 Filed 8–21–25; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–821–841]

Unwrought Palladium From the Russian Federation: Initiation of Countervailing Duty Investigation

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Applicable August 19, 2025.

FOR FURTHER INFORMATION CONTACT: Kelsie Hohenberger, Office V, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2517.

SUPPLEMENTARY INFORMATION:

The Petition

On July 30, 2025, the U.S. Department of Commerce (Commerce) received a countervailing duty (CVD) Petition concerning imports of unwrought palladium from the Russian Federation (Russia), filed in proper form on behalf of Stillwater Mining Company d/b/a Sibanye-Stillwater and the United Steel Paper, and Forestry, Rubber, Manufacturing, Energy, Industrial and Service Workers International Union, AFL–CIO, CLC (the petitioners), a domestic producer of unwrought palladium and a certified union, which represents workers engaged in the production of unwrought palladium in the United States.¹ The CVD Petition was accompanied by an antidumping duty (AD) Petition concerning imports of unwrought palladium from Russia.²

Between August 1 and 11, 2025, Commerce requested supplemental information pertaining to certain aspects of the Petition in supplemental questionnaires.³ Between July 1 and 11, 2025, the petitioners filed timely responses to these requests for additional information.⁴

In accordance with section 702(b)(1) of the Tariff Act of 1930, as amended (the Act), the petitioners allege that the Government of Russia (GOR) is providing countervailable subsidies, within the meaning of sections 701 and 771(5) of the Act, to producers of unwrought palladium in Russia, and that such imports are materially injuring, or threatening material injury to, the domestic industry producing unwrought palladium in the United States. Consistent with section 702(b)(1) of the Act and 19 CFR 351.202(b), for those alleged programs on which we are initiating a CVD investigation, the

¹ See Petitioners' Letter, "Petitions for the Imposition of Antidumping and Countervailing Duties on Unwrought Palladium from the Russian Federation," dated July 30, 2025 (Petition).

² *Id.*

³ See Commerce's Letters, "Supplemental Questions," dated August 1, 2025 (CVD Supplemental Questionnaire); "Supplemental Questions," dated August 4, 2025 (First General Issues Supplemental Questionnaire); and "Second General Issues Supplemental Questions," dated August 7, 2025 (Second General Issues Supplemental Questionnaire); *see also* Memorandum, "Phone Call with Counsel to the Petitioners," dated August 11, 2025.

⁴ See Petitioners' Letters, "Petitioners' Response to Commerce's Supplemental Questions," dated August 5, 2025 (CVD Supplement); "Petitioners' Response to Commerce's Supplemental Questions on General Issues," dated August 6, 2025 (First General Issues Supplement); "Petitioners' Response to Commerce's Second Supplemental Questions on General Issues," dated August 8, 2025 (Second General Issues Supplement); and "Additional Certifications for Petitioners' Responses to Commerce's Supplemental Questions," dated August 11, 2025.

Petition was accompanied by information reasonably available to the petitioners supporting their allegations.

Commerce finds that the petitioners filed the Petition on behalf of the domestic industry, because the petitioners are interested parties, as defined in sections 771(9)(C) and (D) of the Act. Commerce also finds that the petitioners demonstrated sufficient industry support with respect to the initiation of the requested CVD investigation.⁵

Period of Investigation

Because the Petition was filed on July 30, 2025, the POI is January 1, 2024, through December 31, 2024.⁶

Scope of the Investigation

The product covered by this investigation is unwrought palladium from Russia. For a full description of the scope of this investigation, *see* the appendix to this notice.

Comments on the Scope of the Investigation

On August 4 and 7, 2025, Commerce requested information and clarification from the petitioners regarding the proposed scope to ensure that the scope language in the Petition is an accurate reflection of the products for which the domestic industry is seeking relief.⁷ On August 6 and 8, 2025, the petitioners provided clarifications and revised the scope.⁸ The description of merchandise covered by this investigation, as described in the appendix to this notice, reflects these clarifications.

As discussed in the *Preamble* to Commerce's regulations, we are setting aside a period for interested parties to raise issues regarding product coverage (*i.e.*, scope).⁹ Commerce will consider all scope comments received from interested parties and, if necessary, will consult with interested parties prior to the issuance of the preliminary determination. If scope comments include factual information,¹⁰ all such factual information should be limited to public information. Commerce requests that interested parties provide at the beginning of their scope comments a

⁵ See section on "Determination of Industry Support for the Petition," *infra*.

⁶ See 19 CFR 351.204(b)(2).

⁷ See First General Issues Supplemental Questionnaire; *see also* Second General Issues Supplemental Questionnaire.

⁸ See First General Issues Supplement at 1–3 and Exhibit 2; *see also* Second General Issues Supplement at 1–2 and Exhibit 4.

⁹ See *Antidumping Duties; Countervailing Duties, Final Rule*, 62 FR 27296, 27323 (May 19, 1997) (*Preamble*); *see also* 19 CFR 351.312.

¹⁰ See 19 CFR 351.102(b)(21) (defining "factual information").

public executive summary for each comment or issue raised in their submission. Commerce further requests that interested parties limit their public executive summary of each comment or issue to no more than 450 words, not including citations. Commerce intends to use the public executive summaries as the basis of the comment summaries included in the analysis of scope comments. To facilitate preparation of its questionnaires, Commerce requests that scope comments be submitted by 5:00 p.m. Eastern Time (ET) on September 8, 2025, which is 20 calendar days from the signature date of this notice. Any rebuttal comments must be filed by 5:00 p.m. ET on September 18, 2025, which is 10 calendar days from the initial comment deadline.

Commerce requests that any factual information that parties consider relevant to the scope of this investigation be submitted during that period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigation may be relevant, the party must contact Commerce and request permission to submit the additional information. All scope comments must be filed simultaneously on the records of the concurrent AD and CVD investigations.

Filing Requirements

All submissions to Commerce must be filed electronically via Enforcement and Compliance's Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS), unless an exception applies.¹¹ An electronically filed document must be received successfully in its entirety by the time and date it is due.

Consultations

Pursuant to sections 702(b)(4)(A)(i) and (ii) of the Act, Commerce notified the GOR of the receipt of the Petition and provided an opportunity for consultations with respect to the Petition.¹² Commerce held

consultations with the GOR on August 13, 2025.¹³

Determination of Industry Support for the Petition

Section 702(b)(1) of the Act requires that a Petition be filed on behalf of the domestic industry. Section 702(c)(4)(A) of the Act provides that a Petition meets this requirement if the domestic producers or workers who support the Petition account for: (i) at least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petition. Moreover, section 702(c)(4)(D) of the Act provides that, if the Petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, Commerce shall: (i) poll the industry or rely on other information in order to determine if there is support for the Petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the "industry."

Section 771(4)(A) of the Act defines the "industry" as the producers as a whole of a domestic like product. Thus, to determine whether a Petition has the requisite industry support, the statute directs Commerce to look to producers and workers who produce the domestic like product. The U.S. International Trade Commission (ITC), which is responsible for determining whether "the domestic industry" has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both Commerce and the ITC apply the same statutory definition regarding the domestic like product,¹⁴ they do so for different purposes and pursuant to a separate and distinct authority. In addition, Commerce's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.¹⁵

Section 771(10) of the Act defines the domestic like product as "a product

which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title." Thus, the reference point from which the domestic like product analysis begins is "the article subject to an investigation" (i.e., the class or kind of merchandise to be investigated, which normally will be the scope as defined in the Petition).

With regard to the domestic like product, the petitioners do not offer a definition of the domestic like product distinct from the scope of the investigation.¹⁶ Based on our analysis of the information submitted on the record, we have determined that unwrought palladium, as defined in the scope, constitutes a single domestic like product, and we have analyzed industry support in terms of that domestic like product.¹⁷

In determining whether the petitioners have standing under section 702(c)(4)(A) of the Act, we considered the industry support data contained in the Petition with reference to the domestic like product as defined in the "Scope of the Investigation," in the appendix to this notice. To establish industry support, the petitioners provided the 2024 production of the domestic like product for the U.S. producers that support the Petition and compared this to the total 2024 U.S. production of the domestic like product by the entire U.S. unwrought palladium industry, as reported by the U.S. Geological Survey (USGS) in the 2025 Mineral Commodity Summaries publication.¹⁸ Commerce contacted USGS officials on August 14, 2025, to request clarification regarding the USGS data provided in the Petition and the availability of data on total U.S. refinery production in 2024.¹⁹ During our communications with USGS, USGS referred us to the total U.S. refinery production data in the 2023 Minerals Yearbook, which was published in February 2025 and which contains the most recently available USGS data on total U.S. refinery production.²⁰

¹⁶ For a discussion of the domestic like product analysis as applied to this case and information regarding industry support, see Checklist, "Countervailing Duty Investigation Initiation Checklist: Unwrought Palladium from the Russian Federation," dated concurrently with, and hereby adopted by, this notice (Russia CVD Initiation Checklist), at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Unwrought Palladium from the Russian Federation (Attachment II). This checklist is on file electronically via ACCESS.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ See Memorandum, "Teleconference with a Commodity Specialist of the United States Geological Survey," dated August 15, 2025.

²⁰ *Id.*

¹¹ See *Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures*, 76 FR 39263 (July 6, 2011); see also *Enforcement and Compliance; Change of Electronic Filing System Name*, 79 FR 69046 (November 20, 2014), for details of Commerce's electronic filing requirements, effective August 5, 2011. Information on using ACCESS can be found at <https://access.trade.gov/help.aspx> and a handbook can be found at https://access.trade.gov/help/Handbook_on_Electronic_Filing_Procedures.pdf.

¹² See Commerce's Letter, "Invitation for Consultations to Discuss the Countervailing Duty Petition," dated August 1, 2025.

¹³ See Memorandum, "Consultations with the Government of Russia," dated August 13, 2025; see also GOR's Letter, "GOR's Pre-Initiation Comments and Consultation Note," dated August 15, 2025.

¹⁴ See section 771(10) of the Act.

¹⁵ See *USEC, Inc. v. United States*, 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd. v. United States*, 688 F. Supp. 639, 644 (CIT 1988), *aff'd Algoma Steel Corp., Ltd. v. United States*, 865 F.2d 240 (Fed. Cir. 1989)).

Accordingly, we relied upon the 2023 Minerals Yearbook data and made certain adjustments using historical data in that publication as well as other USGS data provided in the Petition to estimate total 2024 U.S. production of unwrought palladium.²¹ We then compared the 2024 production of the domestic like product for the U.S. producers that support the Petition to the estimated total 2024 U.S. production of the domestic like product by the entire U.S. unwrought palladium industry (based on the USGS data described above) for purposes of measuring industry support.²²

On August 12, 2025, we received timely filed comments on industry support and a statement of opposition from BASF Metals LLC (BASF), a U.S. producer and importer of unwrought palladium.²³ On August 14, 2025, the petitioners responded to the comments from BASF in a timely filed rebuttal submission.²⁴

Our review of the data provided in the Petition, the First General Issues Supplement, the Second General Issues Supplement, the Petitioners' Response, and other information readily available to Commerce indicates that the petitioners have established industry support for the Petition.²⁵ First, the Petition established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, Commerce is not required to take further action in order to evaluate industry support (*e.g.*, polling).²⁶ Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petition account for at least 25 percent of the total production of the domestic like product.²⁷ Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petition account for more than 50 percent of the production of the domestic like product

produced by that portion of the industry expressing support for, or opposition to, the Petition.²⁸ Accordingly, Commerce determines that the Petition was filed on behalf of the domestic industry within the meaning of section 702(b)(1) of the Act.²⁹

Injury Test

Because Russia is a "Subsidies Agreement Country" within the meaning of section 701(b) of the Act, section 701(a)(2) of the Act applies to this investigation. Accordingly, the ITC must determine whether imports of the subject merchandise from Russia materially injure, or threaten material injury to, a U.S. industry.

Allegations and Evidence of Material Injury and Causation

The petitioners allege that imports of the subject merchandise are benefiting from countervailable subsidies and that such imports are causing, or threaten to cause, material injury to the U.S. industry producing the domestic like product. In addition, the petitioners allege that subject imports from Russia exceed the negligibility threshold provided for under section 771(24)(A) of the Act.³⁰

The petitioners contend that the industry's injured condition is illustrated by a significant increase in the volume of subject imports; underselling and price depression and/or suppression; declines in production and shipments; layoffs; negative impact on financial performance and capital expenditures; and reduced market share.³¹ We assessed the allegations and supporting evidence regarding material injury, threat of material injury, causation, as well as negligibility, and we have determined that these allegations are properly supported by adequate evidence, and meet the statutory requirements for initiation.³²

Initiation of CVD Investigation

Based upon the examination of the Petition and supplemental responses, we find that they meet the requirements of section 702 of the Act. Therefore, we are initiating a CVD investigation to determine whether imports of unwrought palladium from Russia benefit from countervailable subsidies

conferred by the GOR. In accordance with section 703(b)(1) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determination no later than 65 days after the date of this initiation.

Based on our review of the Petition, we find that there is sufficient information to initiate a CVD investigation on 34 programs alleged by the petitioners. For a full discussion of the basis for our decision to initiate on each program, *see* the Russia CVD Initiation Checklist. A public version of the initiation checklist for this investigation is available on ACCESS.

Respondent Selection

In the Petition, the petitioners identified four companies in Russia as producers and/or exporters of unwrought palladium.³³ Commerce intends to follow its standard practice in CVD investigations and calculate company-specific subsidy rates in this investigation. In the event that Commerce determines that the number of companies is large and it cannot individually examine each company based on Commerce's resources, Commerce intends to select mandatory respondents based on U.S. Customs and Border Protection (CBP) entry data for U.S. imports under the appropriate Harmonized Tariff Schedule of the United States (HTSUS) subheading(s) listed in the "Scope of the Investigation" in the appendix.

On August 15, 2025, Commerce released CBP data on imports of unwrought palladium from Russia under administrative protective order (APO) to all parties with access to information protected by APO and indicated that interested parties wishing to comment on CBP data and/or respondent selection must do so within three business days of the publication date of the notice of initiation of this investigation.³⁴ Comments must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety via ACCESS by 5:00 p.m. ET on the specified deadline. Commerce will not accept rebuttal comments regarding the CBP data or respondent selection.

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found on Commerce's website at

²¹ For further discussion, *see* Attachment II of the Russia CVD Initiation Checklist.

²² *Id.*

²³ *See* BASF's Letter, "BASF Metals LLC Comments Regarding Industry Support," dated August 12, 2025.

²⁴ *See* Petitioners' Letter, "Petitioners' Industry Support Rebuttal," August 14, 2025 (Petitioners' Response).

²⁵ For further discussion, *see* Attachment II of the Russia CVD Initiation Checklist.

²⁶ *Id.*; *see also* section 702(c)(4)(D) of the Act.

²⁷ *See* Attachment II of the Russia CVD Initiation Checklist.

²⁸ *Id.*

²⁹ *Id.*

³⁰ For further discussion, *see* Russia CVD Initiation Checklist at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Unwrought Palladium from the Russian Federation.

³¹ *Id.*

³² *Id.*

³³ *See* Petition at Volume I (page I-10 and Exhibit I-9); *see also* First General Issues Supplement at 1 and Exhibit 1.

³⁴ *See* Memorandum, "Release of U.S. Customs and Border Protection Entry Data," dated August 15, 2025.

<https://www.trade.gov/administrative-protective-orders>.

Distribution of Copies of the Petition

In accordance with section 702(b)(4)(A) of the Act and 19 CFR 351.202(f), a copy of the public version of the Petition has been provided to the GOR via ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the Petition to each exporter named in the Petition, as provided under 19 CFR 351.203(c)(2).

ITC Notification

Commerce will notify the ITC of its initiation, as required by section 702(d) of the Act.

Preliminary Determination by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petition was filed, whether there is a reasonable indication that imports of unwrought palladium from Russia are materially injuring, or threatening material injury to, a U.S. industry.³⁵ A negative ITC determination will result in the investigation being terminated.³⁶ Otherwise, this CVD investigation will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors of production under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). Section 351.301(b) of Commerce's regulations requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted³⁷ and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct.³⁸ Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being

submitted. Interested parties should review the regulations prior to submitting factual information in this investigation.

Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351.301, or as otherwise specified by Commerce. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301, or as otherwise specified by Commerce.³⁹ For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. ET on the due date. Under certain circumstances, Commerce may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, we will inform parties in a letter or memorandum of the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, standalone submission; under limited circumstances we will grant untimely filed requests for the extension of time limits, where we determine, based on 19 CFR 351.302, that extraordinary circumstances exist. Parties should review Commerce's regulations concerning the extension of time limits and the *Time Limits Final Rule* prior to submitting factual information in this investigation.⁴⁰

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.⁴¹ Parties must use the certification formats provided in 19 CFR 351.303(g).⁴² Commerce intends to reject factual submissions if the submitting party does not comply with

the applicable certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. Parties wishing to participate in this investigation should ensure that they meet the requirements of 19 CFR 351.103(d) (e.g., by filing the required letters of appearance). Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).⁴³

This notice is issued and published pursuant to sections 702 and 777(i) of the Act, and 19 CFR 351.203(c).

Dated: August 19, 2025.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix

Scope of the Investigation

The scope of this investigation is unwrought palladium. Unwrought palladium includes palladium, whether or not refined, in the form of ingots, blocks, lumps, billets, cakes, slabs, pigs, cathodes, anodes, briquettes, cubes, sticks, grains, sponge, pellets, shot, powder, and similar primary forms.

Unwrought palladium is covered by the scope regardless of production method. The scope includes unwrought palladium produced through ore extraction, unwrought palladium produced by recycling palladium-containing scrap, unwrought palladium produced by any other method, and blends of unwrought palladium produced by different methods.

The scope includes unwrought palladium that is commingled with unwrought palladium from sources not subject to this investigation or commingled with other metals. Only the subject unwrought palladium component of such commingled products is covered by the scope of this investigation.

Subject merchandise includes merchandise matching the above description that has been finished, packaged, or otherwise processed in a third country, including by refining, grinding, commingling, adding or removing additives (such as other metals), or performing any other finishing, packaging, or processing that would not otherwise remove the merchandise from the scope of the investigation if performed in the subject country.

The covered merchandise is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) at subheading 7110.21.0000. Unwrought palladium meeting the scope description may also enter under HTSUS subheading 7110.29.0000. Although the HTSUS subheadings are provided for

³⁹ See 19 CFR 351.302.

⁴⁰ See 19 CFR 351.301; see also *Extension of Time Limits; Final Rule*, 78 FR 57790 (September 20, 2013) (*Time Limits Final Rule*), available at <https://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm>.

⁴¹ See section 782(b) of the Act.

⁴² See *Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings*, 78 FR 42678 (July 17, 2013) (*Final Rule*); see also frequently asked questions regarding the *Final Rule*, available at https://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.

⁴³ See *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069 (September 29, 2023).

³⁵ See section 703(a)(1) of the Act.

³⁶ *Id.*

³⁷ See 19 CFR 351.301(b).

³⁸ See 19 CFR 351.301(b)(2).

convenience and for customs purposes, the written description of the subject merchandise is dispositive.

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BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) has received requests to conduct administrative reviews of various antidumping duty (AD) and countervailing duty (CVD) orders with July anniversary dates. In accordance with Commerce's regulations, we are initiating those administrative reviews.

DATES: Applicable August 22, 2025.

FOR FURTHER INFORMATION CONTACT: Brenda E. Brown, AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, telephone: (202) 482–4735.

SUPPLEMENTARY INFORMATION:

Background

Commerce has received timely requests, in accordance with 19 CFR 351.213(b), for administrative reviews of various AD and CVD orders with July anniversary dates. All deadlines for the submission of various types of information, certifications, comments, or actions by Commerce discussed below refer to the number of calendar days from the applicable starting time.

Respondent Selection

In the event that Commerce limits the number of respondents for individual examination for administrative reviews initiated pursuant to requests made for the orders identified below, Commerce intends to select respondents based either on U.S. Customs and Border Protection (CBP) data for U.S. imports during the period of review (POR) or questionnaires in which we request the quantity and value (Q&V) of sales, shipments, or exports during the POR. Where Commerce selects respondents based on CBP data, we intend to place the CBP data on the record within five days of publication of the initiation notice. Where Commerce selects respondents based on Q&V data,

Commerce intends to place the Q&V questionnaire on the record of the review within five days of publication of the initiation notice. In either case, we intend to make our respondent selection decision within 35 days of the **Federal Register** publication of the initiation notice. Comments regarding the CBP data (and/or Q&V data (where applicable)) and respondent selection should be submitted within seven days after the placement of the CBP data/submission of the Q&V data on the record of the review. Parties wishing to submit rebuttal comments should submit those comments within five days after the deadline for the initial comments.

In the event that Commerce decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Tariff Act of 1930, as amended (the Act), the following guidelines regarding collapsing of companies for purposes of respondent selection will apply. In general, Commerce has found that determinations concerning whether particular companies should be “collapsed” (e.g., treated as a single entity for purposes of calculating AD rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, Commerce will not conduct collapsing analyses at the respondent selection phase of the review and will not collapse companies at the respondent selection phase unless there has been a determination to collapse certain companies in a previous segment of the AD proceeding (e.g., investigation, administrative review, new shipper review, or changed circumstances review). For any company subject to the review, if Commerce determined, or continued to treat, that company as collapsed with others, Commerce will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, Commerce will not collapse companies for purposes of respondent selection.

Parties are requested to (a) identify which companies subject to review previously were collapsed, and (b) provide a citation to the proceeding in which they were collapsed. Further, if companies are requested to complete the Q&V questionnaire for purposes of respondent selection, in general, each company must report volume and value data separately for itself. Parties should not include data for any other party, even if they believe they should be treated as a single entity with that other

party. If a company was collapsed with another company or companies in the most recently completed segment of the proceeding where Commerce considered collapsing that entity, complete Q&V data for that collapsed entity must be submitted.

Notice of No Sales

With respect to AD administrative reviews, we intend to rescind the review where there are no suspended entries for a company or entity under review and/or where there are no suspended entries under the company-specific case number for that company or entity. Where there may be suspended entries, if a producer or exporter named in this notice of initiation had no exports, sales, or entries during the POR, it may notify Commerce of this fact within 30 days of publication of this initiation notice in the **Federal Register** for Commerce to consider how to treat suspended entries under that producer's or exporter's company-specific case number.

Deadline for Withdrawal of Request for Administrative Review

Pursuant to 19 CFR 351.213(d)(1), a party that has requested a review may withdraw that request within 90 days of the date of publication of the notice of initiation of the requested review. The regulation provides that Commerce may extend this time if it is reasonable to do so. Determinations by Commerce to extend the 90-day deadline will be made on a case-by-case basis.

Deadline for Particular Market Situation Allegation

Section 504 of the Trade Preferences Extension Act of 2015 amended the Act by adding the concept of a particular market situation (PMS) for purposes of constructed value under section 773(e) of the Act.¹ Section 773(e) of the Act states that “if a particular market situation exists such that the cost of materials and fabrication or other processing of any kind does not accurately reflect the cost of production in the ordinary course of trade, the administering authority may use another calculation methodology under this subtitle or any other calculation methodology.” When an interested party submits a PMS allegation pursuant to section 773(e) of the Act, Commerce will respond to such a submission consistent with 19 CFR 351.301(c)(2)(v). If Commerce finds that a PMS exists under section 773(e) of the Act, then it

¹ See Trade Preferences Extension Act of 2015, Public Law 114–27, 129 Stat. 362 (2015).

will modify its dumping calculations appropriately.

Neither section 773(e) of the Act nor 19 CFR 351.301(c)(2)(v) set a deadline for the submission of PMS allegations and supporting factual information. However, in order to administer section 773(e) of the Act, Commerce must receive PMS allegations and supporting factual information with enough time to consider the submission. Thus, should an interested party wish to submit a PMS allegation and supporting new factual information pursuant to section 773(e) of the Act, it must do so no later than 20 days after submission of initial responses to section D of the questionnaire.

Separate Rates

In proceedings involving non-market economy (NME) countries, Commerce begins with a rebuttable presumption that all companies within the country are subject to government control and, thus, should be assigned a single AD deposit rate. It is Commerce's policy to assign all exporters of merchandise subject to an administrative review in an NME country this single rate unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate.

To establish whether a firm is sufficiently independent from government control of its export activities to be entitled to a separate rate, Commerce analyzes each entity exporting the subject merchandise. In accordance with the separate rates criteria, Commerce assigns separate rates to companies in NME cases only if respondents can demonstrate the absence of both *de jure* and *de facto* government control over export activities.

All firms listed below that wish to qualify for separate rate status in the administrative reviews involving NME countries must complete, as appropriate, either a Separate Rate Application or Certification, as described below. In addition, all firms that wish to qualify for separate rate status in the administrative reviews of AD orders in which a Q&V questionnaire is issued must complete, as appropriate, either a Separate Rate Application or Certification, and respond to the Q&V questionnaire.

For these administrative reviews, in order to demonstrate separate rate eligibility, Commerce requires entities for whom a review was requested, that were assigned a separate rate in the most recent segment of this proceeding in which they participated, to certify that they continue to meet the criteria

for obtaining a separate rate. The Separate Rate Certification form will be available on Commerce's website at <https://access.trade.gov/Resources/nme/nme-sep-rate.html> on the date of publication of this **Federal Register** notice. In responding to the certification, please follow the "Instructions for Filing the Certification" in the Separate Rate Certification. Separate Rate Certifications are due to Commerce no later than 14 calendar days after publication of this **Federal Register** notice. In addition to filing a Separate Rate Certification with Commerce no later than 14 calendar days after publication of this **Federal Register** notice. The deadline and requirement for submitting a Separate Rate Certification applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers who purchase and export subject merchandise to the United States.

Entities that currently do not have a separate rate from a completed segment of the proceeding² should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. In addition, companies that received a separate rate in a completed segment of the proceeding that have subsequently made changes, including, but not limited to, changes to corporate structure, acquisitions of new companies or facilities, or changes to their official company name,³ should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. The Separate Rate Application will be available on Commerce's website at <https://access.trade.gov/Resources/nme/nme-sep-rate.html> on the date of publication of this **Federal Register** notice. In responding to the Separate Rate Application, refer to the instructions contained in the application. Separate Rate Applications are due to Commerce no later than 14 calendar days after publication of this **Federal Register** notice. The deadline and requirement for submitting a Separate Rate

² Such entities include entities that have not participated in the proceeding, entities that were preliminarily granted a separate rate in any currently incomplete segment of the proceeding (e.g., an ongoing administrative review, new shipper review, etc.) and entities that lost their separate rate in the most recently completed segment of the proceeding in which they participated.

³ Only changes to the official company name, rather than trade names, need to be addressed via a Separate Rate Application. Information regarding new trade names may be submitted via a Separate Rate Certification.

Application applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers that purchase and export subject merchandise to the United States.

Exporters and producers must file a timely Separate Rate Application or Certification if they want to be considered for individual examination. Furthermore, exporters and producers who submit a Separate Rate Application or Certification and subsequently are selected as mandatory respondents will no longer be eligible for separate rate status unless they respond to all parts of the questionnaire as mandatory respondents.

Certification Eligibility

Commerce may establish a certification process for companies whose exports to the United States could contain both subject and non-subject merchandise. Companies under review that were deemed to not be eligible to participate in the certification program of that proceeding may submit a Certification Eligibility Application to establish that they maintain the necessary systems to track their sales to the United States of subject and non-subject goods.

All firms listed below that are not currently eligible to certify but wish to establish certification eligibility are required to submit a Certification Eligibility Application. The Certification Eligibility Application will be available on Commerce's website at <https://access.trade.gov/Resources/Certification-Eligibility-Application.pdf>.

Certification Eligibility Applications must be filed according to Commerce's regulations and are due to Commerce no later than 30 calendar days after the publication of the **Federal Register** notice.

Exporters and producers that are not currently eligible to certify, who submit a Certification Eligibility Application, and are subsequently selected as mandatory respondents must respond to all parts of the questionnaire as mandatory respondents for Commerce to consider their Certification Eligibility Application.

Initiation of Reviews

In accordance with 19 CFR 351.221(c)(1)(i), we are initiating administrative reviews of the following AD and CVD orders and findings. We intend to issue the final results of these reviews not later than July 31, 2026.

	Period to be reviewed
AD Proceedings	
BELGIUM: Citric Acid And Certain Citrate Salts, A-423-813 Citribel N.V.	7/1/24-6/30/25
BURMA: Mattresses, A-546-001 Glory Home (Myanmar) Limited Hangtai (Myanmar) Co., Ltd.	12/2/23-6/30/25
CAMBODIA: Certain Paper Shopping Bags, A-555-002 Brandart S.p.A. Nice Packaging (Cambodia) Co., Ltd. TB Packaging (Cambodia) Co., Ltd. UUPak Company Limited.	1/3/24-6/30/25
COLOMBIA: Certain Paper Shopping Bags, A-301-805 Ditar, S.A.	1/3/24-6/30/25
COLOMBIA: Citric Acid And Certain Citrate Salts, A-301-803 Sucroal S.A.	7/1/24-6/30/25
INDIA: Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel, ⁴ A-533-873	6/1/24-5/31/25
INDIA: Certain Paper Shopping Bags, A-533-917 Adeera Packaging Pvt. Ltd Amate Products Pvt. Ltd. Archies Limited Asha Creation Canpac Trends Private Limited Carrywell Packaging Pvt. Ltd. Ckaari Packaging Pvt. Ltd. Colorbox Dynaflex Private Limited Harrshan Pro-Pack LLP JK Industries Kuloday Plastomers Pvt. Ltd. Laser Edge Graphics Max Packaging Pack Planet Pvt. Ltd. Paras Webcoat Pvt. Ltd. Poonam SGM Paper Products Shriniwas Enterprises Tejaswi Plastic Pvt. Ltd. Velvin Packaging Solutions Pvt. Ltd., The Velvin Group, Velvin Paper Products True Tag International Private Limited Vama Packaging	1/3/24-6/30/25
INDIA: Fine Denier Polyester Staple Fiber, A-533-875 Reliance Industries Limited The Bombay Dyeing And Manufacturing Company Limited	7/1/24-6/30/25
INDIA: Non-Refillable Steel Cylinders, ⁵ A-533-912 Mauria Udyog Limited	12/1/23-5/31/25
INDIA: Polyethylene Terephthalate (Pet) Film, A-533-824 Chiripal Poly Films Limited Ester Industries Limited Garware Hi-Tech Films Limited Garware Polyester Ltd. Jindal Poly Films Ltd.; Jindal Poly Films Ltd. (India) JPFL Films Private Limited Polyplex Corporation Ltd. SRF Limited Vacmet India Limited Cosmo First Ltd.	7/1/24-6/30/25
ITALY: Certain Pasta, A-475-818 Agritalia S.r.L. Andriani S.p.A. Antiche Tradizioni Di Gragnano S.R.L. Barilla G. e R. Fratelli Società per Azioni Socio Unico George DeLallo Company, Inc. Gruppo Milo SpA La Doria Pasta PL S.r.l. La Molisana, S.p.A. Marchesi Frescobaldi Soc. Agricola S.r.l. Pastificio Artigiano Cav. Giuseppe Cocco S.R.L. Pastificio Di Martino Gaetano e Flli S.p.A. Pastificio Fratelli Cellino S.P.A Pastificio Fratelli Cellino S.R.L. Pastificio Liguori S.p.A.; PAM S.P.A.; PAM S.R.L.; Liguori Pastificio Dal 1820 S.P.A.; Pastificio Della Forma S.r.l. Pastificio Lucio Garofalo S.p.A. Pastificio Mediterranea S.R.L	7/1/24-6/30/25

	Period to be reviewed
Pastificio Sgambaro Rummo S.p.A.; Pasta Castiglioni S.r.l.; Molino e Pastificio; Rummo Lenta Lavorazione S.p.A. The Aldino Group: Aldino S.r.l.; Pastificio Tamma S.r.l, Pastificio Chiavenna S.r.l., Pastificio Rigo S.P.A.	
ITALY: Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel, ⁶ A-475-838	6/1/24-5/31/25
ITALY: Mattresses, A-475-845	3/1/24-6/30/25
Matermoll SRL	
JAPAN: Certain Cold-Rolled Steel Flat Products, A-588-873	7/1/24-6/30/25
JFE Steel Corporation Marubeni-Itochu Steel Inc. Marubeni-Itochu Steel America Inc. Nippon Steel Corporation Shinsho Corporation Toyota Tsusho Corporation	
MALAYSIA: Certain Paper Shopping Bags, A-557-825	1/3/24-6/30/25
Hexachase Packaging Sdn Bhd. Qlopac Sdn Bhd. Sin Boon Beng Printing Sdn Bhd. UPS SCS (Malaysia) Services Sdn Bhd.	
MALAYSIA: Certain Steel Nails, A-557-816	7/1/24-6/30/25
Alsons Manufacturing India, LLP Atlantic Marine Group Ltd. Asia Bolts & Nuts Sdn. Bhd. Astrotech Steels Pvt. Ltd. AV Fastener (M) Sdn. Bhd. Best Staples Sdn. Bhd. Chia Pao Metal Co., Ltd. Chin Lai Hardware Sdn. Bhd. Chin Well Fasteners Co. Chuan Heng Hardware Paints and Building Materials Sdn. Bhd. Come Best (Thailand) Co., Ltd. Gbo Fastening Systems AB Geekay Wires Limited Gripwell Fastening (M) Sdn. Bhd. Impress Steel Wire Industries Sdn. Bhd. Inmax Industries Sdn. Bhd. Inmax Sdn. Bhd. Fastenal Malaysia Sdn. Bhd. Fuji Fastener Manufacturing Sdn. Bhd. Kerry-Apex (Thailand) Co., Ltd. Kimmu Trading Sdn., Bhd. Kimmu Industries Sdn. Bhd. Madura Fasteners Sdn. Bhd. Modern Factory for Steel Industries Co., Ltd. Multi Venture Resources Sdn. Bhd. Oman Fasteners LLC PrimeSource Building Products Inc. Region International Co. Ltd. Region Systems Sdn. Bhd. RM Wire Industries Sdn. Bhd. S.H. Chooi Fasteners SK Bolts & Fasteners Sdn. Bhd. SNA Steel Products (M) Sdn. Bhd. Soon Shing Building Materials Sdn. Bhd. Storeit Services LLP Sunmat Industries Sdn., Bhd. Tag Fasteners Sdn. Bhd. Tag Staples Sdn., Bhd. Tampin Sin Yong Wai Industry Sdn. Bhd. Top Remac Industries Trinity Steel Private Limited UD Industries Sdn., Bhd. Vien Group Sdn., Bhd. Watasan Industries Sdn., Bhd. Winston Mayer Sdn. Bhd. Wing Tai Fastener Manufacturer WWL India Private Ltd. Yew Siong Industrial Supplies Sdn. Bhd.	
OMAN: Certain Steel Nails, A-523-808	7/1/24-6/30/25
Al Ansari Tegmark LLC Al Kiyumi Global LLC Al Sarah Building Materials LLC Buraimi Iron & Steel, LLC CL Synergy (Pvt) Ltd.	

	Period to be reviewed
Diamond Foil Trading LLC Gulf Nails LLC: Gulf Nails Manufacturing, LLC Gulf Steel Manufacturers, LLC Modern Factory for Metal Products Muscat Industrial Company, LLC Muscat Nails Factory Golden Asset Trade, LLC Oman Fasteners LLC Oman Ocean Trading LLC Omega Global Uluslararası Tasimacilik Ticaret Ltd. Sti Platinum Fasteners WWL Indian Private Ltd	
POLAND: Mattresses, A-455-807	7/1/24-6/30/25
EBI, LLC COM40 Sp. z o.o. Sp. K. CORRECT—K. Błaszczuk i Wspólnicy Sp. K	
PORTUGAL: Certain Paper Shopping Bags, A-471-808	1/3/24-6/30/25
Finieco Indústria e Comércio de Embalagens, S.A. Industria de Diseno Textil S.A.	
REPUBLIC OF KOREA: Certain Corrosion-Resistant Steel Products, A-580-878	7/1/24-6/30/25
Dongbu Incheon Steel Co., Ltd. Dongkuk Coated Metal Co., Ltd. Dongkuk Steel Mill Co., Ltd. Hyundai Steel Company KG Dongbu Steel Co., Ltd. POSCO POSCO Coated & Color Steel Co., Ltd. POSCO International Corporation SeAH Coated Metal SeAH Steel Corporation TCC Steel Corp.	
REPUBLIC OF KOREA: Certain Steel Nails, A-580-874	7/1/24-6/30/25
Daejin Steel Company Hanmi Staple Co., Ltd. Inmax Industries Sdn. Bhd. Je-il Wire Production Co., Ltd. Jinsco International Corp. Koram Inc. Korea Wire Co., Ltd. Nailtech Co., Ltd. Peace Korea Co., Ltd.	
REPUBLIC OF KOREA: Passenger Vehicle and Light Truck Tires, A-580-908	7/1/24-6/30/25
Hankook Tire & Technology Co., Ltd. Hankook Tire America Corp. Kumho Tire Co., Inc. Nexen Tire Corporation	
REPUBLIC OF TÜRKİYE: Steel Concrete Reinforcing Bar, A-489-829	7/1/24-6/30/25
Colakoglu Dis Ticaret A.S.; Colakoglu Metalurji A.S. Ekinciler Demir ve Çelik Sanayi A.Ş. Habas Sinai ve Tibbi Gazlar Istihsal Endustrisi A.S. Icdas Celik Enerji Tersane ve Ulasim A.S. Kaptan Demir Celik Endustrisi ve Ticaret A.S.; Kaptan Metal Dis Ticaret ve Nakliyat A.S.	
SOCIALIST REPUBLIC OF VIETNAM: Certain Paper Shopping Bags, A-552-836	1/3/23-6/30/25
Blue Sea Pack Import Export Company Limited Goldsun Packaging and Printing Joint Stock Company International Packaging Limited Company International Packaging Limited Company Vietnam Red Star Industry Company Limited Vietnam Red Star Industry Company Limited of Vietnam	
SOCIALIST REPUBLIC OF VIETNAM: Certain Steel Nails, A-552-818	7/1/24-6/30/25
JCV Corp Company Limited Fastening Care Region Industries Co., Ltd. Yes Logistics Corp.	
SOCIALIST REPUBLIC OF VIETNAM: Welded Stainless Steel Pressure Pipe, A-552-816	7/1/24-6/30/25
Công ty TNHH Thép không gỉ Quang Thương Việt Nam Mejonson Industrial Vietnam Co., Ltd. Quang Thuong Vietnam Stainless Steel Company Limited Sonha International Corporation Sonha SSP Vietnam Sole Member Co. Limited The Vietnam-wide Entity Vinasteel Production Joint Stock Company Vinlong Stainless Steel (Vietnam) Co., Ltd.	
TAIWAN: Certain Corrosion-Resistant Steel Products, A-583-856	7/1/24-6/30/25

	Period to be reviewed
China Steel Corporation Chung Hung Steel Corporation Great Fortune Steel Co., Ltd. Great Grandeul Steel Co., Ltd. Great Grandeul Steel Company Limited (Somoa) Great Grandeul Steel Corporation Prosperity Tieh Enterprise Co., Ltd. Sheng Yu Steel Co., Ltd. Xxentria Technology Materials Company Ltd.	
TAIWAN: Certain Paper Shopping Bags, A-583-872	1/3/24-6/30/25
Chung Tai Bag King Corporation Chyan Tay International Corp. Haur Tyi Paper Bag Co., Ltd. Toolworks International Ltd. Xiamen Yasili Trade Co., Ltd. Zheng Da Paper Industry Co., Ltd.	
TAIWAN: Certain Steel Nails, A-583-854	7/1/24-6/30/25
Chunyu Factory Co., Ltd Cool Shot Ltd. Encore Green Co., Ltd Faithful Engineering Products Co., Ltd. Fang Sheng Screw Co., Ltd Fwang Tzay Enterprise Corp Herstel Trading Limited Home Value Co., Ltd. Hsi Yi Enterprise Co. Ltd. Hsin Ho Mfg. Co., Ltd. Joker Industrial Co., Ltd. Leading Hardware Corporation Lu Chu Shin Yee Works Co., Ltd. Panther T & H Industry Co., Ltd. Perfect Seller Co., Ltd. Phoenix Merchandise Inc. Rexlen Corporation: Top Forever Screws Co., Ltd. Sanji Co., Ltd. Sourcing Metrics Ltd. TG Co., Ltd Xiamen Huiyu Chemical Trading Co.	
TAIWAN: Mattresses, A-583-873	3/1/24-6/30/25
Caremed Supply Inc. Cathay Consolidated Inc. Chi Yuan Biotech Co., Ltd Feng Yi Outdoor Leisure Equipment Midg Hand Industry Co., Ltd Sinew KRG Factory Co. Ltd. Sunhold Technology Co., Ltd.	
TAIWAN: Passenger Vehicle and Light Truck Tires, A-583-869	7/1/24-6/30/25
Cheng Shin Rubber Ind. Co. Ltd.	
TAIWAN: Polyethylene Terephthalate (Pet) Film, A-583-837	7/1/24-6/30/25
Nan Ya Plastics Corporation; Nan Ya Plastics Corporation, Ltd. Shinkong Materials Technology Co. Ltd Shinkong Materials Technology Corporation Shinkong Synthetic Fibers Corporation Shinkong Synthetic Fibers Corp.	
THAILAND: Citric Acid And Certain Citrate Salts, A-549-833	7/1/24-6/30/25
COFCO Biochemical (Thailand) Co., Ltd. Sunshine Biotech International Co., Ltd. Xitrical Group Co., Ltd.	
THAILAND: Passenger Vehicle and Light Truck Tires, A-549-842	7/1/24-6/30/25
Bridgestone Company, Ltd. Bridgestone Tire Manufacturing (Thailand) Co. Ltd. Deestone Corporation Public Company Limited; Deestone Corporation Ltd. Deestone Limited Deestone International Company Limited Svizz-One Corporation Limited Siamtruck Radial Company Limited General Rubber (Thailand) Co., Ltd. Maxxis International (Thailand) Co., Ltd. Otani Radial Co., Ltd. Otani Tire Co., Ltd. S.R. Tyres Co., Ltd. Sentury Tire (Thailand) Co., Ltd. Siam Rubber Co., Ltd.	

	Period to be reviewed
Sumitomo Rubber (Thailand) Co., Ltd. Thai Bridgestone Co., Ltd. Vee Tyre & Rubber Co., Ltd. Yokohama Tire Manufacturing (Thailand) Co., Ltd. Yokohama Rubber Co., Ltd.	
THE PEOPLE'S REPUBLIC OF CHINA: Certain Chassis and Subassemblies Thereof, A-570-135	7/1/24-6/30/25
CIMC Vehicles (Group) Co., Ltd. Dongguan CIMC Vehicles Co., Ltd. Qingdao CIMC Special Vehicles Co., Ltd. SinoTrailers	
THE PEOPLE'S REPUBLIC OF CHINA: Certain Collated Steel Staples, A-570-112	7/1/24-6/30/25
Adinath Corporation Limited A-Jax Intl Co., Ltd Alfa Marine (Shanghai) Co., Ltd. An Ji Bei Lun Jia Ju You Xian Gong Anhui Z&A Import and Export Co., Ltd. Baoding Baigou New City Yuhuang Beijing Yazhao Technology Co., Ltd Changzhou Kya Fasteners Co., Ltd. China Staple Enterprise (Tianjin) Co China Wind International Ltd. Cre8 Direct (Ningbo) Co., Ltd. CS TianJin Enterprise Co., Ltd. D.I.Y. Hardware Tools (China Co., E-Teklon Co., Ltd Fastnail Products Limited Five Star International Import and Export Foshan Hosontool Development Hardware Co., Ltd. Fouever International Limited Full Link Int'l Ltd. Future Horizon Printing: Global Link (Shanghai) Co., Ltd. Gss Hardware Co. Limited Guangdong Willing Technology Corporation Guangzhou Liya Leather Co., Ltd. Guangzhou Nova Co., Ltd. H&B Promotional Limited Hainan Golden Shell Co., Ltd. HDL International Holdings Limited Hebei Minmetals Co., Ltd. Hebei Qiqun Import And Export Trade Hebei Reenly Trade Co., Ltd. Henan Beibond Co., Ltd. Hk Prosper Industry Limited Hk Sino-Harvest Packing Co., Ltd. Hong Kong Beyond Group Company Limited Hubei Xing Ning Corporation Limited J. Ennis (Ningbo Free Trade Zone) Co. Jiaxing Anita Electrical Co., Ltd. Jiaxing Brothers Hardware Co., Ltd. Ky Pneumatic Nail Co., Limited Larme Industrial (Shanghai) Company Max Co., Ltd Mingguang Ruifeng Hardware Products Co., Ltd. Nanjing Justar Material Co., Ltd Ningbo Assisting Trading Co., Ltd. Ningbo Cando Imp&Exp Co., Ltd. Ningbo Feihong Stationery Ltd Corp Ningbo G&W Imp.&Exp. Co., Ltd Ningbo Home-Dollar Imp&Exp Corp. Ningbo Hoz Fasteners Co., Limited Ningbo Jieyou Trading Co., Ltd. Ningbo Joystar International Trade Ningbo Mas-Houseware Imp. Exp. Co., Ltd. Ningbo Most-Textile Trading Co., Ltd. Ningbo Paper Melody Industrial Co., Ltd Ningbo Superior Trading Co., Ltd. Ningbo Tongya International Co., Ltd. Ningbo (Yinzhou) Yongjia Electrical: Ocean King International Industries Limited Oli-Fast Fasteners (Tianjin) Prym Consumer Ningbo Trading Limited Qingdao Forent Industry Co., Ltd. Rayson Electrical Mfg. Ltd.	

	Period to be reviewed
Rise Time Industrial Limited Shanghai Jade Shuttle Hardware Tools Co., Ltd. Shanghai Yueda Nails Co., Ltd. Shanxing Pioneer Hardware Industrial Shaoxing Bohui Import & Export Co., Ltd. Shaoxing Feida Nail Industry Co., Ltd: Shaoxing Huasheng Stationery Manufacturing Co., Ltd Shaoxing Shunxing Metal Producing Co., Ltd Shaoxing Yiyao Stationary Co. Ltd. Sumec Hardware and Tools Co., Ltd. Suzhou Everich I/E Co., Ltd. Techtronic Cordless Gp Tianjin Hengtuo Metal Products Co. Tianjin Hweschun Fasteners: Tianjin Jin Xin Sheng Long Metal Products Co., Ltd. Tianjin Jinyifeng Hardware Co., Ltd. Tsi Manufacturing Llc (Hk) Limited Unicorn (Tianjin) Fasteners Co., Ltd Wire Products Manufacturing Co., Ltd. Xiamen Wanguoxing Trade Co., Ltd. Xi'An Metals and Minerals Import and Export Yf Technology Corporation Zhejiang Best Nail Industrial Co., Ltd. Zhejiang Wangbin Decorative Materi THE PEOPLE'S REPUBLIC OF CHINA: Certain Freight Rail Couplers and Parts Thereof, A-570-145	7/1/24-6/30/25
Alstom Transportation Amsted Rail Company, Inc. CH Robinson Worldwide Chongqing Tongyao Intelligent Equipment Co., Ltd. Chongqing Tongyao Transportation Equipment Co., Ltd. Creative Instore Solutions Pty Ltd. CRRC Mudanjiang Jinyuan Casting Co., Ltd. Dellner Coupler System Technology (Wuhan) Co., Ltd. Freightcar America Greenbrier Central LLC National Steel Car: Ningbo Jinhui Precision Casting Co., Ltd Ningbo Rete International Co., Ltd. Qingdao Lianshan Castings Co., Ltd. Renold China Chain NSC (Renold Hangzhou Co., Ltd.) Rotex Global LLC RTC Industries Inc. Strategic Global Sourcing Ltd. Strato, Inc. Suzhou Huran Manufacturing Co., Ltd Trinity Industries TXX Company Wabtec Corporation THE PEOPLE'S REPUBLIC OF CHINA: Certain Hardwood Plywood Products, A-570-051	6/17/20-9/25/21
Hai Hien Bamboo Wood Joint Stock Company THE PEOPLE'S REPUBLIC OF CHINA: Certain Quartz Surface Products, A-570-084	7/1/24-6/30/25
Karinastone (Malaysia) Sdn Bhd THE PEOPLE'S REPUBLIC OF CHINA: Xanthan Gum, A-570-985	7/1/24-6/30/25
CP Kelco (Shandong) Biological Company Limited Deosen Biochemical (Ordos) Ltd. Deosen Biochemical Ltd. Inner Mongolia Jianlong Biochemical Co., Ltd. Jianlong Biotechnology Co. Ltd. Jianlong Biotechnology Co., Ltd. Jilin Meihua Amino Acid Co., Ltd. Langfang Meihua Biotechnology Co., Ltd. Meihua Group International Trading (Hong Kong) Meihua Group International Trading (Hong Kong) Limited Neimenggu Fufeng Biotechnologies Co., Ltd. Xinjiang Fufeng Biotechnologies Co., Ltd. Xinjiang Meihua Amino Acid Co., Ltd. UKRAINE: Oil Country Tubular Goods, A-823-815	7/1/24-6/30/25
Interpipe Europe S.A. Interpipe NTRP Interpipe Ukraine LLC LLC Interpipe Niko Tube PJSC Interpipe Nizhnedneprovsky Tube Rolling Plant	

	Period to be reviewed
CVD Proceedings	
ITALY: Certain Pasta, C-475-819	1/1/24-12/31/24
Antiche Tradizioni Di Gragnano S.r.l.	
De Matteis Agroalimentare S.p.A.	
Industria Alimentare Colavita, S.p.A.	
Pastificio Attilio Mastromauro-Granoro Srl	
Pastificio Attilio Mastromauro-Granoro Srl	
Pastificio Sgambaro	
INDIA: Certain Paper Shopping Bags, C-533-918	11/6/23-12/31/24
Ckaari Packaging Private Limited	
INDIA: Polyethylene Terephthalate (Pet) Film, C-533-825	1/1/24-12/31/24
Chiripal Poly Films Limited	
Cosmo First Ltd.	
Ester Industries Limited	
Garware Hi-Tech Films Limited	
Garware Polyester Ltd.	
Jindal Poly Films Ltd.	
JPFL Films Private Limited	
Polyplex Corporation Ltd	
SRF Limited	
Vacmet India Ltd.	
REPUBLIC OF KOREA: Certain Corrosion-Resistant Steel Products, C-580-879	1/1/24-12/31/24
Dongkuk Coated Metal Co., Ltd.	
Hyundai Steel	
Hyundai Steel Company	
Hyundai Steel Co., Ltd.	
KG Dongbu Steel Co., Ltd	
KG Steel Corporation	
POSCO	
POSCO International	
POSCO Coated & Color Steel Co., Ltd.	
POSCO Steeleon Co., Ltd.	
SeAH Coated Metal	
SeAH Steel Corporation	
TCC Steel Corp.	
REPUBLIC OF TÜRKİYE: Steel Concrete Reinforcing Bar, C-489-830	1/1/24-12/31/24
HABAS; Habas Elektrik Uretim A.S.; Habas Endustri Tesisleri A.S.; Mertas Turizm	
Nakliyat ve Ticaret A.S.; HABAS SINAI VE TIBBI GAZLAR ISTIHSAL	
ENDUSTRISI A.S.; Pegagaz A.S; Cebitas Demir Celik Endustrisi A.S.; Osman	
Sonmez Ins. Taah; Habas Petrol Urtmleri Sanayi ve Ticaret A.S.	
SOCIALIST REPUBLIC OF VIETNAM: Passenger Vehicle and Light Truck Tires, C-552-829	1/1/24-12/31/24
American Kenda Rubber Industrial Co. Ltd.	
Kenda Rubber (Vietnam) Co., Ltd.	
Kumho Tire (Vietnam) Co., Ltd.	
Kumho Tire Co., Inc.	
THE PEOPLE'S REPUBLIC OF CHINA: Certain Collated Steel Staples, C-570-113	1/1/24-12/31/24
Adinath Corporation Limited	
A-Jax Intl Co., Ltd	
Alfa Marine (Shanghai) Co., Ltd	
An Ji Bei Lun Jia Ju You Xian Gong	
Anhui Z&A Import And Export Co., Ltd.	
Beijing Yazhao Technology Co., Ltd.	
Cas International Co., Ltd.	
Changzhou Kya Fasteners Co., Ltd.	
China Staple Enterprise (Tianjin) Co	
China Wind International Ltd.	
China Zhejiang International	
Cre8 Direct (Ningbo) Co., Ltd.	
D.I.Y. Hardware Tools (China) Co., Ltd.	
E-Teklon Co., Ltd.	
Fastnail Products Limited	
Foshan Hosontool Development Hardware Co., Ltd.	
Fouever E-Commerce Company Limited	
Fouever International Limited	
Full Link Int'l Ltd	
Future Horizon Printing	
Fuzhou SFS Trading Co., Ltd.	
Geofantex Geosynthetics Co., Ltd.	
≤Global Link (Shanghai) Co., Ltd	
Gpa Hong Kong Limited	
Gss Hardware Co., Ltd.	
Guangdong Fuchang Stationery Co., Ltd.	
Guangdong Willing Technology Corporation	
Guangzhou Liya Leather Co., Ltd.	

	Period to be reviewed
Guangzhou Nova Co., Ltd. Hainan Golden Shell Co., Ltd. Hangzhou G-Wire Technology Co., Ltd. HDL International Holdings Limited Hebei Minmetals Co., Ltd. Hebei Reenly Trade Co., Ltd. Hefei Great Auto Equipment Co., Ltd. Henan Beibond Co., Ltd. Hk Prosper Industry Limited Hk Sino-Harvest Packing Co., Ltd. Huanghua Rc Business Co., Ltd. Hubei Xing Ning Corporation Limited J.Ennis (Ningbo Free Trade Zone) Co Jabil Electronics (Weihai) Co Jet Power International, Ltd. Jiaxing Anita Electrical Co., Ltd. Jiaxing Brothers Hardware Co., Ltd. Jinweilong Fasteners (Hk) Co., Limited Ky Pneumatic Nail Co., Limited Larme Industrial (Shanghai) Company Linyi Flyingarrow Imp. & Exp. Ltd. Mingguang Ruifeng Hardware Products Co., Ltd. Mulan Manufacturing Group Nanjing Nuochun Hardware Co., Ltd. Ningbo Assisting Trading Co., Ltd. Ningbo Cando Imp&Exp Co., Ltd. Ningbo Feihong Stationery Ltd Corp: Ningbo G&W Imp.&Exp. Co., Ltd. Ningbo Home-Dollar Imp&Exp Corp Ningbo Hoz Fasteners Co., Limited. Ningbo Jieyou Trading Co., Ltd. Ningbo Mas-Houseware Imp. Exp. Co., Ltd. Ningbo Most-Textile Trading Co., Ltd. Ningbo Pacrim Manufacturing Co., Ltd. Ningbo Paper Melody Industrial Co., Ltd. Ningbo Superior Trading Co., Ltd. Ningbo Tongya International Co., Ltd. Ningbo (Yinzhou) Yongjia Electrical Tools Co., Ltd. Ningbo Yuanyu Stationery & Gifts Co., Ltd. Ocean King International Industries Limited Oli-Fast Fasteners (Tianjin) Prym Consumer Ningbo Trading Limited Qingdao Forent Industry Co., Ltd Rayson Electrical Mfg. Ltd. Rise Time Industrial Limited Shanghai Jade Shuttle Hardware Tools Co., Ltd. Shanghai Yueda Nails Co., Ltd Shanxi Pioneer Hardware Industrial Shaoxing Bohui Import & Export Co., Ltd. Shaoxing Feida Nail Industry Shaoxing Huasheng Stationery Manufacturing Co., Ltd. Shaoxing Mingxing Nail Co., Ltd Shaoxing Shangyu Longke Umbrella Shaoxing Shunxing Metal Producing Co., Ltd. Shaoxing Yiyao Stationery Co., Ltd. Shuyang Sundy Art & Craft Co., Ltd. Suntec Industries Co., Ltd. Suzhou Everich I/E Co., Ltd. Techtronic Cordless Gp Thakral Corporation (Hk) Limited Tianjin Angetai Import and Export Co., Ltd. Tianjin Hengtuo Metal Products Co., Ltd. Tianjin Hweschun Fasteners Tianjin Jin Xin Sheng Long Metal Products Co., Ltd. Tianjin Jinyifeng Hardware Co., Ltd. TSI Manufacturing LLC (HK) Limited Unicorn (Tianjin) Fasteners Co., Ltd Wire Products Manufacturing Co., Ltd. Xi An Metals And Minerals Import and Export Co., Ltd. Xiamen Wanguoxing Trade Co., Ltd. Yf Technology Corporation Yiwu Chengming Import And Export Co., Ltd. Yueqing Yuena Electric Science And Technology Zhejiang Best Nail Industrial Co., Ltd.	

	Period to be reviewed
Zhejiang Linyi Import And Export Co., Ltd.	
Zhejiang Yunde Sanitary Ware Co., Ltd.	
THE PEOPLE'S REPUBLIC OF CHINA: Certain Freight Rail Couplers and Parts Thereof, C-570-146	1/1/24-12/31/24
Alstom Transportation	
CH Robinson Worldwide	
Chongqing Tongyao Intelligent Equipment Co., Ltd.	
Chongqing Tongyao Transportation Equipment Co., Ltd.	
Creative Instore Solutions Pty Ltd.	
Dellner Coupler System Technology (Wuhan) Co., Ltd.	
National Steel Car	
Ningbo Rete International Co., Ltd	
Renold China Chain NSC (Renold Hangzhou Co. Ltd)	
Rotex Global LLC	
RTC Industries Inc.	
Strategic Global Sourcing Ltd.	
Suzhou Huran Manufacturing Co, Ltd	
THE PEOPLE'S REPUBLIC OF CHINA: Certain Hardwood Plywood Products, C-570-052	6/17/20-9/25/21
Hai Hien Bamboo Wood Joint Stock Company	
THE PEOPLE'S REPUBLIC OF CHINA: Certain Quartz Surface Products, C-570-085	1/1/24-12/31/24
Karinastone (Malaysia) Sdn Bhd	

Suspension Agreements

None.

Duty Absorption Reviews

During any administrative review covering all or part of a period falling between the first and second or third and fourth anniversary of the publication of an AD order under 19 CFR 351.211 or a determination under 19 CFR 351.218(f)(4) to continue an order or suspended investigation (after sunset review), Commerce, if requested by a domestic interested party within 30 days of the date of publication of the notice of initiation of the review, will determine whether antidumping duties have been absorbed by an exporter or producer subject to the review if the subject merchandise is sold in the United States through an importer that is affiliated with such exporter or producer. The request must include the name(s) of the exporter or producer for which the inquiry is requested.

Gap Period Liquidation

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise

⁴ In the initiation notice that published on July 25, 2025 (90 FR 35268), Commerce inadvertently listed Salem Steel N.A., LLC., a U.S. importer of subject merchandise, as a company under administrative review. Commerce hereby clarifies that Salem Steel N.A., LLC is not subject to the review.

⁵Commerce inadvertently omitted the company listed above from the initiation notice that published on July 25, 2025 (90 FR 35268).

⁸ In the initiation notice that published on July 25, 2025 (90 FR 35268), Commerce inadvertently listed Tenaris Global Services (U.S.A.) Corporation, a U.S. importer of subject merchandise, as a company under administrative review. Commerce hereby clarifies that Tenaris Global Services (U.S.A.) Corporation is not subject to the review.

entered, or withdrawn from warehouse, for consumption during the relevant “gap” period of the order (*i.e.*, the period following the expiry of provisional measures and before definitive measures were put into place), if such a gap period is applicable to the POR.

Administrative Protective Orders and Letters of Appearance

Interested parties must submit applications for disclosure under administrative protective orders in accordance with the procedures outlined in Commerce's regulations at 19 CFR 351.305. Those procedures apply to administrative reviews included in this notice of initiation. Parties wishing to participate in any of these administrative reviews should ensure that they meet the requirements of these procedures (*e.g.*, the filing of separate letters of appearance as discussed at 19 CFR 351.103(d)).

Factual Information Requirements

Commerce's regulations identify five categories of factual information in 19 CFR 351.102(b)(21), which are summarized as follows: (i) evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). These regulations require any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted and, if the information is

submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct. The regulations, at 19 CFR 351.301, also provide specific time limits for such factual submissions based on the type of factual information being submitted. Please review the *Final Rule*,⁷ available at <https://www.govinfo.gov/content/pkg/FR-2013-07-17/pdf/2013-17045.pdf>, prior to submitting factual information in this segment. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).⁸

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information using the formats provided at the end of the *Final Rule*.⁹ Commerce intends to reject factual submissions in any proceeding segments if the submitting party does not comply with applicable certification requirements.

Extension of Time Limits Regulation

Parties may request an extension of time limits before a time limit

⁷ See *Certification of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings*, 78 FR 42678 (July 17, 2013) (*Final Rule*); see also the frequently asked questions regarding the *Final Rule*, available at https://enforcement.trade.gov/lei/notices/factual_info_final_rule_FAQ_07172013.pdf.

⁸ See *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings; Final Rule*, 88 FR 67069 (September 29, 2023).

⁹ See section 782(b) of the Act; see also *Final Rule*; and the frequently asked questions regarding the *Final Rule*, available at https://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.

established under Part 351 expires, or as otherwise specified by Commerce.¹⁰ In general, an extension request will be considered untimely if it is filed after the time limit established under Part 351 expires. For submissions which are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. on the due date. Examples include, but are not limited to: (1) case and rebuttal briefs, filed pursuant to 19 CFR 351.309; (2) factual information to value factors under 19 CFR 351.408(c), or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2), filed pursuant to 19 CFR 351.301(c)(3) and rebuttal, clarification and correction filed pursuant to 19 CFR 351.301(c)(3)(iv); (3) comments concerning the selection of a surrogate country and surrogate values and rebuttal; (4) comments concerning CBP data; and (5) Q&V questionnaires. Under certain circumstances, Commerce may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, Commerce will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. This policy also requires that an extension request must be made in a separate, standalone submission, and clarifies the circumstances under which Commerce will grant untimely-filed requests for the extension of time limits. Please review the *Final Rule*, available at <https://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm>, prior to submitting factual information in these segments.

Notification to Interested Parties

These initiations and this notice are in accordance with section 751(a) of the Act (19 U.S.C. 1675(a)) and 19 CFR 351.221(c)(1)(i).

Dated: August 19, 2025.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2025–16131 Filed 8–21–25; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–475–841]

Forged Steel Fluid End Blocks From Italy: Final Results of Countervailing Duty Administrative Review; 2023

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that certain exporters/producers of forged steel fluid end blocks (fluid end blocks) from Italy received countervailable subsidies during the period of review (POR) January 1, 2023, through December 31, 2023.

DATES: Applicable August 22, 2025.

FOR FURTHER INFORMATION CONTACT: Ted Pearson or Stefan Smith AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2631 or (202) 482–4342, respectively.

SUPPLEMENTARY INFORMATION:

Background

On May 7, 2025, Commerce published in the *Federal Register* the *Preliminary Results* of this administrative review and invited comments from interested parties.¹ For a complete description of the events that occurred since the *Preliminary Results*, see the Issues and Decision Memorandum.² Commerce conducted this review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order³

The products covered by the *Order* are fluid end blocks from Italy. For a full

¹ See *Forged Steel Fluid End Blocks from Italy: Preliminary Results of Countervailing Duty Administrative Review and Rescission of Administrative Review, in Part; 2023*, 90 FR 19275 (May 7, 2025) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

² See Memorandum, “Issues and Decision Memorandum for the Final Results of the Countervailing Duty Administrative Review of Forged Steel Fluid End Blocks from Italy; 2023,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

³ See *Forged Steel Fluid End Blocks from the People’s Republic of China, the Federal Republic of Germany, India, and Italy: Countervailing Duty Orders, and Amended Final Affirmative Countervailing Duty Determination for the People’s Republic of China*, 86 FR 7535 (January 29, 2021); see also *Forged Steel Fluid End Blocks from the People’s Republic of China, the Federal Republic of Germany, India, and Italy: Correction to Countervailing Duty Orders*, 86 FR 10244 (February 19, 2021) (*Order*).

description of the scope of the *Order*, see the Issues and Decision Memorandum.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs submitted by interested parties are addressed in the Issues and Decision Memorandum. The topics discussed and the issues raised by interested parties to which we responded in the Issues and Decision Memorandum are listed in the 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 our analysis of comments received from interested parties, we made no changes to the net countervailable subsidy rates for Lucchini Mame Forge S.p.A. (Lucchini) and Metalcam S.p.A. (Metalcam). For a discussion of comments, see the Issues and Decision Memorandum.

Methodology

Commerce conducted this review in accordance with section 751(a)(1)(A) of the Act. For each of the subsidy programs found to be countervailable, we determine 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.⁴ For a complete description of the methodology underlying all of Commerce’s conclusions, including our reliance, in part, on facts otherwise available, including adverse facts available, pursuant to sections 776(a) and (b) of the Act, see the Issues and Decision Memorandum.

Companies Not Selected for Individual Review

The statute and Commerce’s regulations do not address the establishment of a rate to be applied to companies not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(e)(2) of the Act. However, Commerce normally determines the rates for non-selected

⁴ 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.

¹⁰ See 19 CFR 351.302.

companies in reviews in a manner that is consistent with section 705(c)(5) of the Act, which provides the basis for calculating the all-others rate in an investigation. Section 705(c)(5)(A)(i) of the Act instructs Commerce, as a general rule, to calculate the all-others rate equal to the weighted average of the countervailable subsidy rates established for exporters and producers individually investigated, excluding any zero or *de minimis* countervailable subsidy rates, and any rates determined entirely on the basis of facts available.

There are two companies, Cogne Acciai Speciali S.p.A. (CAS) and Forge Monchieri S.p.A. (Forge Monchieri) for which a review was requested, which had reviewable entries, and which were not selected as mandatory respondents or found to be cross-owned with a mandatory respondent. For these companies, because the rates calculated for the mandatory respondents, Lucchini and Metalcam, were above *de minimis* and not based entirely on facts available. Therefore, we are applying to the non-selected companies the average of the net subsidy rates calculated for Lucchini and Metalcam, which we calculated using the publicly-ranged sales data submitted by Lucchini and Metalcam.⁵

Final Results of the Administrative Review

We find the following net countervailable subsidy rates exist for the period January 1, 2023, through December 31, 2023:

Company	Subsidy rate (percent <i>ad valorem</i>)
Lucchini Mame Forge S.p.A. ⁶	15.33
Metalcam S.p.A. ⁷	8.22

⁵ With two respondents under examination, Commerce normally calculates: (A) a weighted-average of the estimated subsidy rates calculated for the examined respondents; (B) a simple average of the estimated subsidy rates calculated for the examined respondents; and (C) a weighted average of the estimated subsidy rates calculated for the examined respondents using each company's publicly-ranged U.S. sale quantities for the merchandise under consideration. Commerce then compares (B) and (C) to (A) and selects the rate closest to (A) as the most appropriate rate for all other producers and exporters. *See, e.g., Ball Bearings and Parts Thereof from France, Germany, Italy, Japan, and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews, Final Results of Changed-Circumstances Review, and Revocation of an Order in Part*, 75 FR 53661, 53663 (September 1, 2010).

⁶ Commerce finds the following companies to be cross-owned with Lucchini: Lucchini RS S.p.A.; Lucchini Industries Srl; and Bicomet S.p.A.

⁷ Commerce finds the following companies to be cross-owned with Metalcam: Adamello Meccanica S.r.l.; and B.S. S.r.l.

Company	Subsidy rate (percent <i>ad valorem</i>)
Officine Meccaniche Roselli S.r.l.	14.05
Cogne Acciai Speciali S.p.A. ...	14.05

Disclosure

Normally, Commerce discloses to interested parties the calculations performed in connection with the final results of a review within five days of the date of publication of the notice in the **Federal Register** in accordance with 19 CFR 351.224(b). However, because Commerce has not made any changes to the *Preliminary Results*, there are no new calculations to disclose.

Assessment

In accordance with section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(2), Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries covered by this review. Commerce intends to issue assessment instructions to CBP no earlier than 35 days after publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

Cash Deposit Requirements

In accordance with section 751(a)(1) of the Act, Commerce also intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts shown for the companies listed above for shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of these 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 the most recent company-specific rate applicable to the company, as appropriate. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Administrative Protective Order

This notice also serves as a final reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance

with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation subject to sanction.

Notification to Interested Parties

The 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).

Dated: August 18, 2025.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the *Order*
- IV. Non-Selected Rate
- V. Subsidies Valuation
- VI. Use of Facts Otherwise Available and Adverse Inferences
- VII. Analysis of Programs
- VIII. Discussion of the Issues
 - Comment 1: Whether Commerce Should Countervail the Tax Credit for Intensive Gas Users Program
 - Comment 2: Whether Commerce Should Countervail the Tax Credit for Intensive Energy Users Program
 - Comment 3: Whether the Super Ammortamento, Iper Ammortamento, Tax Credit for Investments in New Capital Goods, and Aid for Economic Growth Programs are Specific
- IX. Recommendation

[FR Doc. 2025–16098 Filed 8–21–25; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–164, C–570–165]

Certain Paper Plates From the People's Republic of China: Initiation of Circumvention Inquires on the Antidumping and Countervailing Duty Orders

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: In response to a request from the Anticircumvention Working Group of the American Paper Plate Coalition (AWG) (collectively, the requesters), the U.S. Department of Commerce (Commerce) is initiating country-wide circumvention inquiries to determine whether imports of certain paper plates (paper plates) completed in the Kingdom of Cambodia (Cambodia) or

Malaysia (collectively, the third countries) using paperboard manufactured in the People's Republic of China (China), are circumventing the antidumping (AD) and countervailing duty (CVD) orders on paper plates from China.

DATES: Applicable August 22, 2025.

FOR FURTHER INFORMATION CONTACT:

Justin Enck at (202) 482–1614, Shawn Gregor at (202) 482–3226 (Cambodia), and Walter Schaub at (202) 482–0907 (Malaysia), Trade Remedy Counseling and Initiations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On July 8, 2025, pursuant to section 781(b) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.226(i), the requesters¹ filed circumvention inquiry requests² alleging that paper plates completed in the third countries using paperboard manufactured in China, are circumventing the AD and CVD orders on paper plates from China³ and, accordingly, should be included within the scope of the *Orders*.

On July 14, 2025, we issued a supplemental questionnaire to the requesters regarding the Malaysia circumvention request.⁴ On July 15, 2025, we issued a supplemental questionnaire to the requesters regarding the Cambodia circumvention request.⁵ On July 17, 2025, the requesters filed their responses to both supplemental questionnaires.⁶ On July

18 and 25, 2025, Ecosense Environmental Technology Sdn. Bhd. (Ecosense), Feihong Malaysia Sdn. Bhd. (Feihong), and Target General Merchandise, Inc. (Target) filed opposition comments in response to the Circumvention Requests.⁷

Scope of the Orders

The merchandise subject to these *Orders* is paper plates. For a full description of the scope of the *Orders*, see the Circumvention Initiation Checklists.⁸

Merchandise Subject to the Circumvention Inquiries

The circumvention inquiries cover paper plates assembled and completed in either Cambodia or Malaysia using Chinese-origin paperboard, that are subsequently exported to the United States.

Initiation of Circumvention Inquiries

Section 351.226(d) of Commerce's regulations states that if Commerce determines that a request for a circumvention inquiry satisfies the requirements of 19 CFR 351.226(c), then Commerce "will accept the request and initiate a circumvention inquiry." Section 351.226(c)(1) of Commerce's regulations, in turn, requires that each circumvention inquiry request allege "that the elements necessary for a circumvention determination under section 781 of the Act exist" and be "accompanied by information reasonably available to the interested party supporting these allegations." The requesters alleged circumvention pursuant to section 781(b) of the Act (*i.e.*, merchandise completed or assembled in other foreign countries).

Section 781(b)(1) of the Act provides that Commerce may find circumvention of an order when merchandise of the same class or kind subject to the order is completed or assembled in a foreign country other than the country to which the order applies. In conducting a circumvention inquiry, under section 781(b)(1) of the Act, Commerce relies on

the following criteria: (A) merchandise imported into the United States is of the same class or kind as any merchandise produced in a foreign country that is the subject of an AD or CVD order; (B) before importation into the United States, such imported merchandise is completed or assembled in another foreign country from merchandise which is subject to the order or is produced in the foreign country that is subject to the order; (C) the process of assembly or completion in the foreign country referred to in section (B) is minor or insignificant; (D) the value of the merchandise produced in the foreign country to which the AD or CVD order applies is a significant portion of the total value of the merchandise exported to the United States; and (E) the administering authority determines that action is appropriate to prevent evasion of such order.

In determining whether the process of assembly or completion in a foreign country is minor or insignificant under section 781(b)(1)(C) of the Act, section 781(b)(2) of the Act directs Commerce to consider: (A) the level of investment in the foreign country; (B) the level of research and development in the foreign country; (C) the nature of the production process in the foreign country; (D) the extent of production facilities in the foreign country; and (E) whether or not the value of processing performed in the foreign country represents a small proportion of the value of the merchandise imported into the United States. However, no single factor, by itself, controls Commerce's determination of whether the process of assembly or completion in a foreign country is minor or insignificant.⁹ Accordingly, Commerce will evaluate each of these five factors as they exist in the foreign country, depending on the particular circumvention scenario.

In addition, section 781(b)(3) of the Act sets forth additional factors to consider in determining whether to include merchandise assembled or completed in a foreign country within the scope of an AD or CVD order. Specifically, Commerce shall take into account such factors as: (A) the pattern of trade, including sourcing patterns; (B) whether the manufacturer or exporter of the merchandise that was shipped to the foreign country is affiliated with the person who, in the foreign country, uses the merchandise to complete or assemble the merchandise which is subsequently imported into the United States; and (C) whether imports of the

¹ The members of the requesters/AWG are AJM Packaging Corporation; Aspen Products, Inc.; Dart Container Corporation; Hoffmaster Group, Inc.; and Unique Industries, Inc.

² See Requesters' Letter, "Request for Circumvention Inquiry Pursuant to Section 781(b) of the Tariff Act of 1930, as Amended, with Respect to the Kingdom of Cambodia," dated July 8, 2025; see also Requesters' Letters, "Request for Circumvention Inquiry Pursuant to Section 781(b) of the Tariff Act of 1930, as Amended, with Respect to Malaysia," dated July 8, 2025 (collectively, Circumvention Requests).

³ See *Certain Paper Plates from the People's Republic of China, Thailand, and the Socialist Republic of Vietnam: Antidumping Duty Orders*, 90 FR 13139 (March 20, 2025); see also *Certain Paper Plates from the People's Republic of China and the Socialist Republic of Vietnam: Countervailing Duty Orders*, 90 FR 13135 (March 20, 2025) (collectively, *Orders*).

⁴ See Commerce's Letter, "Malaysia Circumvention Inquiry Request Supplemental Questionnaire," dated July 14, 2025.

⁵ See Commerce's Letter, "Kingdom of Cambodia Circumvention Inquiry Request Supplemental Questionnaire," dated July 15, 2025.

⁶ See Requesters' Letters, "Certain Paper Plates from China: Response to Kingdom of Cambodia

Circumvention Inquiry Request Supplemental Questionnaire," dated July 17, 2025.

⁷ See Ecosense's Letter, "Ecosense Comments Regarding Adequacy," dated July 18, 2025; see also Feihong's Letter, "Factual Information to Rebut, Clarify, or Correct AWG's July 17, 2025 Supplemental Questionnaire Response," dated July 25, 2025; and Target's Letter, "Adequacy Comments on Circumvention Inquiry Request on Cambodia," dated July 25, 2025.

⁸ See Checklists, "Paper Plates Completed in Cambodia Circumvention Initiation Checklist," and "Paper Plates Completed in Malaysia Circumvention Initiation Checklist," dated concurrently with, and hereby adopted by, this notice (collectively, Circumvention Initiation Checklists), at Attachment I.

⁹ See Statement of Administrative Action Accompanying the Uruguay Round Agreements Act, H.R. Doc. 103–316, Vol. 1 (1994), at 893.

merchandise into the foreign country have increased after the initiation of the investigation that resulted in the issuance of such order.

Analysis

Based on our analysis of the requesters' circumvention inquiry requests and supplemental questionnaire responses, we determine that they have satisfied the criteria under 19 CFR 351.226(c), and thus, pursuant to 19 CFR 351.226(d)(1)(iii), we are initiating the requested circumvention inquiries. For a full discussion of the basis for our decision to initiate the circumvention inquiries, see the Circumvention Initiation Checklists. As explained in the Circumvention Initiation Checklists, the information provided by the requesters warrants initiating the circumvention inquiries on a country-wide basis. Commerce has taken this approach in prior circumvention inquiries, where the facts warranted initiation on a country-wide basis.¹⁰

Consistent with the approach in the prior circumvention inquiries that were initiated on a country-wide basis, Commerce intends to solicit information from certain companies in the third countries concerning their production of paper plates and their shipments thereof to the United States.

Respondent Selection

Commerce intends to base respondent selection on U.S. Customs and Border Protection (CBP) entry data from Cambodia and Malaysia for the relevant Harmonized Tariff Schedule of the United States (HTSUS) subheading(s) identified in the scope of the *Orders*. Commerce intends to place the CBP data on the record within five days of the publication of this initiation notice, which will be available on Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. Comments regarding the CBP data and respondent selection should be submitted within seven days after placement of the CBP data on the record of the inquiries.

Commerce intends to establish a schedule for questionnaire responses after respondent selection. A company's failure to submit complete, timely responses to Commerce's requests for information may result in the application of facts available, pursuant to section 776(a) of the Act, which may

include adverse inferences, pursuant to section 776(b) of the Act.

Suspension of Liquidation

Pursuant to 19 CFR 351.226(l)(1), Commerce will notify CBP of these initiations and direct CBP to continue the suspension of liquidation of entries of products subject to the circumvention inquiries that were already subject to the suspension of liquidation under the *Orders* and to apply the cash deposit rates that would be applicable if the products were determined to be covered by the scope of the *Orders*.

Should Commerce issue an affirmative preliminary or final circumvention determination, Commerce will follow the suspension of liquidation rules under 19 CFR 351.226(l)(2)–(4). In the event that Commerce issues an affirmative preliminary or final circumvention determination that the products are circumventing the *Orders*, Commerce will instruct CBP to continue the suspension of liquidation of previously suspended entries and to apply the applicable cash deposit rate. Commerce will also instruct CBP to begin the suspension of liquidation and application of cash deposits for any unliquidated entries not yet suspended, entered, or withdrawn from warehouse, for consumption, on or after the date of publication of the notice of initiation of the circumvention inquiries pursuant to paragraphs (l)(2)(ii) and (l)(3)(ii). In addition, pursuant to paragraphs (l)(2)(iii)(A) and (l)(3)(iii)(A), Commerce may instruct CBP to begin the suspension of liquidation and application of cash deposits for any unliquidated entries not yet suspended, entered, or withdrawn from warehouse, for consumption, prior to the date of initiation of the circumvention inquiries, but not for such entries prior to November 4, 2021, the effective date of these provisions in the *Final Rule*.¹¹ These rules will not affect CBP's authority to take any additional action with respect to the suspension of liquidation or related measures for these entries, as stated in 19 CFR 351.226(l)(5).

Notification to Interested Parties

In accordance with 19 CFR 351.226(d) and section 781(b) of the Act, Commerce determines that the requesters' requests for circumvention inquiries satisfy the requirements of 19 CFR 351.226(c). Accordingly, Commerce is notifying all interested parties of the initiation of the

circumvention inquiries to determine whether paper plates completed in the third countries using paperboard manufactured in China and subsequently exported to the United States are circumventing the *Orders*. In addition, we have included a description of the products that are subject to the inquiries and an explanation of Commerce's decision to initiate the inquiries as provided in the accompanying Circumvention Initiation Checklists.¹²

In accordance with 19 CFR 351.226(e)(1), unless the circumvention inquiries are rescinded, in whole or in part, or the deadline for the preliminary circumvention determinations is extended, Commerce intends to issue its preliminary circumvention determinations no later than 150 days from the date of publication of the notices of initiation of these circumvention inquiries in the **Federal Register**. Furthermore, in accordance with section 781(f) of the Act and 19 CFR 351.226(e)(2), unless the circumvention inquiries are rescinded, in whole or in part, or the deadline for the final circumvention deadlines is extended, Commerce intends to issue its final determinations within 300 days from the date of publication of the notice of initiation of the circumvention inquiries in the **Federal Register**.

This notice is published in accordance with section 781(b) of the Act, and 19 CFR 351.226(d)(1)(iii).

Dated: August 19, 2025.

Abdelali Elouaradia,
Deputy Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2025–16164 Filed 8–21–25; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

Notice of Scope Rulings

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) hereby publishes a list of scope rulings made during the period April 1, 2025, through June 30, 2025. We intend to publish future lists after the close of the next calendar quarter.

DATES: Applicable August 22, 2025.

FOR FURTHER INFORMATION CONTACT: Brenda E. Brown, AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade

¹⁰ See, e.g., *Hydrofluorocarbon Blends from the People's Republic of China: Initiation of Circumvention Inquiry on the Antidumping Duty Order*, 88 FR 74150 (October 30, 2023).

¹¹ See *Regulations to Improve Administration and Enforcement of Antidumping and Countervailing Duty Laws*, 86 FR 52300, 52345 (September 20, 2021) (*Final Rule*).

¹² See Circumvention Initiation Checklists.

Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: 202-482-4735.

SUPPLEMENTARY INFORMATION:

Background

Commerce regulations provide that it will publish in the **Federal Register** a list of scope rulings on a quarterly basis.¹ Our most recent notification of scope rulings was published on April 29, 2025.² This current notice covers all scope rulings made by Enforcement and Compliance between April 1, 2025, and June 30, 2025.

Final Scope Rulings

Italy

A-475-839: Forged Steel Fittings From Italy

Requestor: National Oilwell Varco, L.P. (NOV). The Hubs of the PFT Hub & Cap System, imported by NOV, are excluded from the scope of the antidumping duty order on forged steel fittings from Italy because the Hub is a butt weld fitting, which is excluded from the order. In addition, the Caps of the System, imported by NOV, are covered by the plain language of the Order and do not meet any of the exclusions contained in the scope: June 24, 2025.

People's Republic of China (China)

A-570-967 and C-570-968: Aluminum Extrusions From China

Requestor: Utility Transportation Carts, Inc. (UTC). On April 3, 2025, Commerce rescinded the scope inquiry on UTC's flatbed utility carts because UTC did not provide evidence that the product was imported into the United States or that the product was commercially produced and sold in any other market: April 3, 2025.

A-570-967 and C-570-968: Aluminum Extrusions From China

Requestor: HTM MBS LLC (MBS). The screw covers imported by MBS are covered by the scope of the AD and CVD orders on aluminum extrusions from China because the aluminum extrusion components satisfy the general scope language, the record shows that the screw covers are sold as two separate parts, and the screw covers function more as an unfinished subassembly than an actual finished product: June 30, 2025.

A-570-108 and C-570-109: Ceramic Tiles From China

Requestor: WJC LLC (WJC). Ceramic roofing tiles imported together as a kit by WJC LLC are not covered by the scope of the AD and CVD orders on ceramic tile from China because the tiles are imported together as a complete roof kit: May 23, 2025.

A-570-082 and C-570-083: Certain Steel Wheels (22.5 and 24.5 Inches in Diameter) From China

Requestor: Accuride Cooperation and Maxion Wheels USA LLC. On May 6, 2025, Commerce rescinded the scope inquiry because the record does not substantiate extant production of certain steel wheels with a diameter of 22.5 and 24.5 inches from China and the evidentiary basis for the initiation of the scope inquiry is insufficiently supported: May 6, 2025.

A-570-985: Xanthan Gum From China

Requestor: Gum Products International, Inc. GPI Xantech DF40 and GPI Xantech DF40-D are covered by the scope of the AD order on xanthan gum from China because xanthan gum is not substantially transformed when used to produce GPI's products and GPI's products have a country of origin of China: May 20, 2025.

A-570-985: Xanthan Gum From China

Requestor: Gum Products International, Inc. GPI Purexan 80AN, GPI Purexan 200AN and GPI Quickxan 70 are covered by the scope of the AD order on xanthan gum from China because xanthan gum is not substantially transformed when used to produce GPI's products and GPI's products have a country of origin of China: May 20, 2025.

A-570-016 and C-570-017: Passenger Vehicle Light Truck Tires From China

Requestor: Logistical Resource Development Inc. (LRD). The T-Type tires produced by Shandong Linglong Tyre Co., Ltd and imported from China by LRD are not covered by the scope of the AD and CVD orders on passenger vehicle light truck tires from China because they lack a "P" or "LT" prefix and their numerical size designations are not listed in the "P" or "LT" tables of the Tire and Rim Association Year Book. In addition, their sizes are not of a size that fits cars or light trucks: May 6, 2025.

Preliminary Determinations

A-570-117 and C-570-118: Wood Mouldings and Millwork Products From China

Requestor: Blinds to Go (US), Inc. (BTG). Certain feedstock for window blinds imported by BTG are preliminarily determined to not be covered by the scope of the AD and CVD orders on wood mouldings and millwork products from China because such feedstock is intended exclusively for window blinds rather than for architectural accessories or building uses: April 11, 2025.

Notification to Interested Parties

Interested parties are invited to comment on the completeness of this list of completed scope inquiries. Any comments should be submitted to the Deputy Assistant Secretary for AD/CVD Operations, Enforcement and Compliance, International Trade Administration, via email to CommerceCLU@trade.gov.

This notice is published in accordance with 19 CFR 351.225(o).

Dated: August 19, 2025.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2025-16099 Filed 8-21-25; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-469-815]

Finished Carbon Steel Flanges From Spain: Preliminary Results of Antidumping Duty Administrative Review; 2023-2024

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily finds that finished carbon steel flanges (flanges) from Spain were not sold in the United States at prices below normal value. The period of review (POR) is June 1, 2023, through May 31, 2024. We invite interested parties to comment on these preliminary results.

DATES: Applicable August 22, 2025.

FOR FURTHER INFORMATION CONTACT: George McMahon, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-1167.

¹ See 19 CFR 351.225(o).

² See *Notice of Scope Rulings*, 90 FR 17764 (April 29, 2025).

SUPPLEMENTARY INFORMATION:**Background**

On June 4, 2017, Commerce issued an antidumping duty order on flanges from Spain.¹ On July 29, 2024, based on timely requests for administrative review, Commerce initiated an administrative review of the *Order*, covering one respondent, ULMA Forja, S.Coop (ULMA).²

For a complete description of the events that followed the initiation of this administrative review, *see* the Preliminary Decision Memorandum.³ A list of topics included in the Preliminary Decision Memorandum is provided in the appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Scope of the Order

The product covered by the *Order* is flanges from Spain. For a complete description of the scope of the *Order*, *see* the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this review in accordance with sections 751(a)(1)(B) and (2) of the Tariff Act of 1930, as amended (the Act). Commerce calculated export price in accordance with section 772(a) of the Act. Normal value is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying these preliminary results, *see* the Preliminary Decision Memorandum.

Preliminary Results of Review

Commerce preliminarily finds the following estimated weighted-average

dumping margin exists for the period June 1, 2023, through May 31, 2024:

Exporter/producer	Weighted-average dumping margin (percent)
ULMA Forja, S.Coop	0.00

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties for these preliminary results 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 accordance with 19 CFR 351.224(b).

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance. Pursuant to 19 CFR 351.309(c)(1)(ii), we have modified the deadline for interested parties to submit case briefs to Commerce to no later than 21 days after the date of the publication of this notice.⁴ Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.⁵ Parties who submit case or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) a statement of the issue; and (2) a table of authorities.⁶ All briefs must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety in ACCESS by 5:00 p.m. Eastern Time on the established deadline.

As provided under 19 CFR 351.309(c)(2) and (d)(2), in prior proceedings we have encouraged interested parties to provide an executive summary of their briefs that should be limited to five pages total, including footnotes. In this review, we instead request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.⁷ Further, we request that interested parties limit their executive summary of each issue to no more than 450 words, not including citations. We intend to use the executive summaries as the basis of the comment summaries included in the issues and

decision memorandum that will accompany the final results of this administrative review. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).⁸

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce within 30 days after the date of publication of this notice. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants and whether any participant is a foreign national; and (3) a list of the issues to be discussed. Oral presentations at the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, parties will be notified of the time and date for the hearing.⁹ Parties should confirm the date, time, and location of the hearing two days before the scheduled date.

Assessment Rate

Pursuant to section 751(a)(2)(A) of the Act, upon completion of the final results of this administrative review, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review.¹⁰ The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by this review and for future deposits of estimated duties, where applicable.¹¹

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).

Pursuant to 19 CFR 351.212(b)(1), if ULMA's weighted-average dumping margin is not zero or *de minimis* (*i.e.*, less than 0.5 percent) in the final results of this review, we intend to calculate importer-specific *ad valorem* antidumping duty assessment rates based on the ratio of the total amount of antidumping duties calculated for the

¹ See *Finished Carbon Steel Flanges from Spain: Antidumping Duty Order*, 82 FR 27229 (June 14, 2017) (*Order*).

² See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 89 FR 60871 (July 29, 2024), *see also* ULMA's Letter, "ULMA Forja, S. Coop's Request for Administrative Review," dated June 21, 2024; and Weldbend Corporation's Letter, "Request for Administrative Review," dated July 1, 2024.

³ See Memorandum, "Finished Carbon Steel Flanges from Spain: Decision Memorandum for the Preliminary Results of Antidumping Duty Administrative Review; 2023–2024," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

⁴ See 19 CFR 351.309.

⁵ See 19 CFR 351.309(d); *see also* *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069, 67077 (September 29, 2023) (*APO and Final Service Rule*).

⁶ See 19 CFR 351.309(c)(2) and (d)(2).

⁷ We use the term "issue" here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

⁸ See *APO and Service Final Rule*.

⁹ See 19 CFR 351.310(d).

¹⁰ See 19 CFR 351.212(b)(1).

¹¹ See section 751(a)(2)(C) of the Act.

examined sales to the total entered value of those same sales. If ULMA's weighted-average dumping margin in the final results is zero or *de minimis* within the meaning of 19 CFR

351.106(c)(1), or an importer-specific rate is zero or *de minimis* within the meaning of 19 CFR 351.106(c)(2), we intend to instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

Commerce's "automatic assessment" practice will apply to entries of subject merchandise during the POR produced by ULMA for which it did not know that the merchandise it sold to an intermediary (e.g., a reseller, trading company, or exporter) was destined for the United States. In such instances, we will instruct CBP to liquidate those entries at the all-others rate established in the original less-than-fair value (LTFV) investigation (i.e., 18.81 percent)¹² if there is no rate for the intermediate company(ies) involved in the transaction.¹³

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for the company listed above will be equal to the weighted-average dumping margin established in the final results of this review, except if the rate is *de minimis* (i.e., less than 0.5 percent), in which case the cash deposit rate will be zero; (2) for previously reviewed or investigated companies not covered by this review, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the company was examined; (3) if the exporter is not a firm covered in this review, a prior review, or the LTFV investigation, but the producer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 18.81 percent, the all-others rate established in the LTFV investigation.¹⁴ These cash deposit

requirements, when imposed, shall remain in effect until further notice.

Final Results of Review

Unless the deadline is extended pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(2), Commerce will issue the final results of this administrative review, including the results of our analysis of the issues raised by the parties in their case briefs, not later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

We are issuing and publishing these preliminary results in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213 and 351.221(b)(4).

Dated: August 19, 2025.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Discussion of the Methodology
- V. Currency Conversion
- VI. Recommendation

[FR Doc. 2025-16155 Filed 8-21-25; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XF101]

Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Geophysical Surveys Related to Oil and Gas Activities in the Gulf of America (Formerly Gulf of Mexico)

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of issuance of letter of authorization.

SUMMARY: In accordance with the Marine Mammal Protection Act (MMPA), as amended, its implementing regulations, and NMFS' MMPA regulations for taking marine mammals incidental to geophysical surveys related to oil and gas activities in the Gulf of America (GOA), originally published as "Taking Marine Mammals Incidental to Geophysical Surveys Related to Oil and Gas Activities in the Gulf of Mexico," notification is hereby given that NMFS has modified the Letter of Authorization (LOA) issued to TGS for the taking of marine mammals incidental to geophysical survey activity in the GOA.

DATES: This LOA is effective through April 19, 2026.

ADDRESSES: The LOA, LOA request, and supporting documentation are available online at: <https://www.fisheries.noaa.gov/marine-mammal-protection/issued-letters-authorization-oil-and-gas-industry-geophysical-survey>. In case of problems accessing these documents, please call the contact listed below (**FOR FURTHER INFORMATION CONTACT**).

FOR FURTHER INFORMATION CONTACT: Jenna Harlacher, Office of Protected Resources, NMFS, (301) 427-8401.

SUPPLEMENTARY INFORMATION:

Background

Section 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce 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 authorization for incidental takings 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

¹² See Order, 82 FR at 27230.

¹³ For a full discussion of this practice, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

¹⁴ See Order, 82 FR at 27230.

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.

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).

On January 19, 2021, we issued a final rule with regulations to govern the unintentional taking of marine mammals incidental to geophysical survey activities conducted by oil and gas industry operators, and those persons authorized to conduct activities on their behalf (collectively “industry operators”), in U.S. waters of the (Gulf of America) GOA¹ over the course of 5 years (86 FR 5322, January 19, 2021). The rule was based on our findings that the total taking from the specified activities over the 5-year period will have a negligible impact on the affected species or stock(s) of marine mammals and will not have an unmitigable adverse impact on the availability of those species or stocks for subsistence uses. The rule became effective on April 19, 2021.

The regulations at 50 CFR 217.180 *et seq.* allow for the issuance of LOAs to industry operators for the incidental take of marine mammals during geophysical survey activities and prescribe the permissible methods of taking and other means of effecting the least practicable adverse impact on marine mammal species or stocks and their habitat (often referred to as mitigation), as well as requirements pertaining to the monitoring and reporting of such taking. Under 50 CFR 217.186(e), issuance of an LOA shall be based on a determination that the level of taking will be consistent with the findings made for the total taking allowable under these regulations and a determination that the amount of take authorized under the LOA is of no more than small numbers.

NMFS subsequently discovered that the 2021 rule was based on erroneous take estimates. We conducted another rulemaking using correct take estimates and other newly available and pertinent information relevant to the analyses supporting some of the findings in the 2021 final rule and the taking allowable under the regulations. We issued a final rule in April 2024, effective May 24, 2024 (89 FR 31488, April 24, 2024).

The 2024 final rule made no changes to the specified activities or the specified geographical region in which those activities would be conducted, nor to the original 5-year period of effectiveness. In consideration of the new information, the 2024 rule presented new analyses supporting affirmation of the negligible impact determinations for all species, and affirmed that the existing regulations, which contain mitigation, monitoring, and reporting requirements, are consistent with the least practicable adverse impact (LPAI) standard of the MMPA.

NMFS issued an LOA to TGS on December 20, 2024, for the take of marine mammals incidental to a three-dimensional (3D) ocean bottom node survey in the East Breaks area, effective December 20, 2024, through December 19, 2025. Please see the **Federal Register** notice of issuance (89 FR 105536, December 27, 2024) for additional detail regarding the LOA and the survey activity.

On July 22, 2025, TGS informed NMFS that its planned survey area and timing had shifted and, accordingly, they have requested a modification to the LOA to reflect the new survey area and dates. No survey activity has begun. TGS has requested that the December 19, 2025, expiration date be extended to April 19, 2026, due to changing survey schedules. The original survey plan included a total of 90 days of sound source operation in Zone 6. The updated survey plan increases to 105 total days of sound source operation in Zone 6. The monthly distribution of survey days is not known in advance, though we assume that the planned 105 days of source operation would occur contiguously. Take estimates for each species are based on the time period that produces the greatest value and have been updated based on the revised survey plan. There are no other changes to the planned survey.

For the Rice’s whale, recent survey data, sightings, and acoustic data support Rice’s whale occurrence in waters throughout the GOM between approximately 100 meters (m) and 400 m depth along the continental shelf break, and associated habitat-based

density modeling has identified similar habitat (*i.e.*, approximately 100 to 400 m water depths along the continental shelf break) as being Rice’s whale habitat (Garrison *et al.*, 2023; Soldevilla *et al.*, 2022, 2024). NMFS’ 2024 final rule provided detailed discussion regarding Rice’s whale habitat (see, *e.g.*, 89 FR 31508, 31519).

TGS’s planned activities will overlap with this depth range, with approximately 15 percent of the area expected to be ensonified by the survey above root-mean-squared pressure received levels (RMS SPL) of 160 decibel (dB) (referenced to 1 micropascal (re 1 μ Pa)) overlapping the 100–400 m isobaths. Therefore, there is some reasonable potential for take of Rice’s whale to occur in association with this survey. The generic acoustic exposure modeling results in one take of Rice’s whales and we have rounded that up to a group size, authorizing two Rice’s whale takes.

Based on the results of our analysis, NMFS has determined that the level of taking expected for this survey and authorized through the LOA is consistent with the findings made for the total taking allowable under the regulations. See table 1 in this notice and table 6 of the rule (89 FR 31488, April 24, 2024).

Small Numbers Determination

Under the rule, NMFS may not authorize incidental take of marine mammals in an LOA if it will exceed “small numbers.” In short, when an acceptable estimate of the individual marine mammals taken is available, if the estimated number of individual animals taken is up to, but not greater than, one-third of the best available abundance estimate, NMFS will determine that the numbers of marine mammals taken of a species or stock are small (see 89 FR 31535, May 24, 2024). For more information please see NMFS’ discussion of small numbers in the 2021 final rule (86 FR 5438, January 19, 2021).

The take numbers for authorization are determined as described above and in the **Federal Register** notice of issuance (89 FR 105536, December 27, 2024). Subsequently, the total incidents of harassment for each species are multiplied by scalar ratios (except in the cases where the take estimate has been rounded up to reflect a group size) to produce a derived product that better reflects the number of individuals likely to be taken within a survey (as compared to the total number of instances of take), accounting for the likelihood that some individual marine mammals may be taken on more than 1

¹ Pursuant to Executive Order 14172, “Restoring Names That Honor American Greatness,” and Department of the Interior Secretarial Order 3423, “The Gulf of America,” the body of water formerly known as the Gulf of Mexico is now called the Gulf of America. Accordingly, NMFS amended the incidental take regulations to reflect the change. See 90 FR 38001 (August 7, 2025).

day (see 86 FR 5404, January 19, 2021). The output of this scaling, where appropriate, is incorporated into adjusted total take estimates that are the basis for NMFS' small numbers determinations, as depicted in table 1.

This product is used by NMFS in making the necessary small numbers

determinations through comparison with the best available abundance estimates (see discussion at 86 FR 5391, January 19, 2021). For this comparison, NMFS' approach is to use the maximum theoretical population, determined through review of current stock assessment reports (SAR; <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments>) and model-predicted abundance information (<https://seamap.env.duke.edu/models/Duke/GOM/>). Information supporting the small numbers determinations is provided in table 1.

www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments) and model-predicted abundance information (<https://seamap.env.duke.edu/models/Duke/GOM/>). Information supporting the small numbers determinations is provided in table 1.

TABLE 1—TAKE ANALYSIS

Species	Authorized take	Scaled take ¹	Abundance ²	Percent abundance
Rice's whale	³ 2	NA	51	3.9
Sperm whale	682	288	2,451	11.8
<i>Kogia spp</i>	⁴ 302	92	1,385	7.7
Beaked whales	254	26	1,038	2.5
Rough-toothed dolphin	2,173	624	4,853	12.8
Bottlenose dolphin	2,427	696	151,886	0.4
Clymene dolphin	3,747	1,075	6,136	17.5
Atlantic spotted dolphin	4,913	1,410	21,506	6.6
Pantropical spotted dolphin	12,855	3,689	50,209	7.3
Spinner dolphin	⁵ 152	NA	2,199	5.1
Striped dolphin	2,151	617	16,102	3.8
Fraser's dolphin	866	249	1,665	14.9
Risso's dolphin	481	142	1,974	7.2
Blackfish ⁶	5,842	1,723	9,535	18.1
Short-finned pilot whale	2,638	778	3,277	23.7

¹ Scalar ratios were applied to "Authorized Take" values as described at 86 FR 5322 and 86 FR 5404 (January 19, 2021) to derive scaled take numbers shown here.

² Best abundance estimate. For most taxa, the best abundance estimate for purposes of comparison with take estimates is considered here to be the model-predicted abundance (Garrison *et al.*, 2023). For Rice's whale, Atlantic spotted dolphin, and Risso's dolphin, the SAR abundance estimate is used.

³ Modeled take of 1 increased to account for potential encounter with a group of average size (Maze-Foley and Mullin, 2006).

⁴ Includes 15 takes by Level A harassment and 287 takes by Level B harassment. Scalar ratio is applied to takes by Level B harassment only; small numbers determination made on basis of scaled Level B harassment take plus authorized Level A harassment take.

⁵ Modeled take of 10 increased to account for potential encounter with a group of average size (Maze-Foley and Mullin, 2006).

⁶ The "blackfish" guild includes melon-headed whales, false killer whales, pygmy killer whales, and killer whales.

Based on the analysis contained herein of TGS's proposed survey activity described in its LOA application, as subsequently modified by TGS, and the anticipated take of marine mammals, NMFS finds that small numbers of marine mammals will be taken relative to the affected species or stock sizes (*i.e.*, less than one-third of the best available abundance estimate) and therefore the taking is of no more than small numbers.

Authorization

NMFS has determined that the level of taking for this LOA request is consistent with the findings made for the total taking allowable under the incidental take regulations and that the amount of take authorized under the LOA is of no more than small numbers. Accordingly, we have issued a modification to the LOA to TGS authorizing the take of marine mammals incidental to its geophysical survey activity, as described above.

Dated: August 20, 2025.

Shannon Bettridge,

*Acting Director, Office of Protected Resources,
National Marine Fisheries Service.*

[FR Doc. 2025-16153 Filed 8-21-25; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF DEFENSE

Department of the Navy

Meeting of the U.S. Naval Academy Board of Visitors

AGENCY: Department of the Navy, Department of Defense (DoD).

ACTION: Notice of partially closed meeting.

SUMMARY: The DoD is publishing this notice to announce that the following Federal Advisory Committee meeting of the U.S. Naval Academy Board of Visitors, hereafter "Board," will take place.

DATES: Open to the public, September 8, 2025, from 9 a.m. to 11 a.m. Eastern Time Zone (ET). Closed to the public, September 8, 2025, from 11 a.m. to noon (12 p.m.) ET.

ADDRESSES: This meeting will be held at the Library of Congress, Washington, DC. The meeting will be handicap accessible. Escort is required.

FOR FURTHER INFORMATION CONTACT:

Major Shawn C. Wehrle, USMC, Executive Secretary to the Board of Visitors, Office of the Superintendent, U.S. Naval Academy, Annapolis, MD 21402-5000, 410-293-1503, wehrle@usna.edu, or visit <https://www.usna.edu/PAO/Supintendent/bov.php>.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) (5 U.S.C. 1001-1014), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and the General Services Administration's Federal Advisory Committee Management Final Rule (41 CFR part 102-3).

Purpose of Meeting: The U.S. Naval Academy Board of Visitors will meet to make such inquiry, as the Board deems necessary, into the state of morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, and

academic methods of the Naval Academy.

Agenda:

Proposed meeting agenda for September 8, 2025.

0900 Call to Order (Open to Public)
0900–1055 Opening Meeting (Open to Public)
1055–1100 Break (Open to Public)
1100–1200 Closed Meeting (Closed to Public)

Current details on the board of visitors may be found at <https://www.usna.edu/PAO/Superintendent/bov.php>.

The closed meeting from 11:00 a.m. to 12:00 p.m. ET on September 8, 2025, will consist of discussions of new and pending administrative or minor disciplinary infractions and non-judicial punishments involving midshipmen attending the Naval Academy to include but not limited to, individual honor or conduct violations within the Brigade, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. For this reason, a portion of this meeting will be closed to the public, as the discussion of such information cannot be adequately segregated from other topics, which precludes opening the closed meeting to the public. The Principal Deputy General Counsel has determined in writing that the meeting shall be partially closed to the public because the discussions during the closed meeting from 11 a.m. to noon (12 p.m.) will be concerned with matters protected under sections 552b(c) (5), (6), and (7) of title 5, U.S.C.

Authority: 5 U.S.C. 552b.

Meeting Accessibility: Pursuant to FACA and 41 CFR 102–3.140, this meeting is open to the public. Please contact the Executive Secretary five business days prior to the meeting to coordinate access to the meeting.

Written Statements: Pursuant to 5 U.S.C. 1009(a)(3) and 41 CFR 102–3.105(l) and 102–3.140, interested persons may submit a written statement for consideration at any time, but it should be received by the Designated Federal Officer at least five business days prior to the meeting date so that the comments may be made available to the Board for their consideration prior to the meeting. Written statements should be submitted via mail to 121 Blake Rd, Annapolis, MD 21402. Please note that since the Board operates under the provisions of the FACA, as amended, all submitted comments and public presentations may be treated as public documents and may be made available for public inspection, including, but not limited to, being posted on the board website.

Dated: August 20, 2025.

A.R. DeMaio,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2025–16109 Filed 8–21–25; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2025–SCC–0481]

Agency Information Collection Activities; Comment Request; Annual State Application Under Part B of the Individuals with Disabilities Act as Amended in 2004

AGENCY: Office of Special Education and Rehabilitative Services (OSERS), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing a revision of a currently approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before October 21, 2025.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED–2025–SCC–0481. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, the Department will temporarily accept comments at ICDocketMgr@ed.gov. Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. Please note that comments submitted after the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to the Office of Special Education Programs, U.S. Department of Education, 400 Maryland Ave SW, LBJ, Room 4A119, Washington, DC 20202–1200.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Jennifer Simpson, 202–245–6348.

SUPPLEMENTARY INFORMATION: The Department, in accordance with the

Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. The Department is soliciting comments on the proposed information collection request (ICR) that is described below. The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Annual State Application Under Part B of the Individuals with Disabilities Act as Amended in 2004.

OMB Control Number: 1820–0030.

Type of Review: A revision of a currently approved ICR.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 60.

Total Estimated Number of Annual Burden Hours: 180.

Abstract: The Individuals with Disabilities Education Act (IDEA), signed on December 3, 2004, became PL 108–446. In accordance with 20 U.S.C. 1412(a), a State is eligible for assistance under Part B for a fiscal year if the State submits a plan that provides assurances to the Secretary that the State has in effect policies and procedures to ensure that the State meets each of the conditions found in 20 U.S.C. 1412. Information Collection 1820–0030 is being revised to remove the Significant Disproportionality data collection under IDEA section 618(d) and 34 CFR 300.646 and 300.647 from Section V of the Annual State Application under Part B of the IDEA. The Department believes that removal of the data collection related to Significant Disproportionality will reduce the burden on respondents when completing the Annual State Application under Part B of IDEA.

The remaining sections of the Annual State Application under Part B of IDEA are being extended so that States can provide assurances that they either have or do not have in effect policies and procedures to meet the eligibility requirements of Part B of the Act as found in PL 108–446. Information Collection 1820–0030 corresponds with 34 CFR 300.100–176; 300.199; 300.640–645; and 300.705. These sections include the requirement that the Secretary and local educational agencies located in the State be notified of any State-imposed rule, regulation, or policy that is not required by this title and Federal regulations.

Ross Santy,

Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2025–16051 Filed 8–21–25; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2025–SCC–0025]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Campus Equity in Athletics Disclosure Act (EADA) Survey

AGENCY: Office of Postsecondary Education (OPE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing an extension without change of a currently approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before September 22, 2025.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be submitted within 30 days of publication of this notice. Click on this link www.reginfo.gov/public/do/PRAMain to access the site. Find this information collection request (ICR) by selecting “Department of Education” under “Currently Under Review,” then check the “Only Show ICR for Public Comment” checkbox. Reginfo.gov provides two links to view documents related to this information collection request. Information collection forms and instructions may be found by clicking on the “View Information Collection (IC) List” link. Supporting statements and other supporting documentation may be found by

clicking on the “View Supporting Statement and Other Documents” link. **FOR FURTHER INFORMATION CONTACT:** For specific questions related to collection activities, please contact Amy Wilson, (202) 987–1318.

SUPPLEMENTARY INFORMATION: The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Campus Equity in Athletics Disclosure Act (EADA) Survey.

OMB Control Number: 1840–0827.

Type of Review: An extension without change of a currently approved ICR.

Respondents/Affected Public: Private Sector; State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 2,039.

Total Estimated Number of Annual Burden Hours: 11,215.

Abstract: The collection of information is necessary under section 485 of the Higher Education Act of 1965, as amended, with the goal of increasing transparency surrounding college athletics for students, prospective students, parents, employees and the general public. The survey is a collection tool to compile the annual data on college athletics. The data is collected from the individual institutions by ED and is made available to the public through the Equity in Athletics Data Analysis Cutting Tool as well as the College Navigator.

Ross Santy,

Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2025–16053 Filed 8–21–25; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP25–1072–000.

Applicants: Elwood Energy LLC, Dairyland Power Cooperative.

Description: Joint Petition for Limited Waiver of Capacity Release Regulations, et al. of Elwood Energy LLC, et al.

Filed Date: 8/18/25.

Accession Number: 20250818–5145.

Comment Date: 5 p.m. ET 9/2/25.

Docket Numbers: RP25–1073–000.

Applicants: MountainWest Pipeline, LLC.

Description: § 4(d) Rate Filing: Customer Service Contacts Update to be effective 9/19/2025.

Filed Date: 8/19/25.

Accession Number: 20250819–5065.

Comment Date: 5 p.m. ET 9/2/25.

Docket Numbers: RP25–1074–000.

Applicants: MountainWest Overthrust Pipeline, LLC.

Description: § 4(d) Rate Filing: Customer Service Contact Update to be effective 9/19/2025.

Filed Date: 8/19/25.

Accession Number: 20250819–5067.

Comment Date: 5 p.m. ET 9/2/25.

Docket Numbers: RP25–1075–000.

Applicants: White River Hub, LLC.

Description: § 4(d) Rate Filing: Customer Service Contact Update to be effective 9/19/2025.

Filed Date: 8/19/25.

Accession Number: 20250819–5069.

Comment Date: 5 p.m. ET 9/2/25.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission’s Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

The filings are accessible in the Commission’s eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercensearch.asp>) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

The Commission’s Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community organization, Tribal members and others, access

publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or OPP@ferc.gov.

Dated: August 19, 2025.

Carlos D. Clay,
Deputy Secretary.

[FR Doc. 2025-16105 Filed 8-21-25; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC25-132-000.
Applicants: Cherry Valley PV I, LLC.
Description: Application for Authorization Under Section 203 of the Federal Power Act of Cherry Valley PV I, LLC.

Filed Date: 8/18/25.
Accession Number: 20250818-5175.
Comment Date: 5 p.m. ET 9/8/25.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG25-475-000.
Applicants: Foley Solar, LLC.
Description: Foley Solar, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 8/19/25.
Accession Number: 20250819-5071.
Comment Date: 5 p.m. ET 9/9/25.
Docket Numbers: EG25-476-000.
Applicants: Old Hayneville Solar, LLC.

Description: Old Hayneville Solar, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 8/19/25.

Accession Number: 20250819-5073.
Comment Date: 5 p.m. ET 9/9/25.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER25-2561-001.
Applicants: IP Energy Marketing, LLC.
Description: Tariff Amendment: Amendment to Application for Market-Based Rate Authority to be effective 8/20/2025.

Filed Date: 8/19/25.
Accession Number: 20250819-5100.
Comment Date: 5 p.m. ET 8/29/25.
Docket Numbers: ER25-3209-000.
Applicants: Linden VFT, LLC.
Description: Linden VFT, LLC submits a Request for Order Confirming

its Previously Granted Negotiated Rate Authority and waiver.

Filed Date: 8/15/25.
Accession Number: 20250815-5221.
Comment Date: 5 p.m. ET 9/5/25.
Docket Numbers: ER25-3221-000.
Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to ISA, Service Agreement No. 6475; AE1-079 to be effective 10/18/2025.

Filed Date: 8/18/25.
Accession Number: 20250818-5158.
Comment Date: 5 p.m. ET 9/8/25.
Docket Numbers: ER25-3222-000.
Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2025-08-19_SA 2884 OTP-Crowned Ridge 4th Rev GIA (G736 J442) to be effective 8/13/2025.

Filed Date: 8/19/25.
Accession Number: 20250819-5000.
Comment Date: 5 p.m. ET 9/9/25.
Docket Numbers: ER25-3223-000.
Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to ISA, Service Agreement No. 6454; Queue No. AE1-237 to be effective 10/19/2025.

Filed Date: 8/19/25.
Accession Number: 20250819-5047.
Comment Date: 5 p.m. ET 9/9/25.
Docket Numbers: ER25-3227-000.
Applicants: Southern California Edison Company.

Description: § 205(d) Rate Filing: LGIA, Elion Energy Storage (TOT1059/Q2064-SA No. 350) to be effective 8/20/2025.

Filed Date: 8/19/25.
Accession Number: 20250819-5080.
Comment Date: 5 p.m. ET 9/9/25.
Docket Numbers: ER25-3228-000.
Applicants: Oak Lessee, LLC.

Description: § 205(d) Rate Filing: Normal filing 2025 COC to be effective 7/3/2025.

Filed Date: 8/19/25.
Accession Number: 20250819-5110.
Comment Date: 5 p.m. ET 9/9/25.
Docket Numbers: ER25-3229-000.
Applicants: Okolona Solar, LLC.

Description: § 205(d) Rate Filing: Okolona Solar MBR Application to be effective 10/21/2025.

Filed Date: 8/19/25.
Accession Number: 20250819-5111.
Comment Date: 5 p.m. ET 9/9/25.
Docket Numbers: ER25-3230-000.
Applicants: Tri-State Generation and Transmission Association, Inc.

Description: § 205(d) Rate Filing: Amendment to Rate Schedule FERC No. 8 to be effective 8/19/2025.

Filed Date: 8/19/25.
Accession Number: 20250819-5119.
Comment Date: 5 p.m. ET 9/9/25.

Docket Numbers: ER25-3231-000.
Applicants: MRP Elgin LLC.
Description: Tariff Amendment: Cancellation Rate Schedule No. 1 to be effective 12/31/9998.

Filed Date: 8/19/25.
Accession Number: 20250819-5126.
Comment Date: 5 p.m. ET 9/9/25.

Docket Numbers: ER25-3232-000.
Applicants: MRP Rocky Road LLC.
Description: Tariff Amendment: Cancellation Rate Schedule No. 1 to be effective 12/31/9998.

Filed Date: 8/19/25.
Accession Number: 20250819-5128.
Comment Date: 5 p.m. ET 9/9/25.

Docket Numbers: ER25-3233-000.
Applicants: Bucksport Generation LLC.

Description: § 205(d) Rate Filing: Bucksport Generation LLC, IROL-CIP Rate Schedule 17 to be effective 10/18/2025.

Filed Date: 8/19/25.
Accession Number: 20250819-5133.
Comment Date: 5 p.m. ET 9/9/25.

Docket Numbers: ER25-3234-000.
Applicants: Foley Solar, LLC.

Description: § 205(d) Rate Filing: Foley Solar, LLC MBR Tariff to be effective 10/19/2025.

Filed Date: 8/19/25.
Accession Number: 20250819-5135.
Comment Date: 5 p.m. ET 9/9/25.

Docket Numbers: ER25-3235-000.
Applicants: Old Hayneville Solar, LLC.

Description: § 205(d) Rate Filing: Old Hayneville Solar, LLC MBR Tariff to be effective 10/19/2025.

Filed Date: 8/19/25.
Accession Number: 20250819-5136.
Comment Date: 5 p.m. ET 9/9/25.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES25-68-000.
Applicants: DesertLink, LLC.

Description: Application Under Section 204 of the Federal Power Act for Authorization to Issue Securities of DesertLink, LLC.

Filed Date: 8/15/25.
Accession Number: 20250815-5228.
Comment Date: 5 p.m. ET 9/5/25.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206

of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community organization, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or OPP@ferc.gov.

Dated: August 19, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025-16104 Filed 8-21-25; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 6898-004]

The Dam, LLC; Notice of Application for Surrender of Exemption Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Surrender of exemption.

b. *Project No:* 6898-004.

c. *Date Filed:* August 11, 2025.

d. *Applicant:* The Dam, LLC.

e. *Name of Project:* Chapman Dam Hydroelectric Project.

f. *Location:* The project is located on the North Fork Shenandoah River in Shenandoah County, Virginia. The project does not occupy any federal lands.

g. *Filed Pursuant to:* Public Utility Regulatory Policies Act of 1978, 16 U.S.C. 2705, 2708.

h. *Applicant Contact:* Benjamin and Susan Freakley, 375 Morning Star Lane,

Woodstock, VA 22664, 540-233-2785, benfreakley@gmail.com.

i. *FERC Contact:* Rebecca Martin, (202) 502-6012, rebecca.martin@ferc.gov.

j. *Cooperating agencies:* With this notice, the Commission is inviting federal, state, local, and Tribal agencies with jurisdiction and/or special expertise with respect to environmental issues affected by the proposal, that wish to cooperate in the preparation of any environmental document, if applicable, to follow the instructions for filing such requests described in item k below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of any environmental document cannot also intervene. See 94 FERC ¶ 61,076 (2001).

k. *Deadline for filing comments, motions to intervene, and protests:* September 18, 2025, by 5:00 p.m. Eastern Time.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. The first page of any filing should include the docket number P-6898-004. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

l. *Description of Request:* The exemptee is proposing to surrender its exemption from licensing. The project is currently inoperable, and the repairs would be too costly. One of the turbines was removed by a previous owner. The project has been disconnected from the power grid, and all project features would remain in place.

m. *Locations of the Application:* This filing may be viewed on the Commission's website at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1-866-208-3676 or email FERCOnlineSupport@ferc.gov, for TTY, call (202) 502-8659. Agencies may obtain copies of the application directly from the applicant.

n. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

o. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

p. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE" as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

q. The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community organizations, Tribal members, and others access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or OPP@ferc.gov.

Dated: August 19, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025-16108 Filed 8-21-25; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2246-104]

Yuba County Water Agency; Notice of Application for a Variance Under Article 33d Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Application for Temporary Variance of 2026 Pulse Flow Requirement.

b. *Project No:* 2246-104.

c. *Date Filed:* July 29, 2025.

d. *Applicant:* Yuba County Water Agency.

e. *Name of Project:* Yuba River Hydroelectric Project.

f. *Location:* The project is located on the Middle Yuba River, North Fork Yuba River, and Oregon Creek in Nevada, Yuba, and Sierra counties, California. The project occupies federal lands managed by the U.S. Department of Agriculture, Forest Service.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a-825r.

h. *Applicant Contact:* Willie Whittlesey, General Manager, Yuba County Water Agency, 1220 F Street, Marysville, California 95901, wwhittlesey@yubawater.org, (530) 741-5000.

i. *FERC Contact:* Brian Bartos, (202) 502-6679, brian.bartos@ferc.gov.

j. *Cooperating agencies:* With this notice, the Commission is inviting federal, state, local, and Tribal agencies with jurisdiction and/or special expertise with respect to environmental

issues affected by the proposal, that wish to cooperate in the preparation of any environmental document, if applicable, to follow the instructions for filing such requests described in item k below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of any environmental document cannot also intervene. See 94 FERC ¶ 61,076 (2001).

k. The deadline for filing comments, motions to intervene, and protests is September 18, 2025, 5:00 p.m. Eastern Time.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. The first page of any filing should include the docket number P-2246-104. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

l. *Description of Request:* The applicant requests a temporary variance of its winter pulse flow requirement. Specifically, the licensee proposes to forego its required 1,000 cubic feet per second (cfs) pulse flow into the lower Yuba River from January 1-15, 2026, and to instead release a flow of 700 cfs. In addition, the licensee requests that compliance during the variance period

be based on the 5-day running average of daily average flows, with the 15-minute flow not less than 90 percent of the adjusted flow requirement. The licensee requests the variance to make the best possible use of water supplies in the lower Yuba River should dry conditions continue. The reduced water releases will create a 'water savings' of approximately 8,926 acre-feet. The licensee proposes to use these water savings to augment a spring pulse flow, or a similar scenario, sometime between the issuance of the April B120 forecast and May 15, in consultation with the resource agencies under a 2026 Supplementary Operational Agreement, if certain storage criteria are met in New Bullards Bar Reservoir.

m. *Locations of the Application:* This filing may be viewed on the Commission's website at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1-866-208-3676 or email FERCOnlineSupport@ferc.gov, for TTY, call (202) 502-8659. Agencies may obtain copies of the application directly from the applicant.

n. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

o. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

p. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE" as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the

requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

q. The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community organizations, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or OPP@ferc.gov.

Dated: August 19, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025-16138 Filed 8-21-25; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP25-536-000]

Columbia Gas Transmission, LLC; Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline

Take notice that on August 12, 2025, Columbia Gas Transmission, LLC (Columbia), 700 Louisiana Street, Suite 1300, Houston, Texas 77002-2700, filed in the above referenced docket, a prior notice request pursuant to sections 157.205 and 157.208 of the Commission's regulations under the Natural Gas Act (NGA), and Columbia's blanket certificate issued in Docket No. CP83-76-000, for authorization to construct and operate two new bi-directional launcher/receiver stations, including associated piping and appurtenances at the Glenville Compressor Station in Gilmer County, West Virginia and at the Broad Run Meter Station located in Kanawha County, West Virginia as well as various installation, replacement, and/or removal of related appurtenances at twelve locations in Kanawha, Roane, Calhoun and Gilmer Counties, West Virginia, all on its TM7 Loop (TM7 Loop Piggable Project or Project). Columbia states that the Project is

designed to support ongoing monitoring and maintenance activities and will allow Columbia to manage pipeline integrity in compliance with the United States Department of Transportation's Pipeline and Hazardous Materials Safety Administration regulations. The estimated cost for the project is \$27 million, 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 digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at (202) 502-6652 (toll free at 1-866-208-3676) or email at ferconlinesupport@ferc.gov, or the Public Reference Room at (202) 502-8371, TTY (202) 502-8659. Email the Public Reference Room at public.referenceroom@ferc.gov.

Any questions concerning this request should be directed to LaShawndra R. Proctor, Manager of Project Authorizations, Columbia Gas Transmission, LLC, 700 Louisiana Street, Suite 1300, Houston, Texas 77002-2700, by phone at (832) 320-5232 or by email to Lashawndra_proctor@tcenergy.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 September 9, 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.

Protests

Pursuant to section 157.205 of the Commission's regulations under the NGA,¹ any person² 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,³ and must be submitted by the protest deadline, which is 5:00 p.m. Eastern Time on September 9, 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 Procedure⁴ and the regulations under the NGA⁵ by the intervention deadline for the project, which is 5:00 p.m. Eastern Time on September 9, 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

¹ 18 CFR 157.205.

² Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

³ 18 CFR 157.205(e).

⁴ 18 CFR 385.214.

⁵ 18 CFR 157.10.

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 September 9, 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 CP25–536–000 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) 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 ⁶

⁶ Additionally, you may file your comments electronically by using the eComment feature, which is located on the Commission's website at www.ferc.gov under the link to Documents and Filings. Using eComment is an easy method for

(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 CP25–536–000.

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.

Protests and motions to intervene must be served on the applicant either by mail at: LaShawndra R. Proctor, Manager of Project Authorizations, Columbia Gas Transmission, LLC, 700 Louisiana Street, Suite 1300, Houston, Texas 77002–2700 or by email (with a link to the document) at Lashawndra_proctor@tcenergy.com. Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC 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 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.

interested persons to submit brief, text-only comments on a project.

Dated: August 19, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–16106 Filed 8–21–25; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL OP–OFA–192]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information 202–564–5632 or <https://www.epa.gov/nepa>. Weekly receipt of Environmental Impact Statements (EIS)

Filed August 11, 2025 10 a.m. EST

Through August 18, 2025 10 a.m. EST
Pursuant to CEQ Guidance on 42 U.S.C. 4332.

Notice: Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: <https://cdxapps.epa.gov/cdx-enepa-II/public/action/eis/search>.

EIS No. 20250118, Draft, FEMA, OR, Oregon Implementation Plan for National Flood Insurance Program—Endangered Species Act Integration, Comment Period Ends: 10/06/2025, Contact: Portia Ross 425–487–4713.

EIS No. 20250119, Draft, USFWS, HI, Kauai Island Utility Cooperative Habitat Conservation Plan, Comment Period Ends: 10/21/2025, Contact: Koa Matsuoka 808–210–6295.

EIS No. 20250120, Final, BLM, WY, West Antelope III Coal Lease Application, Review Period Ends: 09/22/2025, Contact: Alfred Elser 307–775–6146.

Amended Notice

EIS No. 20250074, Revised Draft, USMC, TT, Commonwealth of the Northern Mariana Islands Joint Military Training, Comment Period Ends: 09/04/2025, Contact: Lisa Graham 703–939–7701. Revision to FR Notice Published 06/06/2025; Extending the Comment Period from 08/20/2025 to 09/04/2025.

Dated: August 18, 2025.

Nancy Abrams,

Associate Director, Office of Federal Activities.

[FR Doc. 2025–16134 Filed 8–21–25; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0126, OMB 3060–0419; FR ID 309084]

Information Collections 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 21, 2025. If you anticipate that you will be submitting comments but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email PRA@fcc.gov and to Cathy.Williams@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0126.

Title: Section 73.1820, Station Log.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; not-for-profit institutions.

Number of Respondents and Responses: 15,200 respondents; 15,200 responses.

Estimated Time per Response: 0.017–0.5 hours.

Frequency of Response:

Recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in Section 154(i) of the Communications Act of 1934, as amended.

Total Annual Burden: 15,095 hours.

Total Annual Cost: No cost.

Needs and Uses: The information collection requirements contained in 47 CFR 73.1820 require that each licensee of an AM, FM or TV broadcast station maintain a station log. Each entry must accurately reflect the station's operation. This log should reflect adjustments to operating parameters for AM stations with directional antennas without an approved sampling system; for all stations the actual time of any observation of extinguishment or improper operation of tower lights; and entry of each test of the Emergency Broadcast System (EBS) for commercial stations.

OMB Control Number: 3060–0419.

Title: Network Non-duplication Protection and Syndication Exclusivity: Sections 76.94, Notification; 76.95, Exceptions; 76.105, Notifications; 76.106, Exceptions; 76.107, Exclusivity Contracts; and 76.1609, Non-Duplication and Syndicated Exclusivity.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 5,523 respondents; 239,220 responses.

Estimated Time per Response: 0.5 to 2 hours.

Frequency of Response: On occasion reporting requirement; One-time reporting requirement; Third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this information collection is contained in Section 4(i) of the Communications Act of 1934, as amended.

Total Annual Burden: 222,712 hours.

Total Annual Cost: No cost.

Needs and Uses: The purpose of the various notification and disclosure requirements accounted for in this collection are to protect broadcasters who purchase the exclusive rights to transmit network or syndicated programming in their recognized market areas. The Commission's network non-duplication and syndicated exclusivity

rules permit, but do not require broadcasters and program distributors to obtain the same enforceable exclusive distribution rights for network and syndicated programming that all other video programming distributors possess.

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2025–16132 Filed 8–21–25; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1252; FR ID 309069]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority**AGENCY:** Federal Communications Commission.**ACTION:** Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. 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 techniques or other forms of information technology; and ways to further reduce the information 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 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 Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before October 21, 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 Nicole Ongele, FCC, via email PRA@fcc.gov and to nicole.ongele@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele, (202) 418–2991.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–1252.

Title: Application to Participate in Rural Digital Opportunity Fund Auction, FCC Form 183.

Form Number: FCC Form 183.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities, Not-for-profit institutions, and State, Local or Tribal governments.

Number of Respondents and Responses: 500 respondents and 500 responses.

Estimated Time per Response: 7 hours.

Frequency of Response: On occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 154, 214, 254 and 303(r) of the Communications Act of 1934, as amended.

Total Annual Burden: 3,500 hours.

Total Annual Cost: No Cost.

Needs and Uses: The Commission will use the information collected to determine whether applicants are eligible to participate in the Rural Digital Opportunity Fund. On January 30, 2020 the Commission adopted the *Rural Digital Opportunity Fund Order*, WC Docket Nos. 19–126, 10–90, FCC 20–5 set a budget of up to \$20.4 billion to support broadband networks in rural America.

To implement the Rural Digital Opportunity Fund auction, the Commission adopted rules for the Rural Digital Opportunity Fund auction, including the adoption of a two-stage application process. Any entity that wished to participate in the Rural Digital Opportunity Fund auction was required to submit the FCC Form 183 short-form application to demonstrate its qualifications to bid. Accordingly, the Commission collects this information pursuant to section 54.804(a) of the Commission's rules 47 CFR 54.804(a). Based on the Commission's experience with auctions and consistent with the record, this two-stage collection of information balances the need to collect information essential to conduct a successful auction with administrative efficiency.

Under this information collection, the Commission will collect information that will be used to determine whether an applicant is legally qualified to participate in an auction for Rural Digital Opportunity Fund support. To aid in collecting this information, the Commission will use FCC Form 183, which the public will use to provide the necessary information and certifications. Commission staff will review the information collected on FCC Form 183 as part of the pre-auction process, prior to the start of the auction, and determine whether each applicant satisfies the Commission's requirements to participate in an auction for Rural Digital Opportunity Fund support. Without the information collected on FCC Form 183, the Commission will not be able to determine if an applicant is legally qualified to participate in the auction and has complied with the various applicable regulatory and statutory auction requirements for such participation. Any additional revisions or new collections for OMB review that address other reforms adopted in the *Rural Digital Opportunity Fund Order* will be submitted at a later date.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2025–16090 Filed 8–21–25; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0653; FR ID 309068]

Information Collection Being Submitted for Review and Approval to Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Pursuant to the Small Business Paperwork Relief Act of 2002, the FCC seeks specific comment on how it might “further reduce the information collection burden for small business concerns with fewer than 25 employees.”

DATES: Written comments and recommendations for the proposed

information collection should be submitted on or before September 22, 2025.

ADDRESSES: Comments should be sent to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function. Your comment must be submitted into www.reginfo.gov per the above instructions for it to be considered. In addition to submitting in www.reginfo.gov also send a copy of your comment on the proposed information collection to Cathy Williams, FCC, via email to PRA@fcc.gov and to Cathy.Williams@fcc.gov. Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418–2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) go to the web page <http://www.reginfo.gov/public/do/PRAMain>, (2) look for the section of the web page called Currently Under Review, (3) click on the downward-pointing arrow in the Select Agency box below the Currently Under Review heading, (4) select Federal Communications Commission from the list of agencies presented in the Select Agency box, (5) click the Submit button to the right of the Select Agency box, (6) when the list of FCC ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the FCC invited the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's

burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. Pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), the FCC seeks specific comment on how it might further reduce the information collection burden for small business concerns with fewer than 25 employees.

OMB Control Number: 3060–0653.

Title: Sections 64.703(b) and (c), Consumer Information—Posting by Aggregators.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 56,075 respondents; 5,339,038 responses.

Estimated Time per Response: .017 hours (1 minute) to 3 hours.

Frequency of Response: On occasion reporting requirements; Third party disclosure.

Obligation To Respond: Required to obtain or retain benefits. The statutory authority for this information collection is found at section 226 [47 U.S.C. 226] Telephone Operator Services codified at 47 CFR 64.703(b) Consumer Information.

Total Annual Burden: 174,401 hours.

Total Annual Cost: \$1,758,403.

Needs and Uses: The information collection requirements included under this OMB Control Number 3060–0653, requires aggregators (providers of telephones to the public or to transient users of their premises) under 47 U.S.C. 226(c)(1)(A), 47 CFR 64.703(b) of the Commission's rules, to post in writing, on or near such phones, information about the pre-subscribed operator services, rates, carrier access, and the FCC address to which consumers may direct complaints. Section 64.703(c) of the Commission's rules requires the posted consumer information to be added when an aggregator has changed the pre-subscribed operator service provider (OSP) no later than 30 days following such change. Consumers will use this information to determine whether they wish to use the services of the identified OSP.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2025–16095 Filed 8–21–25; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1226; FR ID 309228]

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 the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. 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 techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

DATES: Written PRA comments should be submitted on or before October 21, 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 Nicole Ongele, FCC, via email PRA@fcc.gov and to nicole.ongele@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele, (202) 418–2991.

SUPPLEMENTARY INFORMATION: The FCC may not conduct or sponsor a collection of information unless it displays a currently valid 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 Office of Management and Budget (OMB) control number.

OMB Control Number: 3060–1226.

Title: Receiving Written Consent for Communication with Base Stations in

Canada; Issuing Written Consent to Licensees from Canada for Communication with Base Stations in the U.S.; Description of Interoperable Communications with Licensees from Canada.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: State, Local, or Tribal government agencies.

Number of Respondents and Responses: 3,013 respondents; 3,013 responses.

Estimated Time per Response: 0.5 hours—1 hour.

Frequency of Response: On occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. Written consent from the licensee of a base station repeater is required before first responders from the other country can begin communicating with that base stations repeater. Applicants are advised to include a description of how they intend to interoperate with licensees from Canada when filing applications to operate under any of the scenarios described in Public Notice DA 16–739 in order to ensure that the application is not inadvertently rejected by Canada. Statutory authority for these collections are contained in 47 U.S.C. 151, 154, 301, 303, 307, 308, 309, 310, 316, 319, 325(b), 332, 336(f), 338, 339, 340, 399b, 403, 534, 535, 1404, 1452, and 1454 of the Communications Act of 1934.

Total Annual Burden: 5,272 hours.

Total Annual Cost: None.

Needs and Uses: This collection will be submitted as an extension of an existing collection after this 60-day comment period to the Office of Management and Budget (OMB) in order to obtain the full three-year clearance. The purpose of requiring an agency to issue written consent before allowing first responders from the other country to communicate with its base station repeater ensures that the licensee of that base stations repeater (host licensee) maintains control and is responsible for its operation at all times. The host licensee can use the written consent to ensure that first responders from the other country understand the proper procedures and protocols before they begin communicating with its base station repeater. Furthermore, when reviewing applications filed by border area licensees, Commission staff will use any description of how an applicant intends to interoperate with licensees from Canada, including copies of any written agreements, in order to coordinate the application with Innovation, Science and Economic Development Canada (ISED) and reduce

the risk of an inadvertent rejection by ISED.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2025–16133 Filed 8–21–25; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Rescission of Embargo Prohibiting the Importation of *Dracaena* (Lucky Bamboo) in Standing Water Into the United States

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: Based on a review of existing import requirements, CDC has determined that the import restrictions for *Dracaena* (Lucky Bamboo) shipped in standing water are no longer necessary to protect the public's health and should therefore be rescinded. Accordingly, effective immediately, CDC is rescinding its embargo on importation of *Dracaena* Shipments in Standing Water (July 10, 2001).

DATES: CDC's embargo on importation of *Dracaena* shipments in standing water is rescinded on August 22, 2025.

FOR FURTHER INFORMATION CONTACT: Ashley C. Altenburger, J.D., Division of Global Migration Health, Centers for Disease Control and Prevention, U.S. Department of Health and Human Services, 1600 Clifton Road NE, MS H16–4, Atlanta, Georgia 30329; telephone 1–800–232–4636. For information regarding CDC operations and CDC-regulated importations, please contact: Mark E. Laughlin, D.V.M., Division of Global Migration Health, Centers for Disease Control and Prevention, U.S. Department of Health and Human Services, 1600 Clifton Road NE, MS H16–4, Atlanta, Georgia 30329; telephone 1–800–232–4636.

SUPPLEMENTARY INFORMATION: CDC is rescinding its embargo on the importation of *Dracaena* (Lucky Bamboo). In keeping with its public health practice of reviewing the status of potential public health threats at U.S. ports of entry, the U.S. Centers for Disease Control and Prevention (CDC) within the U.S. Department of Health and Human Services (HHS), concluded, for the reasons outlined below, that importation restrictions for Lucky

Bamboo no longer serve the interests of public health and should therefore be rescinded. Specifically, CDC has determined that the marginal public health benefit of this long-standing action does not outweigh the potential burden on importers.

Executive Order 14192 of January 31, 2025 on “Unleashing Prosperity Through Deregulation” requires that any new incremental costs associated with certain significant regulatory actions “shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least 10 prior regulations.” This notice, which rescinds an existing import requirement, meets the criteria of a “deregulatory action” under Executive Order 14192.

CDC Action

Asian Tiger Mosquito and Lucky Bamboo

1. Background

On June 14, 2001, CDC identified the Asian tiger mosquito (*Aedes albopictus* or *A. albopictus*) in maritime shipments of “lucky bamboo” (*Dracaena* species) arriving into the United States through Los Angeles, California. The *Dracaena* in the infested containers were shipped from China in small boxes with 5–10 cm (approximately 2–4 inches) of standing water, which provided a suitable breeding ground for the aggressive mosquito. Thirty importers of *Dracaena* plants were subsequently inspected and 40% of their stock were found to be infested. Across six California counties, 15 mosquito populations were discovered near importer operations. Employees at nurseries receiving *Dracaena* shipments complained of daytime-biting mosquitoes. Residents near the nurseries also reported being bitten. To prevent the introduction of the Asian Tiger mosquito in California and elsewhere in the United States, CDC published a notice of embargo in the **Federal Register** (66 FR 35984 (July 10, 2001)) prohibiting the importation of *Dracaena* in standing water under 42 CFR 71.32(b).

Prior to 2000, *Dracaena* plants were typically shipped dry, using airfreight as the means of transportation. However, increasing demand for lucky bamboo prompted exporters to transport larger plant shipments on maritime freight. To keep plants green on the 12–15-day journey by sea, lucky bamboo bundles were shipped in crates containing 5–10 cm of free-standing water. This change in shipping method resulted in *A. albopictus* exportation, as the aqueous environment provided a suitable breeding ground for the mosquito.

The Asian tiger mosquito is a competent vector for over 22 viral pathogens. Most notably, this list of viruses includes dengue virus, chikungunya virus, yellow fever virus, West Nile virus, and Zika virus. Despite the expansive variety of transmissible diseases, current data indicate that the Asian tiger mosquito plays a relatively minor role in viral transmission.¹

2. Rationale for Rescission

After CDC's notice of embargo was issued, lucky bamboo importers collaborated with CDC and California Department of Public Health to establish new packaging recommendations that mitigated the risk of *A. albopictus* infestation without compromising plant survival. Currently, lucky bamboo plants are kept green by placing the roots in plastic bags lined with water-absorbent material (hydrogel).² This shipping method excludes free-standing water and is more cost-effective than the previous packaging as the new packaging method reduces the overall weight of a shipment, subsequently reducing costs associated with shipment mass. Beyond new packaging requirements, CDC further encouraged shipping centers to adopt additional measures to reduce the risk of infestation. Packing facilities were instructed to purchase automatic-closing doors and to treat *Dracaena* shipments with pesticides prior to packaging in sealed cargo.³

U.S. Department of Agriculture—Animal and Plant Health Inspection Service (USDA—APHIS) has also increased its regulatory oversight over *Dracaena* importation since the implementation of CDC's 2001 embargo. Because California and other areas of the United States currently sustain stable populations of the *Aedes albopictus*, lucky bamboo falls under the “general restrictions” of the Plant Protection Act. These restrictions stipulate that *Dracaena* plants enter at a U.S. Customs and Border Protection-approved port of entry equipped with a plant inspection station. Further, *Dracaena* require a phytosanitary certificate for admission. This document is issued by the National Plant Protection Organization of the country in which the *Dracaena* are grown, and

¹ European Centre for Disease Prevention and Control. <https://ecdc.europa.eu/en/disease-vectors/facts/mosquito-factsheets/aedes-albopictus>.

² There is some evidence to suggest that *Aedes albopictus* can survive on hydrogel, but this is considered very unlikely.

³ Linthicum KJ, Kramer VL, Madon MB, Fujioka K; Surveillance-Control Team. Introduction and potential establishment of *Aedes albopictus* in California in 2001. *J Am Mosq Control Assoc.* 2003 Dec;19(4):301–8.

it indicates that plant products meet specified phytosanitary import requirements.

3. Conclusion

CDC has determined that the 2001 notice of embargo prohibiting the importation of *Dracaena* in standing water is no longer needed to protect the public's health and should therefore be rescinded. First, importers have developed safer and more cost-effective packaging protocols and rescission of the embargo would be unlikely to result in alterations in how importers choose to ship these products. Second, USDA's APHIS-PPQ (Plant Protection and Quarantine) programmatic efforts are currently sufficient to prevent the accidental introduction of foreign mosquitos. Third, because California and other areas of the United States currently sustain stable populations of *Aedes albopictus*, and *A. albopictus* is now endemic in the United States, continuing the current embargo would have only marginal public health benefit. For these reasons, the notice of embargo prohibiting the importation of *Dracaena* in standing water published at 66 FR 35984 (July 10, 2001) is hereby rescinded.

Immediate Action

Effective immediately, for the reasons outlined above, HHS/CDC rescinds the following: *Embargo on Importation of Dracaena Shipments in Standing Water* (July 10, 2001).

David Fitter,

Director, Division of Global Migration Health
Centers for Disease Control and Prevention
U.S. Department of Health and Human Services.

[FR Doc. 2025-16061 Filed 8-21-25; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Rescission of Embargo Prohibiting the Importation of Goat Skin Handicrafts From Haiti Into the United States

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: Based on a review of existing import requirements, CDC has determined that the import requirements for goatskin handicrafts from Haiti are no longer necessary to protect the public's health and should

therefore be rescinded. Accordingly, effective immediately, CDC is rescinding the advisory memorandum order banning the importation of Haitian goatskin handicrafts (August 14, 1981).

DATES: CDC's advisory memorandum banning importation of Haitian goatskin handicrafts is rescinded on August 22, 2025.

FOR FURTHER INFORMATION CONTACT: Ashley C. Altenburger, J.D., Division of Global Migration Health, Centers for Disease Control and Prevention, U.S. Department of Health and Human Services, 1600 Clifton Road NE, MS H16-4, Atlanta, Georgia 30329; telephone 1-800-232-4636. For information regarding CDC operations and CDC-regulated importations, please contact: Dr. Mark E. Laughlin, D.V.M., Division of Global Migration Health, Centers for Disease Control and Prevention, U.S. Department of Health and Human Services, 1600 Clifton Road NE, MS H16-4, Atlanta, Georgia 30329; telephone 1-800-232-4636.

SUPPLEMENTARY INFORMATION: CDC is rescinding its advisory memorandum order banning the importation of Haitian goatskin handicrafts (August 14, 1981). In keeping with its public health practice of reviewing the status of potential public health threats at U.S. ports of entry, the U.S. Centers for Disease Control and Prevention (CDC) within the U.S. Department of Health and Human Services (HHS), concluded, for the reasons outlined below, that importation requirements for goatskin handicrafts from Haiti no longer serve the interests of public health and should therefore be rescinded. Specifically, CDC has determined that the marginal public health benefit of this long-standing action does not outweigh the potential burden on importers.

Executive Order 14192 of January 31, 2025 on "Unleashing Prosperity Through Deregulation" requires that any new incremental costs associated with certain significant regulatory actions "shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least 10 prior regulations." This notice, which rescinds an existing import requirement, meets the criteria of a "deregulatory action" under Executive Order 14192.

CDC Action

Anthrax and Haitian Goat Skin Handicrafts

1. Background

Since 1974, under the authority of 42 CFR 71.32(b), CDC has prohibited the importation of goatskin drums to the

United States from Haiti to prevent anthrax transmission^{1 2} (QD-CPS Advisory Memorandum No. 61). This longstanding policy was subsequently modified in 1994 to specify Haitian goatskin handicraft derived from untanned rawhide or with attached hair capable of transmitting anthrax (QD-EPI Advisory Memorandum No. 107). Humans can become infected if they handle or are involved in the slaughter of a sick animal or are in contact with contaminated animal products (such as meat, blood, wool, hides, bones).^{3 4} Anthrax is an acute bacterial disease that can be fatal for humans if untreated. However, humans infected with anthrax generally respond well to most antibiotics (with penicillin G and amoxicillin as the first choice, and ciprofloxacin and doxycycline serving as alternatives). In addition to antibiotic therapy, specific antitoxin serum for anthrax (either polyclonal anthrax immune globulin intravenous or monoclonal antitoxin) may be used in injectional anthrax and systemic anthrax.⁵

2. Rationale for Rescission

In recent decades in the United States, there have been very few human cases of anthrax; additionally, there is effective and affordable treatment for persons exposed to or infected with anthrax.⁶ The U.S. Department of Agriculture—Animal and Plant Health Inspection Service's (USDA-APHIS) Veterinary Services (VS) regulates the importation of untanned ruminant trophy/craft hide importations for anthrax under 9 CFR 95.16 and this oversight will continue despite CDC's action removing the importation ban on goatskin handicrafts.

Since 1998, there have been five imported anthrax cases reported in the United States, all of which were associated with imports from countries

¹ CDC. Cutaneous anthrax acquired from imported Haitian drums—Florida. *MMWR* April 26, 1974; 23: 142, 147. Available at <https://stacks.cdc.gov/view/cdc/1690>.

² CDC. Anthrax contamination of Haitian goatskin products. *MMWR* July 17, 1981; pp 338. Available at <https://stacks.cdc.gov/view/cdc/1267>.

³ CDC. Use of Anthrax Vaccine in the US; Recommendations of the Advisory Committee on Immunization Practices, *MMRW* 2010; 59 (No. RR-6): [1-30].

⁴ Metcalfe N. The history of woollsorters' disease: a Yorkshire beginning with an international future? *Occup Med (Lond)*. 2004 Oct;54(7):489-93. doi: 10.1093/occmed/kqh115.

⁵ Doganay M, Dinc G, Kutmanova A, Baillie L. Human Anthrax: Update of the Diagnosis and Treatment. *Diagnostics (Basel)*. 2023 Mar 10;13(6):1056. doi: 10.3390/diagnostics13061056.

⁶ CDC. Use of Anthrax Vaccine. *MMWR* 2010; 59 (No. RR-6): [1-30].

in Africa, not Haiti.^{7,8} Four of the five imported cases have been associated with products imported from West African countries, and three were associated with drum-making using illegally imported hides.⁹ The fourth case was associated with a West African drum that had been in the United States for more than a decade.¹⁰ This drum was used frequently by community members, with only one case of anthrax resulting. This indicates a very low risk of anthrax associated with handling animal-hide drums or attending events where such drums are played. The fifth imported case, diagnosed in 2018, was contracted by an individual who had been exposed while working with wildlife in Namibia. CDC's ban on the importation of goat hide drums from Haiti would not have reduced the risk of infection for any of the individuals since 75% of the hides were imported illegally and all products entered the United States from countries in Africa.

3. Conclusion

CDC has determined that the prohibition on the importation on Haitian goatskin drums and handicrafts into the United States is no longer needed to protect the public's health and should therefore be rescinded. Anthrax is enzootic (naturally present) in U.S. soils¹¹ and there are effective and financially prudent treatments, including four antibiotics approved by the U.S. Food and Drug Administration (FDA)¹² and available throughout the United States, as well as three FDA-approved anthrax antitoxin products and a post-exposure vaccine.¹³ Also, because anthrax exists in other countries and neither the United States nor the international community are

attempting to eliminate anthrax¹⁴, there is marginal public health benefit in a narrowly-focused embargo specific to one country. Therefore, an anthrax ban that focuses on one country, such as Haiti, would not be effective. Finally, regulatory oversight by other federal agencies, such as USDA,¹⁵ helps to mitigate risk from anthrax contaminated hides entering the United States, although it does not reduce the risk to zero. For these reasons, the prohibition on the importation of goatskin drums and other goatskin handicraft from Haiti is hereby rescinded.

Immediate Action

Effective immediately, for the reasons outlined above, HHS/CDC rescinds the following: advisory memorandum order banning the importation of Haitian goatskin handicrafts (August 14, 1981).

David Fitter,

Director, Division of Global Migration Health Centers for Disease Control and Prevention, U.S. Department of Health and Human Services.

[FR Doc. 2025-16063 Filed 8-21-25; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Rescission of Embargo Prohibiting the Importation of All Members of the Family Viverridae (Civets, Genets, Binturong, and Other Family Viverridae) Into the United States.

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: Based on a review of existing import requirements, CDC has determined that the import requirements for civets (Family: Viverridae) are no longer necessary to protect the public's health and should therefore be rescinded. Accordingly, effective immediately, CDC is rescinding its embargo on the importation of civets (Family: Viverridae).

¹⁴ World Organization for Animal Health (WOAH). (2013). In *Terrestrial Animal Health Code* (8.1). Retrieved from <https://www.oie.int/doc/ged/D12825.PDF>. Accessed: October 5, 2018. Codes and Manuals—WOAH—World Organisation for Animal Health

¹⁵ USDA Foreign Agricultural Service, FAIRS Annual Country Report Annual, December 31, 2020; Section VII—Other Specific Standards, pp. 10–11.

DATES: CDC's embargo of civets (Family: Viverridae) is rescinded on August 22, 2025.

FOR FURTHER INFORMATION CONTACT:

Ashley C. Altenburger, J.D., Division of Global Migration Health, Centers for Disease Control and Prevention, U.S. Department of Health and Human Services, 1600 Clifton Road NE, MS H16-4, Atlanta, Georgia 30329; telephone 1-800-232-4636. For information regarding CDC operations and CDC-regulated importations, please contact: Dr. Mark E. Laughlin, D.V.M., Division of Global Migration Health, Centers for Disease Control and Prevention, U.S. Department of Health and Human Services, 1600 Clifton Road NE, MS H16-4, Atlanta, Georgia 30329; telephone 1-800-232-4636.

SUPPLEMENTARY INFORMATION: CDC is rescinding its embargo on the importation of civets (Family: Viverridae). In keeping with its public health practice of reviewing the status of potential public health threats at U.S. ports of entry, the U.S. Centers for Disease Control and Prevention (CDC) within the U.S. Department of Health and Human Services (HHS), concluded, for the reasons outlined below, that importation restrictions for civets no longer serve the interests of public health and should therefore be rescinded. Specifically, CDC has determined that the marginal public health benefit of this long-standing embargo does not outweigh the potential burden on importers.

Executive Order 14192 of January 31, 2025 on "Unleashing Prosperity Through Deregulation" requires that any new incremental costs associated with certain significant regulatory actions "shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least 10 prior regulations." This notice, which rescinds an existing import requirement, meets the criteria of a "deregulatory action" under Executive Order 14192.

1. Background

On January 23, 2004, after the publication of scientific articles identifying civets as a possible link in human infection with severe acute respiratory syndrome (SARS)-coronavirus in China, CDC published a notice of embargo in the **Federal Register** (69 FR 3364) prohibiting the importation of civets (and all members of Family: Viverridae) into the U.S. under 42 CFR 71.32(b). SARS is a viral respiratory disease of zoonotic origin caused by the virus SARS-CoV-1, the first identified strain of the SARS-

⁷ CDC. Gastrointestinal Anthrax after an Animal-Hide Drumming Event—New Hampshire and Massachusetts. *MMWR*, Vol. 59, No. 28, July 23, 2010. 59(28).

⁸ CDC. Inhalation Anthrax Associated with Dried Animal Hides—Pennsylvania and New York City. *MMWR*, Vol. 55, No. 10, March 17, 2006 vol. 55, no. 10, 2006

⁹ DC. Cutaneous Anthrax Associated with Drum Making Using Goat Hides from West Africa—Connecticut, 2007. *MMWR* 2008; 57:628–631.

¹⁰ CDC. Gastrointestinal anthrax after an animal-hide drumming event—New Hampshire and Massachusetts, 2009. *MMWR* 2010; 59:872–877.

¹¹ Blackburn JK, McNyset KM, Curtis A, Hugh-Jones ME. Modeling the geographic distribution of *Bacillus anthracis*, the causative agent of anthrax disease, for the contiguous US using predictive ecological [corrected] niche modeling. *Am J Trop Med Hyg.* 2007 Dec;77(6):1103–10. Erratum in: *Am J Trop Med Hyg.* 2008 Feb;78(2):358. PMID: 18165531.

¹² Antibiotics for Anthrax Postexposure Prophylaxis—Prepositioning Antibiotics for Anthrax—NCBI Bookshelf

¹³ CDC. Use of Anthrax Vaccine. *MMWR* 2010; 59 (No. RR-6): [1–30].

related coronavirus.¹ This action followed the 2003 global outbreak of SARS which was contained only after extraordinary global effort and the addition of SARS to the list of diseases for which the federal government can isolate or quarantine individuals.² Currently, there is no known effective treatment for SARS.

2. Rationale for Recission

Current and reliable scientific evidence indicates that civets are not a reservoir host for the virus SARS-CoV-1. In fact, findings have demonstrated that SARS-CoV-1 originated in horseshoe bats and only later entered the human and civet populations.³ Through genomic analysis, scientists have shown that the SARS-CoV-1 strain found in horseshoe bats most clearly exemplifies SARS-CoV-1 before it entered the human population. This finding establishes the sequence of transfer from horseshoe bats to humans and then to civets.⁴ Although scientists do not yet understand how SARS-CoV-1 is transmitted from bats to humans, it is evident that civets are not the reservoir host for SARS-CoV-1. ⁵ There is also some genomic evidence that civets contract SARS from humans, and not the reverse as previously assumed.⁶

3. Conclusion

CDC has determined that the 2004 notice of embargo prohibiting the importation of civets (and all members of Family: Viverridae) into the U.S. is no longer needed to protect the public's health and should therefore be rescinded. Published scientific articles have confirmed that civets are not the reservoir host for SARS-CoV-1. For these reasons, the notice of embargo prohibiting the importation of civets (and all members of Family: Viverridae) published at 69 FR3364 (Jan 23, 2004) is hereby rescinded.

Immediate Action

Effective immediately, for the reasons outlined above, HHS/CDC rescinds the

following: *Notice of embargo of civets* (Family: Viverridae) (January 13, 2004).

David Fitter,
*Director, Division of Global Migration Health
Centers for Disease Control and Prevention,
U.S. Department of Health and Human
Services.*
[FR Doc. 2025–16062 Filed 8–21–25; 8:45 am]
BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[OMB #: 0970–0416]

Proposed Information Collection Activity; Current Population Survey—Child Support Supplement

AGENCY: Office of Child Support Enforcement, Administration for Children and Families, U.S. Department of Health and Human Services.
ACTION: Request for public comment.

SUMMARY: The Office of Child Support Enforcement (OCSE), Administration for Children and Families (ACF) is requesting that the Office of Management and Budget (OMB) approve a revision to an approved information collection: Current Population Survey—Child Support Supplement. Information collected through the survey pertains to child support programs. Analysis of survey data helps OCSE fulfill the mandate to oversee the national child support program and will help legislators and policymakers determine the efficacy of various child support legislation. The current OMB approval expires August 31, 2025.

DATES: Comments due September 22, 2025.

ADDRESSES: The public may view and comment on this information collection request at: https://www.reginfo.gov/public/do/PRAViewICR?ref_

nbr=202508-0970-008. You can also obtain copies of the proposed collection of information by emailing infocollection@acf.hhs.gov. Identify all emailed requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: The Current Population Survey—Child Support Supplement collects detailed information about child support agreements and awards, including both required payments and amounts received, as well as data about the socioeconomic characteristics of custodial parents and their families. Analysis of the information provides a nationwide assessment of the need for and effectiveness of the child support program, which helps OCSE align the child support program to meet the needs of the families it serves. The survey analysis will also help legislators make child support policy decisions. OCSE revised the survey to delete questions and update language.

Respondents: Individuals and households.

Annual Burden Estimates

In 2023, the Census Bureau began to collect information about the family relationships among all the individuals in the household by identifying the biological, adopted, step, or foster parents for each child in the household. Households with children under 21 not living with both biological or adopted parents are asked questions in the Child Support Supplement. This change reduced the overall number of respondents significantly from 34,500 to 3,600 but increased the time per response from about 2 minutes to about 20 minutes. The U.S. Census Bureau performed a calculation of the time it took to conduct the 2023 interviews, using audit trails from the completed cases. The 2026 increase in the burden hours reflects this information.

Collection instrument	Annual number of respondents	Annual number of responses per respondent	Average burden hours per response	Total annual burden hours
Current Population Survey—Child Support Supplement	4,500	1	0.0667	300

¹ Al-Juhaishi, Atheer Majid Rashid; Aziz, Noor D. (12 September 2022). "Safety and Efficacy of antiviral drugs against covid-19 infection: an updated systemic review". *Medical and Pharmaceutical Journal*. 1 (2): 45–55. doi:10.55940/medphar20226. ISSN 2957–6067. S2CID 252960321. Archived from the original on 20 February 2023.

² The current list of quarantinable communicable diseases is contained in Executive Order 13295

(April 4, 2003) as amended by Executive Order 13375 (April 1, 2005), Executive Order 13674 (July 31, 2014), and Executive Order 14047 (Sept. 17, 2021).

³ Shi Z., Hu Z. A review of studies on animal reservoirs of the SARS coronavirus. *Virus Research*. 2008;133:74–87.

⁴ Caldwell E. Evolutionary history of SARS supports bats as virus source. February 19, 2010. *Research News*. The Ohio State University.

Available at <http://researchnews.osu.edu/archive/SARStree.htm> (last accessed September 28, 2010).

⁵ Tang X., Li G., Vasilakis N., Zhang Y., Shi Z., Zhong Y., Wang L., Zhang Z. Differential stepwise evolution of SARS coronavirus functional proteins in different host species. *BMC Evolutionary Biology*. 2009;9:52.

⁶ Global hot spots for emerging infectious diseases; Senior, Kathryn; *The Lancet Infectious Diseases*, Volume 8, Issue 4, 218–219.

Comments: ACF 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: This supplement is sponsored by the ACF OCSE and is authorized by Title IV–D of the Social Security Act. This supplement will be conducted by the U.S. Census Bureau and is authorized by 13 U.S.C. 182 which states, “the Secretary may make surveys deemed necessary to furnish annual and other interim current data on the subjects covered by the censuses provided for in this title.”

Mary C. Jones,
ACF/OPRE Certifying Officer.

[FR Doc. 2025–16145 Filed 8–21–25; 8:45 am]

BILLING CODE 4184–41–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2025–N–0183]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Establishing and Maintaining Lists of United States Establishments With Interest in Exporting Human Food Program-Regulated Products

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments (including recommendations) on the collection of information by September 22, 2025.

ADDRESSES: To ensure that comments on the information collection are received,

OMB recommends that written comments be submitted to <https://www.reginfo.gov/public/do/PRAMain>. Find this particular information collection by selecting “Currently under Review—Open for Public Comments” or by using the search function. The OMB control number for this information collection is 0910–0509. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT:

Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–5733, PRASStaff@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Establishing and Maintaining Lists of U.S. Establishments With Interest in Exporting HFP-Regulated Products

OMB Control Number 0910–0509—Extension

This information collection supports Agency export programs and associated guidance. The United States exports a large volume and variety of foods in international trade. Foreign governments often require official certification from the responsible authority of the country of origin about imported foods and establishments involved in their production, storage, or distribution. Some foreign governments establish additional requirements with which exporters are required to comply and ask for additional assurances from the responsible authority. Importing countries may require, and FDA may provide, official certification or assurances for food products in different forms, including certificates that accompany specific products or lists of establishments and products that comply with certain requirements.

To facilitate exports of food subject to importing country listing requirements, FDA has historically provided official certification in the form of country- and product-specific export lists that include establishments and their products when: (1) the establishment has expressed interest in exporting their products to these countries; (2) the establishment and the products are subject to FDA's jurisdiction; and (3) the establishment can demonstrate that it is in good regulatory standing for the products it intends to export, and the products are expected to comply with

applicable FDA requirements. As we advised in the guidance document “Establishing and Maintaining a List of U.S. Milk and Milk Product, Seafood, Infant Formula, and Formula for Young Children Manufacturers/Processors with Interest in Exporting to China,” FDA considers “good regulatory standing” as meaning that an establishment is in substantial compliance with applicable FDA requirements and is not the subject of a pending enforcement action (e.g., an injunction or seizure) or pending administrative action (e.g., a warning letter).

FDA has generally published guidance documents for these country and product-specific lists under the authority of section 701(h) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 371(h)), which authorizes the Secretary of Health and Human Services (the Secretary) to develop guidance documents with public participation presenting the views of the Secretary on matters under the jurisdiction of FDA. The guidance documents generally explain what information establishments should submit to FDA to be considered for inclusion on the lists and what criteria FDA intends to use to determine eligibility for placement on the lists. The guidance documents also explain how FDA intends to update the lists and communicate any new information to the governments that requested the lists. Finally, the guidance documents note that the information is provided voluntarily by establishments with the understanding that it may be posted on FDA's external website and that it will be communicated to, and possibly further disseminated by, the government that requested the list; thus, FDA considers the information on the lists to be information that is not protected from disclosure under 5 U.S.C. 552(b)(4). The guidance documents include “Establishing and Maintaining a List of U.S. Dairy Product Manufacturers/Processors with Interest in Exporting to Chile” (November 2018) and “Establishing and Maintaining a List of U.S. Milk and Milk Product, Seafood, Infant Formula, and Formula for Young Children Manufacturers/Processors with Interest in Exporting to China” (November 2018) available at <https://www.fda.gov/food/guidance-regulation-food-and-dietary-supplements/guidance-documents-regulatory-information-topic-food-and-dietary-supplements>. Additional information about FDA's Food Export Lists program is available at <https://www.fda.gov/food/exporting-food-products-united-states/food-export-lists>.

FDA has also published guidance on export certification that contains useful information that applies to export lists: “FDA Export Certification” (August 2021) available at <https://www.fda.gov/regulatory-information/search-fda-guidance-documents/fda-export-certification>.

Foreign governments are increasingly relying on certification as a strategy for ensuring the safety of imported food products, and many countries have announced new requirements for lists of establishments and products certified to comply with certain food safety requirements. FDA is committed to facilitating compliance with new listing requirements for U.S. establishments that export FDA-regulated food products by establishing and maintaining country- and product-specific export lists.

Application for inclusion on all export lists will continue to be voluntary. However, some foreign governments may require inclusion on export lists as a precondition for market access or to satisfy other importing country registration or approval requirements. FDA uses the Export Listing Module (ELM), an electronic system (Form FDA 3972), to receive and process applications for inclusion on

export lists for HFP-regulated products. The ELM allows applicants to provide information about the products intended for export, the establishment that produces those products, evidence of the establishment’s compliance with applicable requirements for the products intended for export, and any additional data or information (such as third-party certifications) that foreign governments may require. We request that this information be updated every 2 years. Additional information and screenshots of the ELM are available at <https://www.fda.gov/food/exporting-food-products-united-states/food-export-lists>. If an establishment is unable to submit an application via the ELM, it may contact HFP and request assistance.

We use the information submitted by establishments to determine eligibility for certification and inclusion on the export lists, which may be published on our website or the websites of foreign governments. The purpose of the lists is to help HFP-regulated industries meet the import requirements of foreign governments. This collection of information is intended to cover all of HFP’s existing export lists, as well as any additional export lists established by the program.

FDA notes section 801 of the FD&C Act (21 U.S.C. 381) also provides that FDA may charge a fee of up to \$175 if the Agency issues export certification within 20 days of receipt of a complete request for such certification.

Description of Respondents: Respondents to this collection of information include U.S. establishments subject to FDA/HFP jurisdiction that wish to be included on export lists.

In the **Federal Register** of May 1, 2025 (90 FR 18688), FDA published a 60-day notice requesting public comment on the proposed collection of information. We received two comments, believing one to have been posted erroneously to docket FDA–2025–N–0183 because it discussed vaccines. The second comment offered general support for the information collection and suggested technical enhancements to FDA’s collection mechanisms. Because FDA developed the ELM to facilitate the export of food and avoid delay, we appreciate this comment. At the same time, we are only able to make updates to our automated systems as our limited resources allow. We made no adjustment to our estimate after review of the public comments.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN¹

IC activity recommended by guidance	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response (hours)	Total hours
New request	167	5	835	1	835
New request + third-party certification	85	2	170	22	3,740
Biennial update	132	4	528	0.5 (30 minutes)	264
Biennial update + third-party certification	58	2	116	22	2,552
Occasional updates	60	2	120	0.5 (30 minutes)	60
Total			1,769		7,451

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

Based on a review of the information collection since our last request for OMB approval, we have made no adjustments to our burden estimate.

Dated: August 15, 2025.

Grace R. Graham,
Deputy Commissioner for Policy, Legislation, and International Affairs.
[FR Doc. 2025–16075 Filed 8–21–25; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2024–D–1242]

Animal Studies for Dental Bone Grafting Material Devices—Premarket Notification (510(k)) Submissions; Guidance for Industry and Food and Drug Administration Staff; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a final guidance entitled “Animal Studies for Dental Bone Grafting Material Devices—

Premarket Notification (510(k)) Submissions.” This guidance document provides recommendations for animal study design and animal study information to include to support a 510(k) submission for dental bone grafting material devices. This guidance may help manufacturers comply with some special controls for dental bone grafting material devices. The recommendations reflect current review practices and are intended to promote consistency and facilitate efficient review of these submissions.

DATES: The announcement of the guidance is published in the **Federal Register** on August 22, 2025.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

Written/Paper Submissions

Submit written/paper submissions as follows:

- **Mail/Hand Delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in "Instructions."

Instructions: All submissions received must include the Docket No. FDA-2024-D-1242 for "Animal Studies for Dental Bone Grafting Material Devices—Premarket Notification (510(k)) Submissions." Received comments will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240-402-7500.

- **Confidential Submissions—**To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential

with a heading or cover note that states "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION." The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as "confidential." Any information marked as "confidential" will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240-402-7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

An electronic copy of the guidance document is available for download from the internet. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance. Submit written requests for a single hard copy of the guidance document entitled "Animal Studies for Dental Bone Grafting Material Devices—Premarket Notification (510(k)) Submissions" to the Office of Policy, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5441, Silver Spring, MD 20993-0002. Send one self-addressed adhesive label to assist that office in processing your request.

FOR FURTHER INFORMATION CONTACT: Joel Anderson, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. G234, Silver Spring, MD 20993-0002, 301-796-6520.

SUPPLEMENTARY INFORMATION:

I. Background

A dental bone grafting material device is a material that is intended to fill, augment, or reconstruct periodontal or bony defects of the oral and maxillofacial region. This guidance document provides premarket notification (510(k)) submission recommendations for animal studies that may help manufacturers comply with the in vivo performance special control identified in FDA's guidance, "Class II Special Controls Guidance Document: Dental Bone Grafting Material Devices" (<https://www.fda.gov/medical-devices/guidance-documents-medical-devices-and-radiation-emitting-products/dental-bone-grafting-material-devices-class-ii-special-controls-guidance-industry-and-fda-staff>), for dental bone grafting material devices. This guidance document also provides recommendations for manufacturers who choose to combine an animal study that evaluates in vivo safety and performance of the dental bone grafting material with a biocompatibility evaluation of the implantation endpoint (or the local effects after implantation) to help reduce the total number of animals used to support the 510(k) submission. The recommendations reflect current review practices and are intended to promote consistency and facilitate efficient review of these submissions.

A notice of availability of the draft guidance appeared in the **Federal Register** of March 29, 2024 (89 FR 22160). FDA considered comments received and revised the guidance as appropriate in response to the comments, including minor clarifications to the animal study design recommendations for the evaluation of dental bone grafting material devices and providing additional reference citations.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on "Animal Studies for Dental Bone Grafting Material Devices—Premarket Notification (510(k)) Submissions." It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Electronic Access

Persons interested in obtaining a copy of the guidance may do so by downloading an electronic copy from the internet. A search capability for all Center for Devices and Radiological

Health guidance documents is available at <https://www.fda.gov/medical-devices/device-advice-comprehensive-regulatory-assistance/guidance-documents-medical-devices-and-radiation-emitting-products>. This guidance document is also available at <https://www.regulations.gov> and <https://www.fda.gov/regulatory-information/search-fda-guidance-documents>. Persons unable to download an electronic copy of “Animal Studies for

Dental Bone Grafting Material Devices—Premarket Notification (510(k)) Submissions” may send an email request to CDRH-Guidance@fda.hhs.gov to receive an electronic copy of the document. Please use the document number GUI00007042 and complete title to identify the guidance you are requesting.

III. Paperwork Reduction Act of 1995
While this guidance contains no new collection of information, it does refer to previously approved FDA collections of information. The previously approved collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521). The collections of information in the following table have been approved by OMB:

21 CFR part or guidance	Topic	OMB control No.
807, subpart E	Premarket notification	0910–0120
“Requests for Feedback and Meetings for Medical Device Submissions: The Q-Submission Program”.	Q-submissions and Early Payor Feedback Request Programs for Medical Devices.	0910–0756
58	Good Laboratory Practice (GLP) Regulations for Nonclinical Laboratory Studies.	0910–0119

Grace R. Graham,
Deputy Commissioner for Policy, Legislation, and International Affairs.
[FR Doc. 2025–16137 Filed 8–21–25; 8:45 am]
BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2025–N–0414]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Guidance on Reagents for Detection of Specific Novel Influenza A Viruses

AGENCY: Food and Drug Administration, HHS.
ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.
DATES: Submit written comments (including recommendations) on the collection of information by September 22, 2025.
ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be submitted to <https://www.reginfo.gov/public/do/PRAMain>. Find this particular information collection by selecting “Currently under Review—Open for Public Comments” or by using the search function. The OMB control number for this information collection is 0910–0584. Also include the FDA docket number found in

brackets in the heading of this document.
FOR FURTHER INFORMATION CONTACT: Amber Sanford, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8867, PRAStaff@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Guidance on Reagents for Detection of Specific Novel Influenza A Viruses—21 CFR Part 866

OMB Control Number 0910–0584—Extension

This information collection was established as a special control for the class II device type, Novel Influenza A Reagents. In accordance with section 513 of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 360c), FDA evaluated an application for an in vitro diagnostic device for detection of influenza subtype H5 (Asian lineage), commonly known as avian flu. FDA concluded that this device is properly classified into class II in accordance with section 513(a)(1)(B) of the FD&C Act, because it is a device for which the general controls by themselves are insufficient to provide reasonable assurance of the safety and effectiveness of the device, but there is sufficient information to establish special controls to provide such assurance. The statute permits FDA to establish as special controls many different things, including postmarket surveillance, development and dissemination of guidance

recommendations, and “other appropriate actions as the Secretary [of HHS] deems necessary” (section 513(a)(1)(B) of the FD&C Act). This information collection is a measure that FDA determined to be necessary to provide reasonable assurance of safety and effectiveness of reagents for detection of specific novel influenza A viruses.

FDA issued an order classifying the H5 (Asian lineage) diagnostic device into class II on March 22, 2006 (71 FR 14377), establishing the special controls necessary to provide reasonable assurance of the safety and effectiveness of that device and similar future devices. The new classification was codified in 21 CFR 866.3332, a regulation that describes the new classification for reagents for detection of specific novel influenza A viruses and sets forth the special controls that help to provide a reasonable assurance of the safety and effectiveness of devices classified under that regulation. The regulation refers to the document entitled “Class II Special Controls Guidance Document: Reagents for Detection of Specific Novel Influenza A Viruses,” (March 2006) which provides recommendations for measures to help provide a reasonable assurance of safety and effectiveness for these reagents. The guidance recommends that sponsors obtain and analyze postmarket data to ensure the continued reliability of their device in detecting the specific novel influenza A virus that it is intended to detect, particularly given the propensity for influenza viruses to mutate and the potential for changes in disease prevalence over time. The guidance document is available on our website at: <https://www.fda.gov/medical-devices/guidance-documents-medical-devices->

and-radiation-emitting-products/reagents-detection-specific-novel-influenza-viruses-class-ii-special-controls-guidance-industry-and.

As updated sequences for novel influenza A viruses become available from the World Health Organization, National Institutes of Health, and other public health entities, sponsors of reagents for detection of specific novel

influenza A viruses will collect this information, compare them with the primer/probe sequences in their devices, and incorporate the result of these analyses into their quality management system, as required by 21 CFR 820.100(a)(1). These analyses will be evaluated against the device design validation and risk analysis required by

21 CFR 820.30(g) to determine if any design changes may be necessary.

In the **Federal Register** of May 1, 2025 (90 FR 18667), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL RECORDKEEPING BURDEN¹

Information collection activity—21 CFR part and guidance document section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
21 CFR 866.3332 Reagents for detection of specific novel influenza A viruses and FDA Guidance Document “Class II Special Controls Guidance Document: Reagents for Detection of Specific Novel Influenza A Viruses”					
Postmarket analysis of novel influenza A viral sequences—866.3332(b)(1) and guidance section 8, <i>Postmarket measures</i>	12	2	24	15	360

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

Based on a review of the information collection since our last request for OMB approval, we have made no adjustments to our burden estimate.

Dated: August 15, 2025.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025–16065 Filed 8–21–25; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–FDA–2025–N–2653]

Agency Information Collection Activities; Proposed Collection; Comment Request; Tobacco Retailer Training Programs

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collection provisions associated with “Tobacco Retailer Training Programs.”

DATES: Either electronic or written comments on the collection of

information must be submitted by October 21, 2025.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The <https://www.regulations.gov> electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of October 21, 2025. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else’s Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see “Written/Paper Submissions” and “Instructions”).

Written/Paper Submissions

Submit written/paper submissions as follows:

- **Mail/Hand Delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in “Instructions.”

Instructions: All submissions received must include the Docket No. FDA–2025–N–2653 for “Agency Information Collection Activities; Proposed Collection; Comment Request; Tobacco Retailer Training Programs.” Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as “Confidential Submissions,” publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- **Confidential Submissions—**To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states “THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.” The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information

redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as “confidential.” Any information marked as “confidential” will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA’s posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the “Search” box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Amber Sanford, Office of Operations, Food and Drug Administration, Three White Flint North, 10 a.m.–12 p.m., 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8867, PRAStaff@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3521), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. “Collection of information” is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in

the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) whether the proposed collection of information is necessary for the proper performance of FDA’s functions, including whether the information will have practical utility; (2) the accuracy of FDA’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 respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Tobacco Retailer Training Programs

OMB Control Number 0910–0745—Extension

Tobacco products are governed by chapter IX of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (sections 900 through 920) (21 U.S.C. 387 through 21 U.S.C. 387u). FDA intends to issue regulations establishing standards for approved tobacco retailer training programs under section 906(d) of the FD&C Act (21 U.S.C. 387f(d)). In the interim, FDA published a guidance document entitled “Tobacco Retailer Training Programs (Revised)” (2018) that can be downloaded at <https://www.fda.gov/media/79013/download>. The guidance is intended to assist tobacco retailers to voluntarily implement effective training programs for employees.

The guidance discusses recommended elements that should be covered in a

training program, such as: (1) Federal laws restricting the access to, and the advertising and promotion of, cigarettes, smokeless, and covered tobacco products; (2) the health and economic effects of tobacco use, especially when the tobacco use begins at a young age; (3) written company policies against sales to youth and other restrictions on the access to, and the advertising and promotion of, tobacco products; (4) identification of the tobacco products sold in the retail establishment that are subject to the Federal laws and regulations prohibiting their sale to underage persons; (5) age verification methods; (6) practical guidelines for refusing sales; and (7) testing to ensure that employees have the required knowledge. The guidance recommends that retailers require current and new employees to take a written test prior to selling tobacco products and that refresher training be provided at least annually and more frequently as needed. The guidance recommends that retailers maintain certain written records documenting that all individual employees have been trained and that retailers retain these records for 4 years in order to be able to provide evidence of a training program during the 48-month time period covered by the civil money penalty schedules outlined in the law.

The guidance also recommends that retailers implement certain hiring and management practices as part of an effective retailer training program. The guidance suggests that applicants and current employees be notified both verbally and in writing of the importance of complying with laws prohibiting the sales of tobacco products to underage persons. In addition, FDA recommends that retailers implement an internal compliance check program and document the procedures and corrective actions for the program.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN ¹

Activity (guidance, section IV)	Nunnumber of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Develop training program	79,700	1	79,700	16	1,275,200
Develop written policy against sales to youth and employee acknowledgement	79,700	1	79,700	1	79,700
Develop internal compliance check program	79,700	1	79,700	8	637,600
Total	1,992,500				

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN¹

Activity (guidance, section IV)	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Training program	79,700	4	318,800	0.25 (15 minutes)	79,700
Written policy against sales to youth and employee acknowledgement	79,700	4	318,800	0.10 (6 minutes)	31,880
Internal compliance check program	79,700	2	159,400	0.5 (30 minutes)	79,700
Total	191,280				

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

FDA's estimate of the number of respondents in Tables 1 and 2 is based on data from the deeming rule Final Regulatory Impact Analysis,¹ which showed there are an estimated 362,273 retail establishments that currently sell tobacco products. The Agency reviewed these numbers again for this notice, and believe they are an accurate estimation. We assume that 75 percent of tobacco retailers already have some sort of age and identification verification training program in place. We expect that some of those retailer training programs already meet the elements in the guidance, some retailers would update their training program to meet the elements in the guidance, and other retailers would develop a training program for the first time. Thus, we estimate that two-thirds of tobacco retailers would develop a training program that meets the elements in the guidance (66 percent of 362,273 = 239,100; then annualized to 79,700).

Based on a review of the information collection since our last request for OMB approval, we have made no adjustments to our burden estimate.

Dated: August 15, 2025.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025–16068 Filed 8–21–25; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2025–N–2548]

Agency Information Collection Activities; Proposed Collection; Comment Request; Animal Food and Egg Regulatory Program Standards

AGENCY: Food and Drug Administration, HHS.

¹ Deeming Tobacco Products to be Subject to the [Federal] Food, Drug, and Cosmetic Act, as Amended by the Family Smoking Prevention and Tobacco Control Act: Final Regulatory Impact Analysis, 2016 <https://www.fda.gov/downloads/AboutFDA/ReportsManualsForms/Reports/EconomicAnalyses/UCM500254.pdf>.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on revisions to the collections of information associated with our Animal Food Regulatory Program Standards and Egg Regulatory Program Standards.

DATES: Either electronic or written comments on the collection of information must be submitted by October 21, 2025.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The <https://www.regulations.gov> electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of October 21, 2025. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note

that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see “Written/Paper Submissions” and “Instructions”).

Written/Paper Submissions

Submit written/paper submissions as follows:

- **Mail/Hand Delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in “Instructions.”

Instructions: All submissions received must include the Docket No. FDA–2025–N–2548 for “Agency Information Collection Activities; Proposed Collection; Comment Request; Animal Food and Egg Regulatory Program Standards.” Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as “Confidential Submissions,” publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- **Confidential Submissions—**To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states “THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.” The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the

claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as "confidential." Any information marked as "confidential" will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240-402-7500.

FOR FURTHER INFORMATION CONTACT: Amber Sanford, Office of Operations, Food and Drug Administration, Three White Flint North, 10A-12M, 11601 Landsdown St., North Bethesda, MD 20852, 301-796-8867, PRAStaff@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501-3521), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. "Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) whether the proposed collection of information is necessary for the proper performance

of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA'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 respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Animal Food and Egg Regulatory Program Standards (Formerly Entitled Federal-State Food Regulatory Program Standards)

OMB Control Number 0910-0760—Extension

This information collection helps implement FDA's Egg Regulatory Program Standards (ERPS) and Animal Food Regulatory Program Standards (AFRPS). Section 1012 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 399c) authorizes FDA to administer training and education programs for employees of State, local, Territorial, and Tribal food safety authorities relating to regulatory programs. Also, under section 205 of the FDA Safety Modernization Act (codified in 21 U.S.C. 2224), FDA, together with the Centers for Disease Control and Prevention is directed to enhance foodborne illness surveillance to improve the collection, analysis, reporting, and usefulness of data on foodborne illnesses. As part of this effort, we have initiated programs that include developing and instituting regulatory standards intended to reduce the risk of foodborne illness through coordinated efforts with our strategic partners. Regulatory program standards establish a uniform foundation for the design and management of State, local, Tribal, and Territorial programs that have the responsibility for regulating human and animal food. Partnering with other regulatory officials also helps maximize limited resources in administering FDA regulations pertaining to the manufacturing/processing, packing, or holding of food for consumption in the United States.

The ERPS identifies and includes resource and training material for the following ten standards: regulatory foundation; training; inspection program; inspection audit program; egg-related illness, outbreak and emergency response; compliance and enforcement program; outreach activities; program resources; program assessment; and

laboratory support. We recommend using the worksheets and forms contained in the standards; however, alternate forms that are equivalent may be used. The educational worksheets and resource materials include recordkeeping and reporting activities that help FDA verify participation and successful completion of the respective requirements. In the first year of enrollment, information is used to conduct a baseline self-assessment to determine whether the materials meet the elements of each standard. In subsequent years, we use the information to conduct a comprehensive review and evaluate program effectiveness and participation. We modify the program standards based on the ongoing assessments as well as comments and informal feedback obtained from participants. For more information, including access to the program standards, we invite you to visit our website at <https://www.fda.gov/federal-state-local-tribal-and-territorial-officials/integrated-food-safety-system-ifss-programs-and-initiatives/regulatory-program-standards>.

In collaboration with the state governments, the FDA recently completed a revision of the egg regulatory standards that incorporated the most current knowledge and lessons learned in the application of the 2021 ERPS by state partners and program assessment by FDA. In an effort to improve program effectiveness, understanding and clarity, changes to the ERPS include those to program definitions, all 10 program standards, appendices and assessment worksheets that may be used by the states who have adopted the ERPS. Other changes include streamlining both the standards and appendices to be less prescriptive in nature. This process results in an overall reduction of appendices (most of which provided more program specific guidance or examples and therefore are not expected to change the burden) and a reformatting of the remaining appendices to be more uniform, succinct, and tabular in structure.

The ERPS is a critical component in establishing FDA's Integrated Food Safety (IFSS). The ERPS, henceforth also referred to as "program standards," establishes a uniform foundation for regulatory agencies responsible for oversight of eggs and egg products. When fully implemented, the program standards define a set of best practices of a regulatory system. The revised program standards are the result of external collaboration and coordination between FDA, the National Egg Regulatory Officials (NERO) and state governments in which we consider any

formal comments received on the 2021 edition of the program standards. A copy of the revised program standards and accompanying worksheets and forms is available in the **Federal Register** docket for this notice.

Description of Respondents:
Respondents are State Departments of Agriculture or Health regulatory officials who enroll in the AFRPS or ERPS (State or Territorial governments).

Our respondent estimates are based on expected participation.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN¹

Type of respondents; activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
State, local, Territorial, and/or Tribal Governments; submission of data elements to FDA consistent with ERPS	2	1	2	569	1,138
State, local, Territorial, and/or Tribal Governments; submission of data elements to FDA consistent with AFRPS	25	1	25	569	14,225
Total					15,363

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN¹

Type of respondents; activity	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
State, local, Territorial and/or Tribal Governments; submission of data elements to FDA consistent with ERPS	2	10	20	40	800
State, local, Territorial and/or Tribal Governments; submission of data elements to FDA consistent with AFRPS	25	11	275	40	11,000
Total					11,800

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

To demonstrate conformance with the standards prior to and after enrollment in the grant programs, State and Territorial governments participating in the program standards (respondents) submit comprehensive program assessments and evaluations to their technical advisors at FDA using a dedicated email. The information required for these submissions is outlined in the provided worksheets. Additionally, the program standards require ongoing documentation to verify conformance. We base our estimates on the historical performance of these standards programs and informal consultation with the affected State and Territorial governments. We have consolidated our estimates to account for burden attributable to reporting tasks in the recordkeeping table.

Our estimated burden for the information collection reflects no change, as enrollment and participation in both programs remains steady.

Dated: August 15, 2025.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025–16064 Filed 8–21–25; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2025–N–2652]

Agency Information Collection Activities; Proposed Collection; Comment Request; Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco To Protect Children and Adolescents

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the collection of information entitled, “Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents.”

DATES: Either electronic or written comments on the collection of information must be submitted by October 21, 2025.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The <https://www.regulations.gov> electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of October 21, 2025. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact

information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see “Written/Paper Submissions” and “Instructions”).

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in “Instructions.”

Instructions: All submissions received must include the Docket No. FDA-2025-N-2652 for “Agency Information Collection Activities; Proposed Collection; Comment Request; Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco To Protect Children and Adolescents.” Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as “Confidential Submissions,” publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240-402-7500.

- **Confidential Submissions**—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states “THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.” The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management

Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as “confidential.” Any information marked as “confidential” will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA’s posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the “Search” box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240-402-7500.

FOR FURTHER INFORMATION CONTACT:

Amber Sanford, Office of Operations, Food and Drug Administration, Three White Flint North, 10A-12M, 11601 Landsdown St., North Bethesda, MD 20852, 301-796-8867, PRASStaff@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501-3521), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. “Collection of information” is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) whether the proposed collection of information is necessary for the proper performance of FDA’s functions, including whether

the information will have practical utility; (2) the accuracy of FDA’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 respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco To Protect Children and Adolescents—21 CFR Part 1140

OMB Control Number 0910-0312—Extension

This information collection supports FDA regulatory requirements contained in part 1140 (21 CFR part 1140) authorized under Chapter IX of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 9) and associated Agency guidance. Regulations in part 1140 establish permissible forms of labeling and advertising for cigarettes or smokeless tobacco and include reporting requirements directing persons to notify FDA if they intend to use a form of advertising or labeling that is not addressed in the regulations. Section 1140.30(a)(2) requires tobacco product manufacturers, distributors, and retailers to notify FDA if they intend to use advertising or labeling for cigarettes or smokeless tobacco in a medium that is not listed in section 1140.30(a)(1). The notifications must be made 30 days prior to the use of such mediums.

We allow electronic and written submission of these notifications. Respondents can mail notifications as prescribed in section 1140.30(a)(2) to FDA. Instructions providing clarification on how to format the notification may be found in the guidance document entitled “Compliance with Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco To Protect Children and Adolescents” (2013) (<https://www.fda.gov/regulatory-information/search-fda-guidance-documents/compliance-regulations-restricting-sale-and-distribution-cigarettes-and-smokeless-tobacco-protect>).

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN ¹

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
1140.30(a)(2)—Notification of other advertising or labeling medium	4	1	4	1	4
Total .....	.....	.....	.....	.....	4

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

The burden hour estimates for this collection of information were based on submissions regarding cigarette and smokeless tobacco product advertising expenditures. FDA has received 12 such notifications to date since 2022. Based on a review of the information collection and the number of notifications received since 2022, FDA estimates that approximately four respondents will submit an annual notice of alternative advertising, and the Agency has estimated it should take one hour to provide such notice. Therefore, our estimated burden for the information collection reflects an overall decrease of 21 hours and a corresponding decrease of 21 responses.

Dated: August 15, 2025.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025–16067 Filed 8–21–25; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2025–N–2549]

Agency Information Collection Activities; Proposed Collection; Comment Request; Investigational Device Exemptions Reports and Records

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on information

collection associated with investigational device exemptions.

DATES: Either electronic or written comments on the collection of information must be submitted by October 21, 2025.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The <https://www.regulations.gov> electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of October 21, 2025. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see “Written/Paper Submissions” and “Instructions”).

Written/Paper Submissions

Submit written/paper submissions as follows:

- **Mail/Hand delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA–305), Food and

Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in “Instructions.”

Instructions: All submissions received must include the Docket No. [Insert docket number xxxxx] for “Agency Information Collection Activities; Proposed Collection; Comment Request; Investigational Device Exemptions Reports and Records”. Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as “Confidential Submissions,” publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- **Confidential Submissions—**To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states “THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.” The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as “confidential.” Any information marked as “confidential” will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA’s posting of comments to public dockets, see 80

FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240-402-7500.

FOR FURTHER INFORMATION CONTACT:

Amber Sanford, Office of Operations, Food and Drug Administration, Three White Flint North, 10A-12M, 11601 Landsdown St., North Bethesda, MD 20852, 301-796-8867, PRASStaff@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501-3521), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. "Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each

proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA'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 respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Investigational Device Exemptions Reports and Records—21 CFR Part 812

OMB Control Number 0910-0078—Extension

This information collection supports implementation of section 520(g) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 360j(g)), which governs exemption for devices for

investigational use. An investigational device exemption (IDE) allows a device to be used in investigations involving human subjects in which the safety and effectiveness of the device is being studied. For more information regarding IDE, please visit our website at <https://www.fda.gov/medical-devices/premarket-submissions-selecting-and-preparing-correct-submission/investigational-device-exemption-ide>.

FDA has promulgated regulations in part 812 (21 CFR part 812) intended to encourage the discovery and development of useful devices intended for human use. The regulations set forth the scope and applicability of exemption requirements for devices for investigational use, as well as establish application procedures, corresponding instruction, and provisions for emergency research. The regulations also provide for requesting waivers from the requirements; and explain sponsor responsibilities, including requirements for institutional review board (IRB) review and approval. Finally, the regulations in part 812, subpart G (21 CFR 812.140, 812.145, and 812.150) provide for required recordkeeping, the inspection of records, and the preparation and submission of reports to FDA and/or IRBs that oversee medical device investigations.

We estimate the burden of this collection of information as follows:

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN¹

Activity/21 CFR section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
812.10; waivers	1	1	1	1	1
812.20, 812.25, and 812.27; applications, investigational plans, and supplements	288	1	288	80	23,040
812.27(b)(4)(i); prior investigations within the United States	504	1	504	1	504
812.27(b)(4)(ii); prior investigations outside the United States	126	1	126	0.25 (15 minutes)	32
812.28; acceptance of data from clinical investigations conducted outside the United States, and supporting information	1,500	1	1,500	10.25	15,375
812.28(c); waivers	10	1	10	1	10
812.35 and 812.150; application supplements	824	5	4,120	6	24,720
812.36(c); treatment IDE applications	1	1	1	120	120
812.36(f); treatment IDE reports	1	1	1	20	20
812.150; non-significant risk study reports to third parties	1	1	1	6	6
Total			6,552		63,828

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN¹

Activity/21 CFR section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
812.2(c)(3); records regarding leftover specimens not individually identifiable used in certain studies	700	1	700	4	2,800
812.28(d); records for clinical investigations conducted outside United States	1,500	1	1,500	1	1,500
812.140; retention of records	1,249	3.09	3,859	1.9937	7,694

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN ¹—Continued

Activity/21 CFR section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
Total			6,059	.....	11,994

¹ There are no capital costs or operating and maintenance costs associated with this collection of information

Our estimated burden for the information collection reflects an overall increase of 9,919 hours and a corresponding increase of 1,033 responses. We attribute this adjustment to an increase in the number of submissions we received over the last few years.

Dated: August 15, 2025.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025–16066 Filed 8–21–25; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

[CMS–9160–N]

Request for Nominations of Members To Serve on the Healthcare Advisory Committee

AGENCY: Office of the Secretary, Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Department of Health and Human Services announces its intent to establish the Healthcare Advisory Committee and invites nominations for the Committee.

DATES: We will consider nominations that are submitted via email to HAC@cms.hhs.gov, by September 22, 2025. The subject line should state “Healthcare Advisory Committee Nomination.”

FOR FURTHER INFORMATION CONTACT: For questions related to submitting nominations, please email the Centers for Medicare and Medicaid Services at HAC@cms.hhs.gov.

SUPPLEMENTARY INFORMATION:

I. Background

The Healthcare Advisory Committee (hereinafter “the Committee”) is authorized under 42 U.S.C. 217a, section 222 of the Public Health Service Act, as amended. The Committee is governed by the Federal Advisory Committee Act (FACA) (Pub. L. 92–463), as amended (5 U.S.C. chapter 10).

The Committee will serve as an advisory body to the Secretary of the Department of Health and Human Services (HHS) and the Administrator of the Centers for Medicare & Medicaid Services (CMS) on programs and policies that can help improve the United States (US) healthcare system consistent with the *Executive Order Establishing the President’s Make America Healthy Again Commission*.¹

II. Advisory Committee

The Committee is tasked with advising the Secretary of HHS and the Administrator of CMS on the following issues as they relate to strategies for improving the operations and outcomes of federally administered healthcare insurance and payment programs:

- Developing a set of actionable policy initiatives that can promote chronic disease prevention and management, as consistent with the Make America Healthy Again policy agenda;
- Identifying opportunities to move towards a regulatory framework of accountability for safety and outcomes that reduce unnecessary red tape and allow providers to focus on improving patient health outcomes not filling out paperwork;
- Sharing actionable levers to advance a real-time data system, enabling a new standard of excellence in care, rapid claims processing, rapid quality measurement and rewards;
- Identifying structural opportunities to improve quality for the most vulnerable in the Medicaid program (outside of more funding for the current system); and
- Securing the sustainability of the Medicare Advantage program, specifically identifying opportunities to modernize risk adjustment and quality measures that assess and improve health outcomes.

III. Eligibility for Membership

The CMS Administrator shall appoint 15 individuals to serve on the

¹ Trump, D.J. (2025, February 13). *Establishing the President’s Make America Healthy Again Commission* (Exec. Order No. 14212). The White House. Available at: <https://www.whitehouse.gov/presidential-actions/2025/02/establishing-the-presidents-make-america-healthy-again-commission/>.

Committee. The Committee shall consist of an appropriate selection of individuals that have practical and tactical experience or expertise working in all aspects of the US healthcare system, which may include experts from the medical field, manufacturing, government, academia, health insurance/payment programs, or health economics, with regard to issues related to chronic disease prevention and management, expanding access to primary care, reducing healthcare costs, ensuring payment accuracy, healthcare price transparency, and driving other improvements in the healthcare system for patients and providers.

The Committee shall be comprised of Representative Members and Special Government Employees (SGEs). All members shall serve on a voluntary basis, without compensation. Members of the Committee shall be entitled to receive reimbursement for travel expenses and per diem in lieu of subsistence expenses, in accordance with standard Federal Travel Regulations. Members shall serve a term of 2 years until the date on which the Committee’s charter terminates.

IV. Nomination Process

HHS invites nominations for Committee membership in the following areas: provider community, health insurers, academia, manufacturers, advocacy and other non-profit organizations with demonstrated expertise in the US healthcare system. Both self-nominations and third-party nominations will be considered.

To be considered for appointment, nomination packages must be complete and submitted by the deadline.

V. Nominee Application Components

1. Cover Letter

- Complete contact information for nominee, including their executive assistant or scheduler
- Contact information the third-party nominator (*if applicable*)

2. Nominee Information

- Nominee Qualifications Summary
 - Brief overview of relevant experience and expertise
 - Educational background and professional credentials
 - Specific knowledge areas related

- to the Committee's scope
- b. Interest and Motivation
 - (i) Explanation of why the nominee wants to serve on the Committee
 - (ii) How their participation would benefit the Committee's objective to Make America Healthy Again
- c. Representative Member Declaration (*if applicable, required to include with submission for nomination to be considered*)
 - (i) Clear identification of the organization, constituency, or stakeholder group
 - (ii) Explanation of why the nominee has authority to speak on behalf of the represented group
- d. Availability and Commitment Statement
 - (i) Confirmation of ability to attend meetings and fulfill time commitments
 - (ii) Acknowledgment of expected service duration
 - (iii) Any potential scheduling constraints or conflicts
- e. Nominee Eligibility Confirmation
 - (i) Statement affirming nominee meets all Committee eligibility criteria, specifically addressing that the nominee:
 - (1) Is a U.S. citizen; and
 - (2) Is not required to register as a foreign agent under the Foreign Agents Registration Act of 1938, as amended.

3. Supporting Documentation

- a. Biography
 - (i) Professional and academic credentials
- b. Resume or Curriculum Vitae
 - (i) Educational experience, as well as relevant professional experience
 - (ii) Publications or work samples that demonstrate expertise
 - (1) Do not include brochures or any other promotional information.
 - (iii) Previous experience on a Federal Advisory Committee (*if applicable*)
- c. Two Letters of Reference
 - (i) Support the nominee's qualifications for participation on the Committee (*For nominations other than self-nominations, a third-party nomination letter that includes information supporting the nominee's qualifications may be counted as one of the letters of reference*)

Materials submitted should total 10 pages or less. Should more information be needed, Department staff will contact the applicant/nominee, obtain information from the applicant's/nominee's past affiliations, or obtain information from publicly available sources.

HHS will prioritize appointing Committee members who possess practical and tactical experience or expertise necessary to address the Make America Healthy Again objectives and advocate for key stakeholder interests. Representative Members will be appointed based on their ability to provide the point of view of an organization, group, or industry with an interest in the matters before the Committee. Representative Member selection criteria includes but is not limited to: years of experience effectively representing stakeholder groups, industries, or constituencies; demonstrated advocacy success; strong communication and analytical skills; established credibility within their representative sector; and ability to balance constituent interests with committee objectives. Nominees being considered for an SGE position will be subject to a conflict-of-interest review in accordance with government ethics law and regulation prior to their appointment and will be chosen for their ability and to provide independent expert advice to the Agency. SGEs will be appointed based on the individual's ability to provide independent advice to the Agency. SGE selection criteria includes but is not limited to: years of experience as a technical advisor in the candidate's specialized field; track record of publishing research findings while working in academia; and ability to balance independent expertise with collaborative committee participation.

To the extent permitted by FACA and other laws, the Committee membership shall also be consistent with achieving the greatest impact, scope, and credibility among diverse stakeholders. In making such appointments, HHS shall ensure a fair balance among viewpoints from all relevant stakeholders, broad geographic representation—including both urban and rural perspectives—and diversity across demographic characteristics, including race, ethnicity, sex, disability status, and socioeconomic background. HHS will also seek representation from stakeholders across relevant sectors, including patients, providers, payers, academia, community-based organizations, and regional, State and local government. HHS reserves the discretion to appoint Committee members from outside the pool of respondents to this notice if such appointments are necessary to fulfill specific expertise requirements in a

manner to ensure an appropriate balance of membership.

Robert F. Kennedy, Jr.,
Secretary, Department of Health and Human Services.

[FR Doc. 2025–16136 Filed 8–21–25; 11:15 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Amended Notice of Partially Closed Meeting

Notice is hereby given of a change in the meeting of the National Advisory Council on Drug Abuse, September 9, 2025, 10:30 a.m. to 5:00 p.m., National Institutes of Health, Neuroscience Center, Conference Room 1145/1155, 6001 Executive Boulevard Rockville, MD 20852 which was published in the **Federal Register** on August 15, 2025, FR Doc 2025–15505, 90 FR 39410.

This meeting notice is being amended to change the open session's virtual access location. The open session of the meeting can be accessed from the NIH Videocast at the following link: <https://videocast.nih.gov/>. The meeting is partially closed to the public.

Dated: August 19, 2025.

David W. Freeman,
Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–16058 Filed 8–21–25; 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: Integrative, Functional and Cognitive Neuroscience Integrated Review Group; Sensory-Motor Neuroscience Study Section.

Date: September 25–26, 2025.

Time: 10:00 a.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Alena Valeryevna Savonenko, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1009J, Bethesda, MD 20892, (301) 594-3444, savonenkoa2@csr.nih.gov.

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group Pathophysiology of Eye Disease—1 Study Section

Date: September 29–30, 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: Afia Sultana, Ph.D. Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4189, Bethesda, MD 20892, (301) 827-7083, sultanaa@mail.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 19, 2025.

Sterlyn H. Gibson,

Program Specialist, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–16059 Filed 8–21–25; 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: Genes, Genomes, and Genetics Integrated Review Group;

Genomics, Computational Biology and Technology Study Section.

Date: October 2–3, 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: Methode Bacanamwo, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2200, Bethesda, MD 20892, 301-827-7088, methode.bacanamwo@nih.gov.

Name of Committee: Genes, Genomes, and Genetics Integrated Review Group; Maximizing Investigators' Research Award A Study Section.

Date: October 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: Mollie Kim Manier, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594-0510, mollie.manier@nih.gov.

Name of Committee: Bioengineering Sciences & Technologies Integrated Review Group; Innovations in Nanosystems and Nanotechnology Study Section.

Date: October 8–9, 2025.

Time: 9:30 a.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Yingli Fu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594-0840, yingli.fu@nih.gov.

Name of Committee: Bioengineering Sciences & Technologies Integrated Review Group; Drug and Biologic Therapeutic Delivery Study Section.

Date: October 9–10, 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: Janice Duy, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594-3139, janice.duy@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 20, 2025.

Bruce A. George,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–16169 Filed 8–21–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2025–0198]

Information Collection Request to Office of Management and Budget; OMB Control Number: 1625–0039

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0039, Declaration of Inspection Before Transfer of Liquid Cargo in Bulk; without change. Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before October 21, 2025.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2025–0198] to the Coast Guard using the Federal eRulemaking Portal at <https://www.regulations.gov>. See the “Public participation and request for comments” portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

A copy of the ICR is available through the docket on the internet at <https://www.regulations.gov>. Additionally, copies are available from: Commandant (CG–C5I–P), Attn: PaperWork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, Stop 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: A.L. Craig, Office of Privacy Management, telephone (571) 607–4058, or email hqs-dg-m-cg-61-pii@uscg.mil for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. 3501 *et seq.*, chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) the practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology.

In response to your comments, we may revise this ICR or decide not to seek an extension of approval for the Collection. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, USCG–2025–0198, and must be received by October 21, 2025.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at <https://www.regulations.gov>. If your material cannot be submitted using <https://www.regulations.gov>, contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at <https://www.regulations.gov> and can be viewed by following that website's instructions. We review all comments received, but we may choose not to post off-topic, inappropriate, or duplicate comments that we receive. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

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

Information Collection Request

Title: Declaration of Inspection Before Transfer of Liquid Cargo in Bulk.

OMB Control Number: 1625–0039.

Summary: A Declaration of Inspection (DOI) documents the transfer of oil and hazardous materials, to help prevent spills and damage to a facility or vessel. Persons-in-charge of the transfer operations must review and certify compliance with procedures specified by the terms of the DOI.

Need: 33 U.S.C. 1321(j) authorizes the Coast Guard to establish regulations to prevent the discharge of oil and hazardous material from vessels and facilities. The DOI regulations appear at 33 CFR 156.150 and 46 CFR 35.35–30.

Forms: None.

Respondents: Persons-in-charge of transfers.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has increased from 80,051 hours to 83,196 hours a year, due to an increase in the estimated annual number of respondents.

(*Authority:* The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended.)

Dated: July 31, 2025.

Bradley E. White,

(Acting) Chief, Office of Privacy Management,
U.S. Coast Guard.

[FR Doc. 2025–16050 Filed 8–21–25; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2025–0247]

Information Collection Request to Office of Management and Budget; OMB Control Number: 1625–0063

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an

extension of its approval for the following collection of information: 1625–0063, Marine Occupational Health and Safety Standards for Benzene; without change. Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before October 21, 2025.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2025–0247] to the Coast Guard using the Federal eRulemaking Portal at <https://www.regulations.gov>. See the “Public participation and request for comments” portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

A copy of the ICR is available through the docket on the internet at <https://www.regulations.gov>. Additionally, copies are available from: Commandant (CG–6P), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, STOP 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: A.L. Craig, Office of Privacy Management, telephone (571) 607–4058, or email hqs-dg-m-cg-61-pii@uscg.mil for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. 3501 *et seq.*, chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) the practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated

collection techniques or other forms of information technology.

In response to your comments, we may revise this ICR or decide not to seek an extension of approval for the Collection. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, USCG–2025–0247, and must be received by October 21, 2025.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at <https://www.regulations.gov>. If your material cannot be submitted using <https://www.regulations.gov>, contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at <https://www.regulations.gov> and can be viewed by following that website's instructions. We review all comments received, but we may choose not to post off-topic, inappropriate, or duplicate comments that we receive. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

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

Information Collection Request

Title: Marine Occupational Health and Safety Standards for Benzene—46 CFR 197 Subpart C.

OMB Control Number: 1625–0063.

Summary: To protect marine workers from exposure to toxic Benzene vapor, the Coast Guard implemented 46 CFR 197 Subpart C.

Need: This information collection is vital to verifying compliance.

Forms: None.

Respondents: Owners and operators of vessels.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden remains 38,165 hours a year.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended.

Dated: August 20, 2025.

Bradley E. White,

(Acting) Chief, Office of Privacy Management,
U.S. Coast Guard.

[FR Doc. 2025–16148 Filed 8–21–25; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2025–0013; OMB No. 1660–0086]

Agency Information Collection Activities: Submission for OMB Review, Comment Request; National Flood Insurance Program—Ask the Advocate Web Form

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: 30-Day notice of revision and request for comments.

SUMMARY: The Federal Emergency Management Agency (FEMA) will submit the information collection abstracted below to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995. FEMA invites the general public to take this opportunity to comment on a revision of a currently approved information collection. In accordance with the requirements of the Paperwork Reduction Act of 1995, this notice seeks comments concerning the Office of the Flood Insurance Advocate's (OFIA) Ask the Advocate web form and the removal of two instruments that are no longer needed.

DATES: Comments must be submitted on or before September 22, 2025.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Director, Information Management Division, 500 C Street, SW, Washington, DC 20472, email address FEMA-Information-Collections-Management@fema.dhs.gov or Joe Cecil, Advocate Representative Team Lead,

Office of the Flood Insurance Advocate, National Flood Insurance Program, Federal Emergency Management Agency, at (202) 701–3465 or Joseph.Cecil@fema.dhs.gov.

SUPPLEMENTARY INFORMATION: Section 24 of the Homeowner Flood Insurance Affordability Act of 2014 (Pub. L. 113–89, codified at 42 U.S.C. 4033), requires FEMA to designate a Flood Insurance Advocate that would advocate for the fair treatment of National Flood Insurance Program (NFIP) policyholders and property owners by: (1) providing education and guidance on all aspects of the NFIP, (2) identifying trends affecting the public, and (3) making recommendations for NFIP program improvements to FEMA leadership. Pursuant to this authority, FEMA established the OFIA on December 22, 2014.

Members of the public regularly contact OFIA seeking assistance on the NFIP. OFIA seeks to facilitate the timely and effective management of these inquiries by using a web form on OFIA's web page at <https://www.fema.gov/flood-insurance/advocate>. The web form allows users to provide information that includes all the data necessary for OFIA to perform its Congressionally-mandated duties and responsibilities.

The Federal Insurance Directorate determined the Mortgage Portfolio Protection Program (MPPP) form is no longer necessary due to the implementation of Risk Rating 2.0 and therefore will not be renewed under this effort. This revision removes both the Financial Assistance/Subsidy Arrangement Notice of Acceptance and MPPP Agreement Receipt for Materials instruments from this information collection, as they are no longer needed. This revision also corrects a technical error within ROCIS that inflates the burden imposed by the remaining FEMA Form FF–206–FY–21–121, Ask the Advocate Web Form.

This proposed information collection previously published in the **Federal Register** on June 6, 2025, at 90 FR 24150 with a 60-day public comment period. No comments were received. The purpose of this notice is to notify the public that FEMA will submit the information collection abstracted below to the Office of Management and Budget for review and clearance.

Collection of Information

Title: National Flood Insurance Program—Ask the Advocate Web Form.

Type of Information Collection: Revision of a currently approved information collection.

OMB Number: 1660–0086.

FEMA Forms: FEMA Form FF-206-FY-21-121, Ask the Advocate Web Form.

Abstract: OFIA advocates for the fair treatment of NFIP policyholders and property owners by providing education and guidance, identify trends that affect the public, and making recommendations for NFIP program improvements. OFIA uses the Ask the Advocate Web Form as an electronic intake instrument to gather the required data for each case.

Affected Public: Individuals or Households; Businesses or other For-Profit.

Estimated Number of Respondents: 1,000.

Estimated Number of Responses: 1,000.

Estimated Total Annual Burden Hours: 83.

Estimated Total Annual Respondent Cost: \$3,931.

Estimated Respondents' Operation and Maintenance Costs: \$0.

Estimated Respondents' Capital and Start-Up Costs: \$0.

Estimated Total Annual Cost to the Federal Government: \$39,631.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the Agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Russell R. Bard,

Acting Senior Director for Information Management, Office of the Chief Administrative Officer, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2025-16151 Filed 8-21-25; 8:45 am]

BILLING CODE 9111-52-P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. CISA-2025-0007]

Request for Comment on 2025 Minimum Elements for a Software Bill of Materials

AGENCY: Cybersecurity and Infrastructure Security Agency (CISA), Department of Homeland Security (DHS).

ACTION: Request for Information (RFI).

SUMMARY: The Cybersecurity and Infrastructure Security Agency (CISA) announces the publication and request for public comment on draft guidance entitled, "2025 Minimum Elements for a Software Bill of Materials (SBOM)" (2025 CISA SBOM Minimum Elements), which updates the elements of an SBOM to reflect improvements in SBOM tooling and increased maturity of SBOM implementation. CISA requests input on the clarifications and enhancements in the proposed voluntary guidance.

DATES: Comments are encouraged and will be accepted until October 3, 2025. Submissions received after the deadline for receiving comments may not be considered.

ADDRESSES: You may submit comments, identified by docket number CISA-2025-0007, by following the instructions below for submitting comments via the Federal eRulemaking Portal at <http://www.regulations.gov>.

Instructions: All comments received must include the agency name and docket number Docket # CISA-2025-0007. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

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

Commenters may access the 2025 CISA SBOM Minimum Elements on CISA's website at: <https://cisa.gov/resources-tools/resources/2025-minimum-elements-software-bill-materials-sbom>.

FOR FURTHER INFORMATION CONTACT: Victoria Ontiveros, victoria.ontiveros@mail.cisa.dhs.gov.

SUPPLEMENTARY INFORMATION:

I. Public Participation

Interested persons are invited to comment on this notice by submitting written data, views, or arguments using the method identified in the **ADDRESSES** section. All members of the public, including, but not limited to, specialists

in the field, academic experts, industry, public interest groups, and those with relevant economic expertise, are invited to comment.

II. Background

An SBOM is a nested inventory, a list of ingredients that make up software components. The National Telecommunications and Information Administration (NTIA) published "Minimum Elements for a Software Bill of Materials (SBOM)" on July 12, 2021 (2021 NTIA SBOM Minimum Elements), as directed by Executive Order (E.O.) 14028. These minimum elements marked an important milestone for the NTIA's SBOM advancement efforts and established basic specifications for software producers and tool developers. This 2021 document was designed to establish a baseline of what the U.S. Government considered an SBOM to minimize variation in what was submitted.

In 2021, software producers and consumers alike were largely unfamiliar with SBOM. SBOM implementation practices were only just emerging and options for tools to create and manage SBOMs were limited. The 2021 NTIA SBOM Minimum Elements reflected the state of practice at the time. On September 14, 2022, the Office of Management and Budget issued memorandum M-22-18, "Enhancing the Security of the Software Supply Chain through Secure Software Development Practices," which indicates that CISA would produce successor guidance to the 2021 NTIA SBOM Minimum Elements.

For instance, the SBOM tooling landscape has expanded beyond SBOM generation to include, among other capabilities, sharing, analyzing, and managing SBOMs. The SBOM community has also grown to include stakeholders from an even greater number of industries and sectors. Open source software communities have also been active in driving forward the development of machine-processable SBOM operations. Experts from across the software ecosystem identified new use cases and applications for SBOM data. Cybersecurity organizations around the world have issued their own guidance on SBOM. As a result of these developments, the overall maturity of SBOM implementation has grown significantly since 2021.

The 2025 CISA SBOM Minimum Elements reflect the expanded capabilities and functionalities of SBOM tooling, the increased maturity of SBOM implementation, and the value of software supply chain data. Although statutes, regulations, and binding

government-wide policies currently do not require that agencies obtain SBOMs from their software vendors; stakeholder experience with consuming and comparing data highlights the benefits of further clarity and more common and more precise specifications. By updating the 2021 NTIA SBOM Minimum Elements and adding new minimum elements, CISA aims to continue to promote SBOMs as a way to provide relevant and available data to software users to illuminate their software supply chains, better inform their risk management processes, and drive their software security decisions.

III. List of Topics for Commenters

CISA seeks comments on the 2025 CISA SBOM Minimum Elements and the following topics:

(1) Should any elements be removed from the 2025 CISA SBOM Minimum Elements, meaning the element should not be required for all SBOMs? Which elements, and why?

(2) Should CISA include any additional elements in the 2025 CISA SBOM Minimum Elements, meaning the element should be a requirement for all SBOMs? Which elements, and why?

(3) Are the definitions and defined processes and practices in the 2025 CISA SBOM Minimum Elements, including new definitions, updated definitions, and the definitions carried over from the 2021 NTIA SBOM Minimum Elements, sufficiently clear to support automated creation and consumption? How can these definitions be improved?

(4) Are there specific contexts, technologies, or sectors where these proposed minimum elements are not feasible? Please provide as much detail as possible.

CISA also welcomes comments on other areas or approaches currently absent from the guidance.

This notice is issued under the authority of 6 U.S.C. 652(c)(10)–(11) and 6 U.S.C. 659(c)(7).

Christopher Butera,

Acting Executive Assistant Director for Cybersecurity, Cybersecurity and Infrastructure Security Agency, Department of Homeland Security.

[FR Doc. 2025–16147 Filed 8–21–25; 8:45 am]

BILLING CODE 9111-LF-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7092–N 24; OMB Control No.: 2510–0006]

30-Day Notice of Proposed Information Collection: Legal Instructions Concerning Applications for Full Insurance Benefits—Assignment of Multifamily and Healthcare Mortgages to the Secretary

AGENCY: Office of Policy Development and Research, Chief Data Officer, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comments from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 30 days of public comment.

DATES: *Comments Due Date:* September 22, 2025.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT:

Anna Guido, Clearance Officer, Paperwork Reduction Act Division, PRAD, Department of Housing and Urban Development, 451 7th Street SW, Room 8210, Washington, DC 20410; email at Anna.P.Guido@hud.gov, telephone (202) 402–5535. This is not a toll-free number. HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>.

Copies of available documents submitted to OMB may be obtained from Ms. Guido.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A. The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on April 29, 2025 at 90 FR 17830.

A. Overview of Information Collection

Title of Information Collection: Legal Instructions Concerning Applications for Full Insurance Benefits—Assignment of Multifamily and Healthcare Mortgages to the Secretary.

OMB Approval Number: 2510–0006.

Type of Request: Extension of a currently approved collection.

Form Number: HUD form 2510.

Description of the need for the information and proposed use: Mortgagees of FHA-insured mortgages may receive mortgage insurance benefits upon assignment of mortgages to the Secretary. In connection with the assignment, legal documents (*e.g.*, mortgage, mortgage note, security agreement, title insurance policy) must be submitted to HUD. The instructions contained in the Legal Instructions describe the documents to be submitted and the procedures for submission.

The Legal Instructions, in its current form and structure, can be found at <https://www.hud.gov/stat/ogc-legal-instructions-full-insurance-benefits>.

HUD proposes to revise this document with clarifying changes and updates to reflect current HUD requirements and policies, including requiring electronic submission for legal review, as well as current practices in real estate, title insurance, hazard insurance and mortgage financing transactions. Requiring electronic submission reflects the current practices and preferences of respondents. Since HUD began accepting electronic submission, HUD has not received any physical submissions from respondents.

In addition, sample documents reflecting existing HUD requirements and policies are being provided to assist with compliance with the Legal Instructions.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
Legal Instructions Concerning Applications for Full-Inurance Benefits—Assignment of Multifamily and Healthcare Mortgages to the Secretary HUD Form—2510	24	1	24	50	1200	\$87.86	\$105,432

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 2 of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507.

Anna Guido,

Department Clearance Officer, Office of Policy Development and Research, Chief Data Officer.

[FR Doc. 2025–16084 Filed 8–21–25; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6553–N–01]

Fair Market Rents for the Housing Choice Voucher Program, Moderate Rehabilitation Single Room Occupancy Program, and Other Programs Fiscal Year 2026

AGENCY: Office of the Assistant Secretary for Policy Development and Research, Department of Housing and Urban Development, HUD.

ACTION: Notice of Fiscal Year (FY) 2026 Fair Market Rents (FMRs).

SUMMARY: Section 8(c)(1) of the United States Housing Act of 1937 (USHA), as

amended by the Housing Opportunity Through Modernization Act of 2016 (HOTMA), requires the Secretary to publish FMRs not less than annually, adjusted to be effective on October 1 of each year. This notice describes the methods used to calculate the FY 2026 FMRs and lists the procedures for Public Housing Agencies (PHAs) to request reevaluations of their FMRs as required by HOTMA.

DATES: Comments are due by: September 22, 2025.

Effective Date: October 1, 2025, unless HUD receives a valid request for reevaluation of specific area FMRs as described below.

ADDRESSES: HUD invites interested persons to submit comments regarding the FMRs and to request reevaluation of the FY 2026 FMRs. Communications must refer to the above docket number and title and should contain the information specified in the “Request for Public Comments and FMR Reevaluations” section. There are two methods for submitting public comments or reevaluation requests:

1. Electronic Submission of Comments

Interested persons may submit comments or reevaluation requests electronically through the Federal eRulemaking Portal at <https://www.regulations.gov>. HUD strongly encourages commenters to submit comments or reevaluation requests electronically. Electronic submission of comments or reevaluation requests allows the author maximum time to prepare and submit a comment or reevaluation request, ensures timely receipt by HUD, and enables HUD to make them immediately available to the public. Comments submitted electronically through the <https://www.regulations.gov> website can be viewed by other submitters and interested members of the public. Commenters or reevaluation requestors should follow the instructions provided on that site to submit comments or reevaluation requests electronically.

2. Submission of Comments by Mail

Members of the public may submit comments or requests for reevaluation by mail to the Regulations Division,

Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW, Room 10276, Washington, DC 20410–0500.

Note: To receive consideration as public comments or reevaluation requests, comments or requests must be submitted through one of the two methods specified above. Again, all submissions must refer to the docket number and title of the notice.

No Facsimile Comments or Reevaluation Requests. HUD does not accept facsimile (FAX) comments or requests for FMR reevaluation.

FOR FURTHER INFORMATION CONTACT:

Adam Bibler, Office of Policy Development and Research, Room 8208, U.S. Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410; telephone (202) 402–6057 (this is not a toll-free number).

For technical information on the methodology used to develop FMRs or a listing of all FMRs, please call the HUD User information line at 800–245–2691 or access the information on the HUD User website at <https://www.huduser.gov/portal/datasets/fmr.html>. HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as from individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>.

Questions related to the use of FMRs or voucher payment standards should be directed to the respective local HUD program staff or the Office of Public and Indian Housing Customer Service Center at https://www.hud.gov/program_offices/public_indian_housing/about/css. Questions on how to conduct FMR surveys may be addressed to the electronic mailbox for the Program Parameters and Research Division at pprd@hud.gov.

Electronic Data Availability

This **Federal Register** notice will be available electronically from the HUD User page at <https://www.huduser.gov/portal/datasets/fmr.html>. **Federal**

Register notices also are available electronically from <https://www.federalregister.gov/>, the U.S. Government Publishing Office website. Complete documentation of the methodology and data used to compute each area's FY 2026 FMRs is available at https://www.huduser.gov/portal/datasets/fmr.html#2026_query. FY 2026 FMRs are available in a variety of electronic formats at <https://www.huduser.gov/portal/datasets/fmr.html>, including in PDF and Microsoft Excel. Small Area FMRs for all metropolitan and nonmetropolitan areas are available in Microsoft Excel format at: <https://www.huduser.gov/portal/datasets/fmr/smallarea/index.html>. For informational purposes, HUD also publishes 50th percentile rents for all FMR areas at <https://www.huduser.gov/portal/datasets/50per.html>.

SUPPLEMENTARY INFORMATION:

I. Background

Section 8 of the USHA (42 U.S.C. 1437f) authorizes housing assistance to aid low-income families in renting safe and decent housing. Housing assistance payments are limited by FMRs established by HUD for different geographic areas. In the Housing Choice Voucher (HCV) program, the FMR is the basis for determining the "payment standard amount" used to calculate the maximum monthly subsidy for an assisted family. See 24 CFR 982.503. In addition, the year-over-year FMR change is one measure of rent inflation used to calculate the Renewal Funding Inflation Factors that affect PHAs' Housing Choice Voucher funding eligibility for the calendar year. HUD also uses the FMRs to determine initial renewal rents for some expiring project-based Section 8 contracts, initial rents for housing assistance payment contracts in the Moderate Rehabilitation Single Room Occupancy program, rent ceilings for rental units in both the HOME Investment Partnerships program and the Emergency Solution Grants program, calculation of maximum award amounts for Continuum of Care recipients and the maximum amount of rent a recipient may pay for property leased with Continuum of Care funds, and calculation of flat rents in Public Housing units. The FMR is also used to determine the Performance Based Contract Administration Fee in Multifamily Housing. In general, the FMR for an area is the amount that a tenant would need to pay the gross rent (shelter rent plus utilities) of privately owned, decent, and safe rental housing of a modest (non-luxury) nature with

suitable amenities. HUD's FMR calculations represent HUD's best effort to estimate the 40th percentile gross rent paid by recent movers into standard quality units in each FMR area. In addition, all rents subsidized under the HCV program must meet reasonable rent standards.

HUD's methodology for calculation FMRs is described in Section III. HUD first adopted this methodology for the calculation of FY 2024 FMRs, and it is unchanged for FY 2026.

II. Publication of FMRs

Section 8(c)(1) of the USHA,¹ as amended by HOTMA (Pub. L. 114–201, enacted July 29, 2016), requires the Secretary of HUD to publish FMRs not less than annually. Section 8(c)(1)(A) states that each FMR "shall be adjusted to be effective on October 1 of each year to reflect changes, based on the most recent available data trended so the rentals will be current for the year to which they apply. . . ." Section 8(c)(1)(B) requires that HUD publish, not less than annually, new FMRs on the World Wide Web or in any other manner specified by the Secretary, and that HUD must also notify the public of when it publishes FMRs by **Federal Register** notice. After notification, the FMRs "shall become effective no earlier than 30 days after the date of such publication," and HUD must provide a procedure for the public to comment and request a reevaluation of the FMRs in a jurisdiction before the FMRs become effective. Consistent with the statute, HUD is issuing this notice to notify the public that FY 2026 FMRs are available at <https://www.huduser.gov/portal/datasets/fmr.html> and will become effective on October 1, 2025. This notice also provides procedures for FMR reevaluation requests.

III. FMR Methodology

This section provides a brief overview of how HUD computed the FY 2026 FMRs. For complete information on how HUD derives each area's FMRs, see the online documentation at https://www.huduser.gov/portal/datasets/fmr.html#2026_query.

A. Geographic Area Definitions

The FY 2026 FMRs are based on the updated metropolitan statistical area (MSA) definitions published by the Office of Management and Budget (OMB) on July 21, 2023, and newly incorporated by the Census Bureau into the 2023 American Community Survey (ACS) data. However, in many cases, HUD has split metropolitan statistical

areas into smaller subareas, which HUD designates as "HUD Metropolitan Fair Market Rent Areas (HMFAs)." This is meant to minimize volatility in the year to year change in FMRs based on geographic revisions, and to tailor FMRs to local housing markets.

Since FY 2016, HUD's process for determining HMFA boundaries following revisions by OMB has been as follows:

- When a county is newly added to an existing metropolitan area, the county is instead treated as a single-county HMFA, and its metropolitan area is labeled as a HMFA.
- When a county is removed from an area, the area becomes a single non-metropolitan county, and is removed from its prior FMR area.
- When multiple counties are grouped into a new metropolitan area, they are instead treated as separate, single-county HMFAs.
- When a county switches metropolitan areas, it is instead treated as a single-county HMFA and its new metropolitan area is labeled as a HMFA.
- HUD maintains FMR area boundaries in the six New England states that are based on groupings of towns rather than counties, following the metropolitan area definitions used prior to 2003.

HUD has maintained these criteria for FY 2026 FMRs. However, there are two exceptions. First, the state of Connecticut has officially changed its county-equivalent geographic units from legacy counties with no active government functions to planning regions. The 2023 OMB MSA definitions are based on these planning regions. Because the planning regions do not match the boundaries of the former counties, HUD must adopt the new MSA definitions for Connecticut rather than maintaining its previous HMFA definitions. Second, HUD does not designate single-municipio areas in Puerto Rico in cases where a municipio is added, removed, or switched metropolitan areas.

Because of the limit on FMR decreases described at the end of Section III, towns or municipios that have switched or are otherwise newly added to MSAs in Connecticut and Puerto Rico may end up with different FMRs than other towns or municipios within the same MSA. In these cases, HUD has retitled the affected areas as "Exception Areas" using the name of the town or municipio and will maintain these designations until the FMRs for the affected areas converge with the rest of the MSA.

¹ 42 U.S.C. 1437f.

B. Base Year Rents

For FY 2026 FMRs, HUD uses the U.S. Census Bureau's 5-year ACS data collected between 2019 and 2023 as the "base rents" for the FMR calculations. These data are the most current ACS data available at the time that HUD calculates the FY 2026 FMRs. HUD pairs a "margin of error" test² with an additional requirement based on the number of survey observations supporting the estimate to improve the statistical reliability of the ACS data used in the FMR calculations. The Census Bureau does not provide HUD with an exact count of the number of observations supporting the ACS estimate; rather, the Bureau provides HUD with categories of the number of survey responses underlying the estimate, including whether the estimate is based on more than 100 observations. Using these categories, HUD requires that, in addition to meeting the "margin of error" test, ACS rent estimates must be based on at least 100 observations to be used as base rents.

For areas in which the 5-year ACS data for two-bedroom, standard quality³ gross rents do not pass the statistical reliability tests (*i.e.*, have a margin of error ratio greater than 50 percent or fewer than 100 observations), HUD uses an average of the base rents over the three most recent years⁴ (provided that there is data available for at least two of these years),⁵ or if such data are not available, using the two-bedroom rent data within the next largest geographic area. For a metropolitan subarea, the next largest area is its containing metropolitan area. For a non-metropolitan area, the next largest area is the state non-metropolitan portion.

C. Recent-Mover Factors

Following the assignment of the standard quality two-bedroom rent described above, HUD applies a recent-

mover factor to these rents. HUD calculates the recent-mover factor as the change between the 5-year 2019–2023 standard quality two-bedroom gross rent and the 1-year 2023 recent mover gross rent for the recent mover factor area. HUD does not allow recent-mover factors to lower the standard quality base rent; therefore, if the 5-year standard quality rent is larger than the comparable 1-year recent mover rent, HUD sets the recent-mover factor to 1. When the recent-mover factor is greater than one and calculated for the same geographic area as the base rent, HUD is, in effect, replacing the base rent with the recent-mover rent for that area.

In determining the recent mover factor, HUD first considers the rents of households who moved into their unit only in the current ACS year. For ACS 2023, this means that the maximum length of time for a household to have lived in its current unit and still be considered a recent mover under this definition would be 11 months. HUD applies the same two statistical reliability checks to each ACS recent mover estimate as it does for the base rent estimate. First, the estimate must be supported by at least 100 sample cases from the ACS. Second, the estimate must have a margin of error that is smaller than half the estimate itself. HUD first considers the estimate for two-bedroom units, then for units of all bedroom counts. For areas without an ACS estimate meeting these criteria, HUD next checks the estimate tabulated from two-year recent movers. If the local two-year recent mover estimates are not reliable, HUD considers the estimates for increasingly larger areas of geography.

D. Other Rent Survey Data

HUD calculates base rents for the insular areas using data collected during the 2020 decennial census of American Samoa, the Northern Mariana Islands, and the U.S. Virgin Islands.⁶ HUD updates the 2020 base year data to 2023 using the growth in national ACS data over that period.

HUD does not use ACS data to establish the base rent or recent-mover factor in cases where it has locally collected survey data which are more recent than the 2023 ACS. For larger metropolitan areas that have valid ACS one-year recent-mover data, survey data may not be any older than the mid-point

of the calendar year for the ACS one-year data. Since the ACS one-year data used for the FY 2026 FMRs is from 2023, in larger areas with valid one-year recent mover data HUD does not use other survey data collected before June 30, 2023 for the FY 2026 FMRs. In areas without statistically reliable 1-year ACS data, HUD continues to use local survey data until the mid-point of the 5-year ACS data is more recent than the local survey. For FY 2026 FMRs, the following are Metropolitan Statistical Areas (MSAs), HUD Metro FMR Areas, or non-metropolitan counties that have FMRs based on local ad hoc surveys collected prior to 2024:

(1) HUD uses survey data from 2021 to calculate the FMRs for Iron County, UT; and Transylvania County, NC.

(2) HUD uses survey data from 2022 to calculate the FMRs for Hawaii County, HI; Hood River County, OR; and Wasco County, OR.

(3) HUD uses survey data from 2023 to calculate the FMRs for Santa Cruz-Watsonville, CA MSA.

(4) HUD uses survey data from 2024 for Boston-Cambridge-Quincy, MA–NH HUD Metro FMR Area; New York, NY HUD Metro FMR Area; San Luis Obispo-Paso Robles-Arroyo Grande, CA MSA; Santa Maria-Santa Barbara, CA MSA; Santa Rosa, CA MSA; and all areas in the state of Montana.

(5) HUD uses survey data from 2025 for Kahului-Wailuku-Lahaina, HI HUD Metro FMR Area; and San Benito County, CA HUD Metro FMR Area.

E. Gross Rent Inflation Factors

The ACS recent mover rent estimates as described above produce a rent value that is "as of" 2023. To account for inflation, HUD adjusts this value using an inflation factor that captures rent growth from 2023 to 2024. HUD uses a local measure of private rent inflation for markets that are covered by at least three of the six available sources of private rent data. HUD combines this local measure of rent inflation with either the local metropolitan area Consumer Price Index (CPI) rent of primary residence for the 23 areas where such data exist, or the regional CPI rent in areas without a local index.

HUD uses both private data and the CPI in an attempt to fully and accurately measure recent mover rent inflation. Research has shown that private data often provide a timelier measure of recent mover rent inflation than the CPI, which is constructed by measuring the rents of both in-place and new tenants. However, the CPI provides other advantages as a measure of rent inflation, such as consisting of a representative sample of all housing

² HUD's margin of error test requires that the margin of error of the ACS estimate is less than half the size of the estimate itself.

³ The definition of a standard quality unit is one with complete plumbing and kitchen facilities; meals not included in rent; and situated on ten acres or less of land. HUD no longer excludes new construction units from the standard quality universe pursuant to the amended regulations at 24 CFR 888.113.

⁴ For FY 2026, the three years of ACS data in question are 2021, 2022 and 2023. HUD adjusts the 2021 and 2022 data to be denominated in 2022 dollars using the growth in Consumer Price Index (CPI)-based gross rents measured between those years and 2023.

⁵ To be used in the three-year average calculation, the 5-year estimates must be minimally statistically qualified; that is, the margin of error of the estimates must be less than half the size of the estimate.

⁶ The ACS is not conducted in the Pacific Islands (Guam, Northern Mariana Islands and American Samoa) or the U.S. Virgin Islands. As part of the 2020 Decennial Census, the Census Bureau conducted "long-form" sample surveys for these areas. HUD uses the results gathered by this long form survey for the FY 2026 FMRs.

units, measuring rent in the same units over time (a “repeat rent” sample), and adjusting for the aging of units.

The private measures of rent used by HUD are the Apartment List Rent Estimate, CoStar Group average effective rent, Cotality, Inc., single-family combined 3-bedroom median rent, Moody’s average market rent, RealPage average effective rent per unit, and Zillow Observed Rent Index. In calculating a measure of inflation from these data, HUD first takes the annual average of each statistic, then its year-to-year change. HUD then takes the mean of the changes from all available sources for each area.

Next, HUD takes an average of this private-sector measure of rent inflation with rent inflation as captured by the CPI for the area, where the private-sector measure is weighted at approximately 64 percent and the CPI rent inflation measure is weighted at approximately 36 percent. HUD has determined and updated these weights by comparing the national average of the private rent changes and changes in CPI rent of primary residence to changes in the national average of recent mover rent changes from the ACS from 2018 through 2023. HUD weights the private data averages and overall CPI rent of primary residence in such a way as to minimize the root mean squared error between the resulting average and the complete history of ACS recent mover rent changes.

For areas without at least three of the six private rent data sources available, HUD uses a regional average of private rent inflation factors alongside the regional CPI rent of primary residence using the nationally derived weights described above. HUD constructs the regional average by taking the rental unit weighted average of the change in rents of each area in a region that does have private rent data coverage. This ensures that smaller areas which are not covered by the private sources directly still have current rental market conditions taken into account in the calculation of the rent inflation factor for such areas.

Finally, HUD averages the result of this step with the year-to-year change in the CPI housing fuels and utilities series for the area to make the resulting inflation measure reflective of gross rents. The results of this step are gross rent estimates that are “as of” 2024.

F. Trend Factor Forecasts

Following the application of the appropriate gross rent inflation factor, HUD trends the gross rent estimate from 2024 to FY 2026 using a trend factor which is based on local or regional

forecasts of CPI gross rent data. HUD derived a trend factor for each Class A CPI area and Class B/C CPI region using time series models based on national inputs (National Input Model or NIM), local inputs (Local Input Model or LIM), and historical values of the predicted series (Pure Time Series—PTS). HUD chose the actual model used for each CPI area’s trend factor based on which model generates the lowest Root Mean Square Error statistic and applied the trend factors to the corresponding FMR areas. HUD established the type of model for each forecast (NIM, LIM, or PTS) for the FY 2020 FMRs. HUD had previously stated it would reassess the model selections during the calculation of the FY 2025 FMRs. However, due to the high degree of volatility that occurred in rental markets from 2020–2023, HUD believes that evaluating model performance during this period will not result in the best long term model selection. More details on the trend factor forecasts are available in the June 5, 2019 **Federal Register** notice (84 FR 26141) and are available at <https://www.federalregister.gov/documents/2019/06/05/2019-11763/proposed-changes-to-the-methodology-used-for-estimating-fair-market-rents>.

G. Bedroom Rent Adjustments

HUD uses two-bedroom units for its primary calculation of FMR estimates. This is generally the most common size of rental unit and, therefore, the most reliable to survey and analyze. After estimating two-bedroom FMRs, HUD calculates bedroom ratios for each FMR area, which relate the prices of smaller and larger units to the cost of two-bedroom units. The bedroom ratios HUD uses in the calculation of FY 2026 FMRs are calculated from three five-year ACS data series (2017–2021, 2018–2022, and 2019–2023). HUD only uses estimates with a margin of error ratio of less than 50 percent. If an area does not have reliable estimates in at least two of the previous three ACS releases, HUD uses the bedroom ratios for the area’s larger parent geography.

To ensure an adequate distributional fit in these bedroom ratio calculations for individual FMR areas, HUD establishes bedroom interval ranges which set upper and lower limits for bedroom ratios nationwide, based on an analysis of the range of such intervals for all areas with large enough samples to permit accurate bedroom ratio determinations. In the calculation of FY 2026 FMR estimates, HUD sets the bedroom interval ranges as follows: efficiency FMRs are constrained to fall between approximately 0.69 and 0.87 of the two-bedroom FMR; one-bedroom

FMRs must be between 0.76 and 0.91 of the two-bedroom FMR; three-bedroom FMRs (prior to the adjustments described below) must be between 1.10 and 1.28 of the two-bedroom FMR; and four-bedroom FMRs (again, prior to adjustment) must be between 1.23 and 1.56 of the two-bedroom FMR. Given that these interval ranges partially overlap across unit bedroom counts, HUD further adjusts bedroom ratios for a given FMR area, if necessary, to ensure that higher bedroom-count units have higher rents than lower bedroom-count units within that area.

HUD further adjusts the rents for three-bedroom and larger units to reflect HUD’s policy to set higher rents for these units.⁷ This adjustment is intended to increase the likelihood that the largest families, who have the most difficulty in leasing units, will be successful in finding eligible program units. The adjustment adds 8.7 percent to the unadjusted three-bedroom FMR estimates and adds 7.7 percent to the unadjusted four-bedroom FMR estimates.

HUD derives FMRs for units with more than four bedrooms by adding 15 percent to the four-bedroom FMR for each extra bedroom. For example, the FMR for a five-bedroom unit is 1.15 times the four-bedroom FMR, and the FMR for a six-bedroom unit is 1.30 times the four-bedroom FMR. Similarly, HUD derives FMRs for single-room occupancy units by subtracting 25 percent from the zero-bedroom FMR (*i.e.*, they are set at 0.75 times the zero-bedroom [efficiency] FMR).⁸

H. Minimum FMRs

All FMRs are subject to a minimum rent based on state or national non-metropolitan area median rent. HUD calculates a population-weighted median two-bedroom FMR across all non-metropolitan counties or county-equivalents of each state, which, for the purposes of FMRs, is the state minimum rent. State-minimum rents for each FMR area are available in the FY 2026 FMR Documentation System, available at https://www.huduser.gov/portal/datasets/fmr.html#2026_query. HUD also calculates the population weighted median FMR rent across all non-metropolitan areas of the country,

⁷ As mentioned above, HUD applies the interval ranges for the three-bedroom and four-bedroom FMR ratios prior to making these adjustments. In other words, the adjusted three- and four-bedroom FMRs can exceed the interval ranges but the unadjusted FMRs cannot.

⁸ As established in the interim rules implementing the provisions of the Quality Housing and Work Responsibility Act of 1998 (Title V of the FY 1999 HUD Appropriations Act; Pub. L. 105–276) in 24 CFR 982.604.

which, for the purposes of FMRs, is the national non-metropolitan rent. For FY 2026, the national non-metropolitan rent is \$973. The applicable minimum rent for a particular area is the *lower* of the state or national non-metropolitan median. Each area's two-bedroom FMR must be no less than the applicable minimum rent.

I. Limit on FMR Decreases

HUD's regulations at 24 CFR 888.113 include a limit on the amount that FMRs may annually decrease. The current year's FMRs resulting from the application of the bedroom ratios, as discussed in Section (E) above, may be no less than 90 percent of the prior year's FMRs for units with the same number of bedrooms. Accordingly, if the current year's FMRs are less than 90 percent of the prior year's FMRs as calculated by the above methodology, HUD sets the current year's FMRs equal to 90 percent of the prior year's FMRs. For areas where HUD has required the use of Small Area FMRs in the administration of their voucher programs, the FY 2026 Small Area FMRs may be no less than 90 percent of the FY 2025 Small Area FMRs. For all other metropolitan areas, the FY 2026 Small Area FMRs may be no less than 90 percent of the greater of the FY 2025 metropolitan area wide FMRs or the applicable FY 2025 Small Area FMR.

PHAs operating in areas where the calculated FMR is lower than the published FMR (*i.e.*, those areas where HUD has limited the decrease in the annual change in the FMR to 10 percent) may request payment standards below the basic range (24 CFR 982.503(d)) and reference the "unfloored" rents (*i.e.*, the unfinalized FMRs calculated by HUD prior to application of the 10-percent-decrease limit) depicted in the FY 2026 FMR Documentation System (available at: https://www.huduser.gov/portal/datasets/fmr.html#2026_query).

IV. Small Area FMRs

A. SAFMR Methodology

The methodology for calculating SAFMRs is unchanged from FY 2025. First, HUD calculates Small Area FMRs directly from the standard quality gross rents provided to HUD by the Census Bureau for ZIP Code Tabulation Areas (ZCTAs) when such data are statistically reliable. The ZCTA two-bedroom equivalent 40th percentile gross rent is analogous to the standard quality base rents set for metropolitan areas and non-metropolitan counties. For each ZCTA with statistically reliable gross rent estimates, using the expanded test of

statistical reliability first used in FY 2018 (*i.e.*, estimates with margins of error ratios below 50 percent and based on at least 100 observations), HUD calculates a two-bedroom equivalent 40th percentile gross rent using the first statistically reliable gross rent distribution data from the following data sets (in this order): two-bedroom gross rents, one-bedroom gross rents, and three-bedroom gross rents. If either the one-bedroom or three-bedroom gross rent data are used because the two-bedroom gross rent data are not statistically reliable, HUD converts the one-bedroom or three-bedroom 40th percentile gross rent to a two-bedroom equivalent rent using the bedroom ratios for the ZCTA's parent metropolitan or non-metropolitan area. To increase stability to these Small Area FMR estimates, HUD averages the latest three years of gross rent estimates.⁹

For ZCTAs without usable gross rent data by bedroom count, HUD calculates Small Area FMRs using the rent ratio method. To calculate Small Area FMRs using a rent ratio, HUD divides the median gross rent across all bedrooms for the ZCTA by the similar median gross rent for the metropolitan or non-metropolitan area of the ZCTA. If a ZCTA does not have reliable rent data at the all-bedroom level, HUD will then check to see if the ZCTA borders other ZCTAs that themselves have reliable rent data. If at least half of a ZCTA's "neighbors" have such data, HUD will use the weighted average of those estimates as the basis for the Small Area FMR rather than a county proxy, where the weight is the length of the shared boundary between the ZCTA and its neighbor. In small areas where the neighboring ZCTA median gross rents are not statistically reliable, HUD substitutes the median gross rent for the county containing the ZIP code in the numerator of the rent ratio calculation. HUD multiplies this rent ratio by the current two-bedroom FMR for the metropolitan or non-metropolitan area containing the small area to generate the current year two-bedroom FMR for the small area.

HUD continues to use a rolling average of ACS data in calculating the Small Area FMR rent ratios. HUD believes coupling the most current data with previous year's data minimizes excessive year-to-year variability in Small Area FMR rent ratios due to sampling variance. Therefore, for FY

⁹For example, for FY 2026 Small Area FMRs, HUD averages the gross rents from 2021, 2022, and 2023 5-Year ACS estimates. The 2021 and 2022 gross rent estimates are adjusted to 2023 dollars using the metropolitan area's gross rent CPI adjustment factors.

2026 Small Area FMRs, HUD has updated the rent ratios to use an average of the rent ratios calculated from the 2017–2021, 2018–2022, and 2019–2023 5-year ACS estimates.

HUD limits each two-bedroom Small Area FMR to be no more than 150 percent of the two-bedroom FMR for the metropolitan or non-metropolitan area where the ZIP code is located.

B. SAFMR Mandatory Use

On November 16, 2016, HUD published a final rule entitled "Establishing a More Effective Fair Market Rent (FMR) System; Using Small Area Fair Market Rents (Small Area FMRs) in Housing Choice Voucher Program Instead of the Current 50th Percentile FMRs" (81 FR 80567) ("final rule" or "Small Area FMRs final rule"). Based on that rule, HUD has required public housing agencies (PHAs) operating in certain metropolitan areas to use Small Area Fair Market Rents in determining payment standards used in the housing choice voucher program. For FY 2026 FMRs, the implementation of new metropolitan statistical area definitions as described in Section III has resulted in changes to the boundaries of two mandatory SAFMR areas. First, Calvert County, MD has been removed from the Washington-Arlington-Alexandria, DC-VA-MD HUD Metro FMR Area. Second, the towns of Bristol, Burlington, Hartland, and Union have been removed from Hartford-West Hartford-East Hartford, CT HUD Metro FMR Area. In both instances, PHAs operating in the county or towns removed remain required to use SAFMRs. Additionally, the towns of Clinton, Deep River, Essex, Killingworth, Lyme, Old Lyme, Old Saybrook and Westbrook have been newly added to the Hartford-West Hartford-East Hartford, CT MSA. HUD has examined data for the revised Hartford MSA and found that it would still meet the selection criteria of the Small Area FMRs final rule. Therefore, PHAs operating within these towns newly added to the Hartford-West Hartford-East Hartford, CT MSA must have their payment standards aligned with the Small Area FMRs in their operating areas by January 1, 2027. This timeframe is consistent with the implementation period provided to the newly identified mandatory areas announced in the October 25, 2023 Federal Register notice "Small Area Fair Market Rents in the Housing Choice Voucher Program Metropolitan Areas Subject to Small Area Fair Market Rents" (88 FR 73352).

V. Notice of Proposed Material Changes for FY 2027 FMRs

As previously stated, HUD uses the CPI housing fuels and utilities series in its calculation of the gross rent inflation factor. In November 2024, the Bureau of Labor Statistics announced it would discontinue CPI fuels and utilities data at the metropolitan area and regional levels starting January 2025, affecting HUD's ability to inflate ACS gross rents for FY 2027 FMRs which would rely on the 2024 to 2025 increase in the index.

To address this, HUD proposes using an alternative utility inflation factor based on a weighted average composite of four separate household fuel and utility components: electricity, natural gas, fuel oil, and water/sewer/trash. The measure is designed to approximate the CPI-based utility index for each of the 23 self-representing Primary Sampling Units (PSUs) in the CPI sample, as well as the four Class B/C Census regions.

HUD proposes using state-level data from the U.S. Energy Information Administration (EIA) surveys for residential electricity, natural gas, and fuel oil prices, along with national-level data on changes in residential water, sewer, and trash collection costs from the U.S. Bureau of Labor Statistics (BLS). Because EIA data is primarily available at the state level, HUD assigns state-level prices to each PSU based on the state in which the PSU is located, assuming uniform pricing behavior across Core-Based Statistical Areas (CBSAs) within the state. For PSUs that span multiple states, HUD assigns a utility price based on a population-weighted average of the relevant state-level utility prices, using the population of each county within the PSU as weights. For example, the Washington-Arlington-Alexandria, DC-VA-MD-WV PSU spans three states and the District of Columbia and includes 25 counties; HUD calculates a weighted average utility price for each component using population data from these counties. Similarly, for the Class B/C Census regions, HUD computes a population-weighted average utility price across all non-self-representing PSU areas, consistent with the BLS approach to constructing the regional CPI for Class B/C areas.

Once each PSU and Census region is assigned a utility price series, HUD would calculate the year-over-year change in each of the four utility components. These changes are then combined into a composite utility inflation factor using national CPI-U relative importance weights from the household fuels and utilities (SAH2) series. This composite utility factor

would replace the current utility factor in the calculation of the gross rent inflation factors and trend factor forecasts as described in Section III, subsections E and F.

HUD has calculated hypothetical utility inflation factors based on this proposed methodology. Using these factors, HUD has also calculated hypothetical FY 2026 FMRs and compared them to the actual FY 2026 FMRs in order to assess the impact and accuracy of the proposed alternate methodology. The average absolute difference between the two sets of FMRs is less than \$5. The maximum increase in any area's two-bedroom FMR is \$38, and the maximum decrease is \$27. HUD is publishing these alternate FMRs on https://www.huduser.gov/portal/datasets/fmr.html#data_2026 so stakeholders can assess the impact of this proposal.

VI. Request for Public Comments and FMR Reevaluations

HUD accepts public comments on the methods HUD uses to calculate FY 2026 FMRs and requests for reevaluation of FMRs for specific areas for 30 days after the publication of this notice. HUD lacks the resources to conduct local surveys of rents to address comments filed regarding the FMR levels for specific areas. PHAs may continue to fund such surveys independently, as specified below, using ongoing administrative fees or their administrative fee reserve if they so choose. HUD continually strives to calculate FMRs that meet the statutory requirement of using "the most recent available data" while also serving as an effective program parameter.

In response to this notice, HUD specifically requests comment on the alternate utility inflation factor methodology intended for FY 2027 FMRs described in Section V. Additionally, as described in Section I, HUD has now updated FMR area boundaries in Connecticut to match the latest MSA definitions. HUD requests comment as to whether areas in the remaining five New England states should be updated to base FMR areas on county-based CBSAs for FY 2027 FMRs. HUD notes that maintaining the old boundaries in the interest of preserving local housing market variation in FMRs may no longer be necessary with the availability of Small Area FMRs, which did not exist when HUD elected to maintain the existing New England boundaries.

A. FMR Reevaluations

42 U.S.C. 1437f(c)(1)(B) includes the following: "The Secretary shall establish

a procedure for public housing agencies and other interested parties to comment on such fair market rentals and to request, within a time specified by the Secretary, reevaluation of the fair market rentals in a jurisdiction before such rentals become effective."

Typically, PHAs request a reevaluation of FMRs solely to ensure that they can establish adequate payment standards. HUD reminds PHAs that FMRs are also an underlying component of their annual HCV Renewal Funding Inflation Factors (RFIFs), and potential concerns regarding the adequacy of the RFIF are an important consideration when determining whether to request an FMR Re-evaluation.

PHAs or other parties interested in requesting HUD's reevaluation of their area's FY 2026 FMRs, as provided for under section 8(c)(1)(B) of USHA, must follow the following procedures:

(1) By the end of the 30-day comment period, PHAs or other parties must submit reevaluation requests through <https://www.regulations.gov/> or directly to HUD as described in the **ADDRESSES** section above. The area's PHA or, in multi-jurisdictional areas, PHA(s) representing at least half of the voucher tenants in the FMR area, must agree that the reevaluation is necessary.

(2) The requestor(s) must supply HUD with data more recent than the 2023 ACS data used in the calculation of the FY 2026 FMRs. HUD requires data on gross rents paid in the FMR area for occupied standard quality rental housing units. Occupied recent mover units (defined as those who moved in the past 24 months, although a shorter definition may also be used at the requestor's discretion) provide the best data. The data delivered must be sufficient for HUD to calculate a 40th percentile two-bedroom gross rent. Should this type of data not be available, requestors may gather this information using the survey guidance available at <https://www.huduser.gov/portal/datasets/fmr/NoteRevisedAreaSurveyProcedures.pdf> and <https://www.huduser.gov/portal/datasets/fmr/PrinciplesforPHA-ConductedAreaRentSurveys.pdf>.

(3) Areas where valid reevaluation requests are submitted may continue to use FY 2025 FMRs or may use the FY 2026 FMRs. Commenters should indicate whether they wish to maintain the FY 2025 or implement the FY 2026 FMR during the reevaluation period as part of their reevaluation request. PHAs requesting reevaluation in areas newly designated as SAFMR areas must adopt SAFMRs, but they may be the FY 2025 SAFMRs or FY 2026 SAFMRs during

the reevaluation period. Following the comment period, HUD will post a list, at <https://www.huduser.gov/portal/datasets/fmr.html>, of the areas requesting reevaluations where FY 2025 FMRs remain in effect.

(4) PHAs or other parties must supply data for reevaluations to HUD no later than Friday, January 9, 2026. All survey responses of rental units gathered as part of the survey efforts should be delivered to HUD via email. As in FY 2025, HUD requests that survey responses include the ZIP Code or comparable small-area identifier (such as Census tract) of the housing unit. In addition to the survey data, HUD requires a current utility schedule to evaluate the survey responses. Finally, HUD encourages PHAs to evaluate their survey data to ensure the survey supports their request. Should PHAs or their contractors undertake this evaluation, HUD requests that this analysis also be submitted.

HUD will use the data delivered by January 9, 2026, to reevaluate the FMRs and following the reevaluation, HUD will post revised FMRs in April of 2026 with an accompanying **Federal Register** notice stating the revised FMRs are available, which will include HUD's responses to comments filed during the comment period for this notice. By January 16, 2026, HUD will post at <https://www.huduser.gov/portal/datasets/fmr.html>, a listing of the areas that requested FMR reevaluations and continued effect of the FY2025 FMRs but did not deliver data, making the FY 2026 FMRs effective in these areas. HUD will incorporate any data supporting a change in FMRs supplied after January 9, 2026 into the FY 2027 FMRs. Questions on how to conduct FMR surveys may be addressed to the Program Parameters and Research Division at pprd@hud.gov.

For small metropolitan areas without one-year ACS data and non-metropolitan counties, HUD has developed a method of using mail surveys that is discussed on the FMR web page: https://www.huduser.gov/portal/datasets/fmr.html#survey_info. This method allows for a PHA to submit a valid survey consisting of as few as 100 one-bedroom, two-bedroom, and three-bedroom units.

Other survey methods are acceptable in providing data to support reevaluation requests if the survey method can provide statistically reliable, unbiased estimates of gross rents paid throughout the entire FMR area and small area identifiers for the survey responses. In general, recommendations for FMR changes and supporting data must reflect the rent

levels that exist within the entire FMR area and should be statistically reliable.

PHAs in non-metropolitan areas are required to obtain 100 eligible survey responses which means they may need a sampling frame of at least 5,000 rental units, taking into account survey non-response rates and the fact that some units will fail to qualify. PHAs may conduct surveys of groups of non-metropolitan counties to increase the number of rental units that are surveyed, but HUD must approve all county-grouped surveys in advance. HUD cautions that the resulting FMRs may not be identical for the counties surveyed; each individual FMR area will have a separate FMR based on the relationship of rents in that area to the combined rents in the cluster of FMR areas. In addition, HUD advises that in counties where FMRs are based on the combined rents in the cluster of FMR areas, HUD will not revise their FMRs unless the grouped survey results show a revised FMR statistically different from the combined rent level.

Survey samples should preferably be randomly drawn from a complete list of rental units for the FMR area. If this is not feasible, the selected sample must be drawn to be statistically representative of the entire rental housing stock of the FMR area. Surveys must include units at all rent levels and be representative by structure type (including single-family, duplex, and other small rental properties), age of housing unit, and geographic location. The current 5-year ACS data should be used as a means of verifying if a sample is representative of the FMR area's rental housing stock. HUD staff are available to work with PHAs in areas requesting re-evaluations to provide the minimum number of survey cases required to ensure that data submitted for re-evaluation represent a statistically valid sample. In cases where a submitted sample is not representative, HUD may attempt to weight the sample cases prior to calculating 40th percentile rent estimates.

A PHA or contractor that cannot obtain the recommended number of sample responses after reasonable efforts should consult with HUD before abandoning its survey; in such situations, HUD may find it appropriate to relax normal sample size requirements, but in no case will fewer than 100 eligible cases be considered.

VII. Environmental Impact

This notice involves the establishment of FMR schedules, which do not constitute a development decision affecting the physical condition of specific project areas or

building sites. Accordingly, under 24 CFR 50.19(c)(6), this notice is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

Accordingly, the Fair Market Rent schedules, which will not be codified in 24 CFR part 888, are available at <https://www.huduser.gov/portal/datasets/fmr.html>.

John Gibbs,

Principal Deputy Assistant Secretary for Policy Development and Research.

Fair Market Rents for the Housing Choice Voucher Program

Schedule B—General Explanatory Notes

Arrangement of FMR Areas and Identification of Constituent Parts

a. The Metropolitan and Non-Metropolitan FMR Area Schedule lists FMRs alphabetically by state, by metropolitan area and by non-metropolitan county within each state and are available at <https://www.huduser.gov/portal/datasets/fmr.html>.

b. The schedule lists the constituent counties (and New England towns and cities) included in each metropolitan FMR area immediately following the listings of the FMR dollar amounts. All constituent parts of a metropolitan FMR area that are in more than one state can be identified by consulting the listings for each applicable state.

c. The schedule lists two non-metropolitan counties alphabetically on each line of the non-metropolitan county listings.

d. Similarly, the schedule lists the New England towns and cities included in a non-metropolitan county immediately following the county name.

[FR Doc. 2025–16060 Filed 8–21–25; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-7092-N 25; OMB Control No.: 2506-0215]

30-Day Notice of Proposed Information Collection: Housing Trust Fund

AGENCY: Office of Policy Development and Research, Chief Data Officer, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comments from all interested

parties on the proposed collection of information. The purpose of this notice is to allow for 30 days of public comment.

DATES: *Comments Due Date:* September 22, 2025.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT:

Anna Guido, Clearance Officer, Paperwork Reduction Act Division, PRAD, Department of Housing and Urban Development, 451 7th Street SW, Room 8210, Washington, DC 20410; email at Anna.P.Guido@hud.gov, telephone (202) 402–5535. This is not a toll-free number. HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>.

Copies of available documents submitted to OMB may be obtained from Ms. Guido.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A. The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on May 2, 2025 at 90 FR 18863.

A. Overview of Information Collection

Title of Information Collection: Housing Trust Fund.

OMB Approval Number: 2506–0215.

Type of Request: Extension of a currently approved collection.

Form Number: HUD–27055.

Description of the need for the information and proposed use: The information collected through HUD’s Integrated Disbursement and Information System (IDIS) (24 CFR 93.402) is used by HUD Field Offices, HUD Headquarters, and HTF grantees. The information on program funds committed and disbursed is used by HUD to track grantee performance and to determine compliance with the statutory 24-month commitment deadline (12 U.S.C. 4568(c)(10)(B) and 24 CFR 93.400(d)(1)) and the regulatory 5-year expenditure deadline (24 CFR 93.400(d)(2)). The project-specific property, tenant, owner, and financial data is used to make program management decisions about how well program participants and grantees are achieving the statutory objectives of the HTF Program. Program management

reports are generated by IDIS to provide data on the status of grantees’ commitment and disbursement of HTF funds. These reports are provided to HUD staff as well as to HTF grantees.

Financial, project, tenant and owner documentation are used to determine compliance with HTF Program cost limits (24 CFR 93.404), eligible activities (24 CFR 93.200), and eligible costs (24 CFR 93.201). Other information collected under 24 CFR part 93, subpart H (Other Federal Requirements) is primarily intended for local program management and is only viewed by HUD during routine monitoring visits. The written agreement with the owner that commits funds to a project (24 CFR 93.404) demonstrates an HTF grantee’s compliance with requirements relating to commitments, project eligibility (24 CFR 93.200), tenant protections (24 CFR 93.303), and eligible costs (24 CFR 93.201), and is required to ensure that the HTF grantee and property owner comply with these important elements of the HTF program. Written agreements are reviewed by HUD during monitoring visits. HUD reviews all other data collection requirements during monitoring to assure compliance with the requirements of the Act and other related laws and authorities.

HUD tracks grantee performance and compliance with the requirements of 24 CFR parts 91 and 93. Grantees use the required information in the execution of their program, and to gauge their own performance in relation to stated goals.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
§ 93.100(a) Notification of intent to participate	56.00	1.00	56.00	4.00	224.00	\$45.14	10,111.36
31 U.S.C. 3512—HUD Form 27055	56.00	1.00	56.00	0.50	28.00	45.14	1,263.92
§ 93.100(b) Submission of Consolidated Plan	56.00	0.20	11.20	40.00	448.00	45.14	20,222.72
§ 91.220 Action Plan	56.00	1.00	56.00	10.00	560.00	45.14	25,278.40
§ 93.101 Distribution of assistance	56.00	1.00	56.00	4.00	224.00	45.14	10,111.36
§ 93.150(a) Site and Neighborhood Standards	56.00	1.00	56.00	4.00	224.00	45.14	10,111.36
§ 93.150(b) New rental housing site and neighborhood requirements	56.00	1.00	56.00	5.00	280.00	45.14	12,639.20
§ 93.200(b) Establishment of terms of assistance	56.00	1.00	56.00	4.00	224.00	45.14	10,111.36
§ 93.200(d) Terminated projects	1.00	1.00	1.00	20.00	20.00	45.14	902.80
§ 93.201(b)(2) Establish refinancing guidelines	56.00	1.00	56.00	4.00	224.00	45.14	10,111.36
§ 93.300(a) Establish maximum per-unit development subsidy amount	56.00	1.00	56.00	4.00	224.00	45.14	10,111.36

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
§ 93.300(b) Underwriting and subsidy layering	168.00	1.00	168.00	4.00	672.00	45.14	30,334.08
§ 93.301(a) Property standards—New construction	56.00	1.00	56.00	3.00	168.00	45.14	7,583.52
§ 93.302(b) Establish rent limitations	56.00	1.00	56.00	4.00	224.00	45.14	10,111.36
§ 93.302(c) Establish utility allowance	56.00	1.00	56.00	4.00	224.00	45.14	10,111.36
§ 93.302(d)(1) Establish affordability requirements	56.00	1.00	56.00	4.00	224.00	45.14	10,111.36
§ 93.302(d)(3) Establish preemptive procedures before foreclosure	56.00	1.00	56.00	4.00	224.00	45.14	10,111.36
§ 93.302(e)(1) Initial income determination ..	2,047.00	1.00	2,047.00	1.00	2,047.00	45.14	92,401.58
§ 93.302(e)(1) Annual income determination	9,020.00	1.00	9,020.00	0.25	2,255.00	45.14	101,790.70
§ 93.350(a) Non-discrimination and equal opportunity procedures	56.00	1.00	56.00	8.00	448.00	45.14	20,222.72
§ 93.350(b)(1) Affirmative marketing procedures	56.00	1.00	56.00	10.00	560.00	45.14	25,278.40
§ 93.351 Lead-based paint	56.00	1.00	56.00	1.00	56.00	45.14	2,527.84
§ 93.352 Displacement, relocation, and acquisition procedures	56.00	1.00	56.00	4.00	224.00	45.14	10,111.36
§ 93.353 Conflict of interest adjudication	2.00	1.00	2.00	4.00	8.00	45.14	361.12
§ 93.354 Funding Accountability and Transparency Act	56.00	12.00	672.00	1.00	672.00	45.14	30,334.08
§ 93.356(b) VAWA notification requirements	56.00	1.00	56.00	4.00	224.00	45.14	10,111.36
§ 93.356(d) VAWA lease term/addendum	56.00	1.00	56.00	4.00	224.00	45.14	10,111.36
§ 93.356(f) VAWA Emergency transfer plan	56.00	1.00	56.00	4.00	224.00	45.14	10,111.36
§ 93.402(b)(1) IDIS—Project set-up	168.00	1.00	168.00	1.00	168.00	45.14	7,583.52
§ 93.402(c)(1) IDIS—HTF drawdowns	168.00	1.00	168.00	1.00	168.00	45.14	7,583.52
§ 93.402(d)(1) IDIS—Project completion	168.00	1.00	168.00	1.00	168.00	45.14	7,583.52
§ 93.403(a) Program income administration	56.00	1.00	56.00	4.00	224.00	45.14	10,111.36
§ 93.403(b)(1) Repayment for ineligible activities	2.00	1.00	2.00	5.00	10.00	45.14	451.40
§ 93.404(b) Written agreement	168.00	1.00	168.00	2.00	336.00	45.14	15,167.04
§ 93.404(d)(1) Project completion inspection	168.00	1.00	168.00	2.00	336.00	45.14	15,167.04
§ 93.404(d)(2)(i) Onsite inspection upon completion	560.00	1.00	560.00	2.00	1,120.00	45.14	50,556.80
§ 93.404(d)(2)(ii) Onsite inspections post completion	504.00	1.00	504.00	2.00	1,008.00	45.14	45,501.12
§ 93.404(d)(2)(iv) Project owner annual certification	168.00	1.00	168.00	2.00	336.00	45.14	15,167.04
§ 93.404(e) Annual financial oversight of 10 or more units	168.00	1.00	168.00	2.00	336.00	45.14	15,167.04

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
§ 93.405 Uniform administrative requirements	56.00	1.00	56.00	4.00	224.00	45.14	10,111.36
§ 93.406(a) Annual CFR 200 audit	56.00	1.00	56.00	10.00	560.00	45.14	25,278.40
§ 93.407(a)(1) Program recordkeeping	56.00	1.00	56.00	8.00	448.00	45.14	20,222.72
§ 93.407(a)(2) Project recordkeeping	560.00	1.00	560.00	2.00	1,120.00	45.14	50,556.80
§ 93.407(a)(3) Financial recordkeeping	56.00	12.00	672.00	2.00	1,344.00	45.14	60,668.16
§ 93.407(a)(4) Program administration records	56.00	12.00	672.00	8.00	5,376.00	45.14	242,672.64
§ 93.407(a)(5) Records concerning other Federal requirements	56.00	1.00	56.00	10.00	560.00	45.14	25,278.40
§ 93.408 Performance reports	56.00	12.00	672.00	2.50	1,680.00	45.14	75,835.20
§ 93.451 Annual performance reviews	56.00	1.00	56.00	8.00	448.00	45.14	20,222.72
Total	15,832.00	.....	18,251.20	.....	27,328.00	.....	1,233,585.92

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 2 of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507.

Anna Guido,

Department Clearance Officer, Office of Policy Development and Research, Chief Data Officer.

[FR Doc. 2025-16086 Filed 8-21-25; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS-R1-ES-2022-0068; FXES11140100000-256-FF01E00000]

Draft Environmental Impact Statement for the Kaua'i Island Utility Cooperative Habitat Conservation Plan, Kaua'i, Hawai'i

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; notice of public meeting; request for comments.

SUMMARY: The U.S. Fish and Wildlife Service (Service) has received an incidental take permit (ITP) application from the Kaua'i Island Utility Cooperative (KIUC; applicant), associated with KIUC's proposed habitat conservation plan (proposed HCP) submitted pursuant to the Endangered Species Act. The applicant seeks an ITP from the Service to authorize the incidental take of nine species expected to result from KIUC's operation and modification of existing and future powerlines and lighting activities on the island of Kaua'i as well as implementation of a conservation strategy. In accordance with the National Environmental Policy Act, this notice announces the availability of a draft environmental impact statement. With this notice, we also make available the proposed HCP submitted by the applicant and invite public comments.

DATES:

Submitting Comments: We will accept online or hardcopy comments.

Comments submitted online at <https://www.regulations.gov> must be received by 11:59 p.m. Eastern Time on October 21, 2025. Hardcopy comments must be received or postmarked on or before October 21, 2025 (see **ADDRESSES**).

Public Scoping Meeting: One public meeting will be held in-person on the island of Kaua'i during the comment period. The date, location and time of any public meeting will be posted to <https://www.fws.gov/project/kauai-island-utility-cooperative-habitat-conservation-plan> at least two weeks prior to the public meeting date. For more information, see Public Comments and Public Meeting under **SUPPLEMENTARY INFORMATION**.

ADDRESSES: You may submit comments by one of the following methods on the proposed habitat conservation plan and draft environmental impact statement by any of the following methods:

- **Internet:** <https://www.regulations.gov> (search for Docket No. FWS-R1-ES-2022-0068).

- **U.S. Mail:** Public Comments Processing; Attn: Docket No. FWS-R1-ES-2022-0068; U.S. Fish and Wildlife Service Headquarters, MS: PRB/3W; 5275 Leesburg Pike, Falls Church, VA 22041-3803.

- **In-Person:** Oral and hand-written comments will be accepted at the public meeting.

FOR FURTHER INFORMATION CONTACT: Koa Matsuoka, Pacific Islands Fish and Wildlife Office, by telephone at 808-210-6295 or by email at KIUCLongTermHCP@fws.gov.

Individuals in the United States who are deaf, deafblind, hard of hearing, or have

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

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service (Service) announce the availability of a draft environmental impact statement (DEIS) to evaluate the proposed issuance of an incidental take permit (ITP) to the Kaua'i Island Utility Cooperative (KIUC; applicant). In accordance with the requirements of the Endangered Species Act, as amended (ESA; 16 U.S.C. 1531 *et seq.*), the applicant seeks an ITP authorizing take of federally listed threatened and endangered species that may occur incidental to the operation and modification of existing and future powerlines and lighting, as well as implementation of a conservation strategy, on the island of Kaua'i, Hawai'i for a period of 50 years. In support of the ITP application, KIUC prepared a proposed habitat conservation plan (HCP) to specify the impacts that will likely result from the incidental take of covered species and the steps the applicant would take to avoid, minimize, and mitigate such impacts, among other components.

Background

Section 9 of the Endangered Species Act (ESA; 16 U.S.C. 1531 *et seq.*) prohibits the "take" of fish and wildlife species listed as endangered under section 4 of the statute (16 U.S.C. 1538 and 16 U.S.C. 1533). The ESA implementing regulations extend, under certain circumstances, the prohibition of take to threatened species (50 CFR 17.31). Under section 3 of the ESA, the term "take" means to "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct" (16 U.S.C. 1532(19)).

Under section 10(a) of the ESA, the Services may issue permits to authorize incidental take of listed fish and wildlife species (16 U.S.C. 1539(a)). "Incidental take" is take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity (16 U.S.C. 1539(a)(1)(B)). Requirements for issuing ITPs to non-Federal entities for the take of endangered and threatened species are included in statute (section 10(a)(2)(B) of the ESA; 16 U.S.C. 1539(a)(2)) and regulations (50 CFR 17.22(b) and 17.32(b)), provided the following

criteria are met (16 U.S.C. 1539(a)(2)(B) and 50 CFR 17.22(b)(2) and 17.32(b)(2)):

1. The taking will be incidental;
2. The applicant will, to the maximum extent practicable, minimize and mitigate the impact of the taking;
3. The applicant will ensure that adequate funding for the conservation plan implementation will be provided;
4. The applicant has provided procedures to deal with unforeseen circumstances;
5. The taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild;
6. The applicant will carry out any other measures that the Service may require as being necessary or appropriate for the purposes of the HCP; and
7. The applicant will provide any other assurances the Service may require to ensure the conservation plan will be implemented.

Applicant's Proposal

KIUC is requesting authorization of incidental take of the federally listed threatened 'a'o (Newell's shearwater, *Puffinus newelli*), endangered 'ua'u (Hawaiian petrel, *Pterodroma sandwichensis*), endangered Hawai'i distinct population segment of the 'ake'ake (band-rumped storm-petrel, *Hydrobates castro*), endangered ae'o (Hawaiian stilt, *Himantopus mexicanus knudseni*), endangered koloa maoli (Hawaiian duck, *Anas wyvilliana*), endangered 'alae ke'oke'o (Hawaiian coot, *Fulica alai*), endangered 'alae 'ula (Hawaiian common gallinule, *Gallinula galeata sandvicensis*), threatened nēnē (Hawaiian goose, *Branta sandvicensis*), and threatened honu (green sea turtle, *Chelonia mydas*) (together, the covered species) likely to occur incidental to proposed covered activities on the island of Kaua'i. KIUC is seeking authorization of incidental take for (1) powerline operations including modifications, (2) lighting operations (facility lights and streetlights) and use of night lighting for repairs, and (3) implementation of a conservation strategy that may result in effects on covered species. These activities and the effects on covered species and the environment are described further in the proposed HCP and DEIS. The proposed permit term is 50 years.

Measures to minimize and mitigate impacts to covered species are described in the HCP for each covered species guided by the biological goals and objectives of the HCP's conservation strategy. KIUC would monitor implementation of these measures for compliance and effectiveness. Minimization and mitigation measures

are subject to adaptive management to ensure achievement of the HCP's biological goals and objectives. These measures are discussed in more detail within the proposed HCP and DEIS.

The HCP includes funding information and assurances, monitoring requirements, adaptive management, and provisions for changed and unforeseen circumstances to ensure conservation outcomes for the covered species over the permit term. Annual reports to the Service would confirm the amount, type, and location of impacts and mitigation as well as the status of monitoring, adaptive management, changed circumstances, and funding.

National Environmental Policy Act

Draft Environmental Impact Statement

The proposed issuance of an ITP supported by an HCP is a Federal action under the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*). The Service, with input from the State of Hawai'i's Department of Land and Natural Resources, Division of Forestry and Wildlife (DOFAW) as a cooperating agency, prepared the DEIS pursuant to the statutory requirements of NEPA and the Department of the Interior's NEPA regulations at 43 CFR part 46, consistent with the purpose and goals of NEPA. In addition, the conservation measures proposed in the HCP would occur on State land triggering environmental review under the Hawai'i Environmental Policy Act (HRS Chapter 343; HAR Chapter 11–200). Therefore, this DEIS has also been prepared in accordance with Hawai'i Revised Statutes (HRS) Chapter 343, Environmental Impact Statements, and Hawai'i Administrative Rules (HAR), Title 11, Chapter 200.1, Environmental Impact Statement Rules. The DEIS analyzes the proposed action (Alternative B; identified as the preferred alternative) and a reasonable range of alternatives to the proposed action (Alternatives A, C, and D), as well as their environmental consequences including the direct, indirect, and reasonably foreseeable effects. The four alternatives are analyzed in detail in the DEIS.

Alternative A—No Action: Under Alternative A, the Service would not issue take authorizations through an ITP to KIUC for the nine covered species for powerline operation, modification, and lighting operations. KIUC would not implement a comprehensive program for mitigating take of ESA-listed species or implement the proposed HCP, and the impact of KIUC's taking of ESA-listed species would not be mitigated in accordance with the proposed HCP's

conservation strategy. Under Alternative A, there would be no obligation to maintain the already established conservation sites in the absence of the ITP.

KIUC would continue to operate its existing and new infrastructure to provide services to its customers in the Plan Area, which consists of the entire island of Kaua'i. These activities, including powerline operation, modification, and lighting operations, would continue to be subject to the ESA.

Alternative B—Proposed Action (Preferred Alternative): Under Alternative B, the proposed action and the preferred alternative identified in the DEIS, the Service would issue a permit authorizing incidental take of covered species from covered activities in the Permit Area (specific locations of the covered activities and conservation measures). This would include implementation of the conservation strategy over a 50-year permit term as described in the proposed HCP as well as monitoring and reporting requirements, and an adaptive management program. KIUC would provide funding for HCP implementation.

Alternative C—Additional Minimization: Under Alternative C, the Service would issue a permit authorizing incidental take of covered species with the same Permit and Plan Areas, covered species, permit term, and monitoring and adaptive management program as in Alternative B. However, the HCP's conservation strategy would be modified to implement additional minimization measures on existing powerline spans that have higher collision risk for seabirds to further reduce the collision risk for seabirds.

Alternative D—Additional Mitigation: Under Alternative D, the Service would issue an ITP as in Alternative B, but the HCP's conservation strategy would be modified to increase the total acreage and intensity of mitigation effort beyond what is included in the proposed action.

Environmental Protection Agency's Role in the EIS Process

The Environmental Protection Agency (EPA) is charged under section 309 of the Clean Air Act (42 U.S.C. 7401 *et seq.*) with reviewing all Federal agencies' EISs and commenting on the adequacy and acceptability of the environmental impacts of proposed actions. The EPA is also responsible for administering the EIS filing process. The EPA is publishing a notice in the **Federal Register** announcing this DEIS. EPA serves as the repository (EIS database) for EISs prepared by Federal

agencies. You may search for EPA comments on EISs, along with EISs themselves, at <https://cdxapps.epa.gov/cdx-eneпа-II/public/action/eis/search>.

Public Comments and Public Meeting

Submitting Comments

You may submit your comments and materials on the proposed HCP and the DEIS by one of the methods in **ADDRESSES**. We specifically request information on the following:

1. Biological information, analysis, and relevant data concerning the covered species, other wildlife, and ecosystems.
2. Potential effects that the proposed permit actions could have on the covered species, other endangered or threatened species, and their habitats, including the interaction of the effects of the project with climate change and other stressors.
3. Adequacy of the proposed actions to minimize and mitigate the impact of the taking on covered species, including but not limited to conservation measures and adaptive management procedures.
4. Potential effects that the proposed permit action could have on other aspects of the human environment, including effects on plants and animals, water resources, and aesthetic, historic, cultural, economic, social, climate change, or health effects.
5. The alternatives analysis conducted by the Service, including the alternatives analyzed, the range of alternatives analyzed, and the alternatives considered but not analyzed in detail.

6. The presence of historic properties that are eligible for inclusion in the National Register of Historic Places—including archaeological sites, buildings, and structures—and other historic preservation concerns in the proposed Permit Area, which are required to be considered in project planning by the National Historic Preservation Act (54 U.S.C. 306101 *et seq.*).

7. Effects on the environment that result from the incremental effects of the action when added to the effects of other past, present, and reasonably foreseeable actions as well as any connected actions that are closely related and should be discussed in the same DEIS.

8. The alternatives, information, and analyses submitted during the public scoping period and summary thereof.

9. Other information relevant to the proposed HCP and its impacts on the human environment.

Public Meeting

The Service and DOFAW will jointly host an in-person public meeting to share information and gather comments from interested parties. See **DATES** and **ADDRESSES** for details about the public meeting to be announced two weeks beforehand. During the public meeting, the Service will give participants the opportunity to ask questions about the proposed HCP and DEIS. Oral comments will be accepted; written comments may also be submitted at the public meeting or by the methods listed in **ADDRESSES**.

Reasonable Accommodations

Persons needing reasonable accommodations in order to participate in the public meeting should contact the Service's Pacific Islands Fish and Wildlife Office as soon as possible, using one of the methods listed in **ADDRESSES**. In order to allow sufficient time to process requests, please make contact at least 15 days before the public meeting. Information regarding this proposed action is available in alternative formats upon request.

Public Availability of Comments

You may submit your comments and materials by one of the methods listed in **ADDRESSES**. Before including your address, phone number, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—might be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Comments and materials we receive will be available for public inspection online in Docket No. FWS-R1-ES-2022-0068 at <https://www.regulations.gov> (see **FOR FURTHER INFORMATION CONTACT**).

Next Steps and Decision To Be Made

After public review and comment, the Service will evaluate the permit application, associated documents, and any comments received to determine whether the permit application meets the requirements of section 10(a)(1)(B) of the ESA. The decision will also be informed by the data, analyses, and findings in the DEIS. The Service will document the determination in an ESA

section 10 findings document, ESA section 7 consultation documents, and a NEPA record of decision developed at the conclusion of the ESA and NEPA compliance processes. The Service expects to publish a Final EIS (FEIS) in the **Federal Register** by mid-2026. At least 30 days after the FEIS is published, we expect that the Service will complete a record of decision and issue a decision on the requested ITP. The current estimate for the issuance of a record of decision is by the fall of 2026.

Authority

The Service provides this notice under section 10(c) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and pursuant to the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and Department of the Interior guidance (318 DM 3).

Bridget Fahey,

Acting Regional Director, Pacific Region, U.S. Fish and Wildlife Service.

[FR Doc. 2025–16101 Filed 8–21–25; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A2407–014–004–065516; #O2412–014–004–047181.1]

Environmental Impact Statement, Public Hearing, and Request for Comment on Maximum Economic Recovery and Fair Market Value for the Navajo Transitional Energy Company Proposed Federal Coal Lease-by-Application for the West Antelope Mine, Campbell and Converse Counties, WY

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability and public hearing.

SUMMARY: In accordance with the Mineral Leasing Act of 1920, as amended by the Federal Coal Leasing Amendments Act of 1976, the Bureau of Land Management (BLM) announces that an environmental impact statement (EIS) for the West Antelope III Federal coal lease by application (LBA) is available. The EIS analyzes the Navajo Transitional Energy Company's (NTEC) Federal coal lease by application (WYW–184599) for the West Antelope Mine. The BLM also announces that a public hearing will be held to receive comments on the Maximum Economic Recovery (MER) and Fair Market Value (FMV), and on factors that may affect the MER and FMV determinations of the coal resources contained in the

proposed LBA lease tracts. The BLM takes these actions in compliance with the National Environmental Policy Act of 1969, as amended; the Mineral Leasing Act, as amended; and the Federal Land Policy and Management Act of 1976, as amended.

DATES: The EIS will be available on August 22, 2025. A public hearing will be held on Wednesday, September 3, 2025, from 6 p.m. until 8 p.m. Mountain Time at the Wright Town Hall, 395 Lariat Way, Wright, Wyoming.

ADDRESSES: You may submit comments related to the MER and FEV by any of the following methods:

- **Website:** <https://eplanning.blm.gov/eplanning-ui/project/2039704/510>.
- **Mail:** Wyoming State Office 5353 Yellowstone Road Cheyenne, Wyoming 82009.

Documents pertinent to this proposal are available online at <https://eplanning.blm.gov/eplanning-ui/project/2039704/510> and at the Wyoming State Office located at 5353 Yellowstone Road Cheyenne, Wyoming.

FOR FURTHER INFORMATION CONTACT:

Alfred Elser, Wyoming BLM Deputy State Director for Minerals and Lands, telephone 307–775–6146; address 5353 Yellowstone Road Cheyenne, WY; email aelser@blm.gov.

Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services for contacting Mr. Elser. 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 BLM is considering issuing a coal lease as a result of an application submitted in 2015 by Antelope Coal, LLC (Antelope) to lease the Federal coal in the West Antelope III coal tract. The tract is located in Converse and Campbell counties and is near the Antelope Mine, approximately 20 miles south of Wright, Wyoming. The EIS analyzes and discloses the potential impacts of issuing the coal lease.

Antelope originally applied for the tract in accordance with 43 CFR part 3420 subpart 3425 to extend the life of the existing Antelope Mine. The Powder River Regional Coal Team reviewed the LBA at a public meeting on January 27, 2017, and recommended the BLM process the application. A notice of intent was published on July 28, 2017 (82 FR 35237), initiating a public scoping period that ended September 29, 2017. A public meeting was held in

Wright, Wyoming, on September 20, 2017. NTEC acquired the Antelope Mine as part of a larger acquisition of assets in May 2021.

The application filed by Antelope contains approximately 300 million tons of in-place Federal coal underlying the following lands in Converse and Campbell counties, Wyoming:

Sixth Principal Meridian, Wyoming

T. 41 N., R. 71 W.,

Sec. 8;

Sec 9, lots 1 through 8;

Sec 10, Lot 5;

Secs. 17 and 19;

Sec 20, lots 1 thru 13;

Sec 29, Lots 4, 5, 12, and 13;

Sec 30, lots 5 thru 16.

The areas described aggregate 3,508.31 acres, according to the surveys on file with the BLM.

Through this notice, the BLM is inviting the public to provide comments regarding any factors that may affect the determinations of the FMV and MER.

Any proprietary information or data that you submit to the BLM must be marked as confidential and mailed directly to the BLM Wyoming State Office, Attention: Alfred Elser (see **FOR FURTHER INFORMATION CONTACT**) to assure the data will be treated in accordance with the applicable laws and regulations governing the confidentiality of such information or data. A copy of the comments submitted by the public on the FMV and MER for the tracts, except those portions identified as proprietary and that meet one of the exemptions in the Freedom of Information Act, will be available for public inspection at the BLM Wyoming State Office (see **FOR FURTHER INFORMATION CONTACT**), during regular business hours (8 a.m. to 4:30 p.m.), Monday through Friday, except Federal holidays.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, the BLM cannot guarantee that we will be able to do so.

(Authority: 43 CFR 3425.3 and 3425.4)

Kristina Kirby,

State Director (Acting) BLM Wyoming.

[FR Doc. 2025–16096 Filed 8–21–25; 8:45 am]

BILLING CODE 4331–26–P

DEPARTMENT OF THE INTERIOR**National Park Service**

[N6456; NPS-WASO-NAGPRA-
NPS0040878; 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 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 22, 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 greeneli@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 39 cultural items have been requested for repatriation. The 39 of objects of cultural patrimony are flaked stone tools, modified shell, shell beads, ground stone tools, debitage, and historic-period items. Based on records concerning the cultural items and the institution in which they were housed, there is no evidence of the 39 of cultural items being treated with hazardous substances.

A total of 17 of the items were removed from CA-LAK-142 near Witter Springs in Lake County, CA. There is a lack of clear information available for this collection. A form filled out by John Parker dating 09/10/1973 notes that the items were removed during a surface survey filed under "Clear Lake Surveys (John Parker)". This report has not been

relocated in any ASC files (hardcopy or digital). Items have been curated at Sonoma State University under the accession number 73-07.

A total of six of the items were removed from CA-LAK-0826/H in Lake County, CA. Two of the items were removed from CA-LAK-0835/H in Lake County, CA. Six of the items were removed from CA-LAK-0932/H in Lake County, CA. Two of the items were removed from CA-LAK-0933/H in Lake County, CA. Two of the items were removed from CA-LAK-0934/H in Lake County, CA. Two items were removed from CA-LAK-0935 in Lake County, CA. The last two of the items were removed from CA-LAK-0936/H in Lake County, CA. These sites are all located within the census designated place (CDP) of Upper Lake. The items are affiliated with archaeological work carried in 1977 out by Upper Lake Wastewater System.

However, the report from this survey does not mention collection at any of these sites during this project, so exact collection history cannot be determined. Items have been curated at Sonoma State University under the accession number 78-08.

Determinations

The Sonoma State University has determined that:

- The 39 objects of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.
- There is a connection between the cultural items described in this notice and the Habematolel Pomo of Upper Lake, 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 22, 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 13, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-16115 Filed 8-21-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR**National Park Service**

[N6457; NPS-WASO-NAGPRA-
NPS0040879; PPWOCRADN0-
PCU00RP14.R50000]

**Notice of Inventory Completion:
Kansas State Historical Society,
Topeka, KS**

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Kansas State Historical Society (KSHS) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after September 22, 2025.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Dr. Nicole Klarmann, Kansas State Historical Society, 6425 SW 6th Avenue, Topeka, KS 66615-1099, email kshs.nagpra@ks.gov.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the KSHS, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The

National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, two individuals, have been identified from the Woodruff Ossuary site (14PH4) in Phillips County, KS (UBS 1995–03, UBS 2001–09). The 193 associated funerary objects are shell beads, bead blanks, shell fragments, and bone fragments. This site was excavated in 1953 as part of a river basin survey as well as by a local resident. This is an Early Ceramic (Keith Phase) communal burial site. To our knowledge, no known hazardous substances were used to treat any of the human remains or associated funerary objects.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

The KSHS has determined that:

- The human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- The 193 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 Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Kaw Nation, Oklahoma; and the Pawnee Nation of Oklahoma.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor

may occur on or after September 22, 2025. If competing requests for repatriation are received, the KSHS must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The KSHS is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: August 13, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–16116 Filed 8–21–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6465; NPS–WASO–NAGPRA–NPS0040885; PPWOCRADNO–PCU00RP14.R50000]

Notice of Inventory Completion: Salt River Project Agricultural Improvement and Power District, Phoenix, AZ

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Salt River Project Agricultural Improvement and Power District 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 22, 2025.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Marissa Sotomayor, Salt River Project Agricultural Improvement and Power District, PAB355, P.O. Box 52025, Phoenix, AZ 85072–2025, email Marissa.Sotomayor@srpnet.com.

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 Salt River Project Agricultural Improvement and Power District, 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 has been identified. The two associated funerary objects are ceramic vessels: one ceramic burial urn containing the remains of the individual and one ceramic bowl. The individual is of indeterminate age and sex. Based on the information available, the human remains of one individual and two associated funerary objects were removed from a site in Arizona, Maricopa County, by Audie Russell Kelley (b. 1907 d. 1954); the date of removal is unknown. The collection was previously in the possession of archaeologist Audie Russell Kelley and was sold to the Salt River Project in 1973 by his wife, Peggy Kelley, following his death.

Salt River Project records indicate no known hazardous substances used to treat any of the human remains or associated funerary objects.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

The Salt River Agricultural Improvement and Power District has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- 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 connection between the human remains and associated funerary objects described in this notice and the Gila River Indian Community of the Gila River Indian Reservation, Arizona and the Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary

objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after September 22, 2025. If competing requests for repatriation are received, the Salt River Agricultural Improvement and Power District 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 Salt River Project Agricultural Improvement and Power District 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 13, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–16122 Filed 8–21–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6459; NPS–WASO–NAGPRA–NPS0040875; PPWOCRADNO–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 three notices of inventory completion published in the **Federal Register** on January 16, March 17, and 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 22, 2025.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Megan Fry, University of Florida, Florida Museum of Natural History, 1659 Museum Road, Gainesville, FL 32611, email NagpraOffice@floridamuseum.ufl.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the 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 of three notices of inventory completion published in the **Federal Register** on January 16, 2025 (90 FR 4793); March 17, 2025 (90 FR 12350); and June 3, 2025 (90 FR 23559). Repatriation of the human remains and associated funerary objects in the original notices 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 22, 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: August 13, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–16111 Filed 8–21–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6461; NPS–WASO–NAGPRA–NPS0040882; PPWOCRADNO–PCU00RP14.R50000]

**Notice of Inventory Completion:
University of Alabama Museums,
Tuscaloosa, AL**

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Alabama Museums 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 22, 2025.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Dr. William Bomar, Executive Director, University of Alabama Museums, Box 870340, Tuscaloosa, AL 35487, email bbomar@ua.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 Alabama Museums, 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, 40 individuals have been identified. The 17 lots of associated funerary objects are charcoal, botanical, lithic, rock, groundstone, soapstone bowl, shell, and faunal bone.

Lamar County

In 1966, human remains representing, at minimum, one individual, was removed from site 1Lr34, Stucks Bluff Site. Site 1Lr34 was recorded by Margaret Clayton of the University of Alabama. The site was excavated by the University of Alabama and the Alabama Archaeological Society in 1966. The site is a small bluff shelter in Northeast Lamar County. The shelter floor is only slightly above the Buttahatchee and was subject to frequent floods. Excavations encountered mixed Archaic and Woodland materials in the upper two strata. Below these strata, a layer of culturally sterile sand sealed a lower Middle to late Archaic stratum. The site appears to have never been intensively occupied. No known individuals are identified. The five lots of associated funerary objects include charcoal, nutshell, lithic, rock, and groundstone.

Madison County

In 1993, human remains representing, at minimum, 12 individuals, were removed from site 1Ma307, the Ditto Landing (Ditto 3) Site. Site 1Ma307 was recorded by Chris McLaughlin. The site appears to be a Late Woodland or Early Mississippian village site. Plowing has intruded several areas of midden or pits containing shell which has been scattered on the surface by cultivation. Creek stamped and shell tempered pottery are present. Small triangular points and drill fragments were collected. Phase II testing and excavations of a portion of the site were conducted by Carey Oakley of the University of Alabama, Tuscaloosa, Alabama during October of 1993. Excavation of features was accomplished after mechanical removal of the plowzone. The site was found to be multicomponent with features associated with the Middle Archaic, Late Archaic, Middle Woodland, and Late Woodland. A total of 29 features were excavated, including seven burials. Many of the features appeared to be

deep storage pits. No known individuals are identified. The 10 lots of associated funerary objects include "all material", seed, and shell.

Between 1970 and 1988, human remains representing, at minimum, one individual, was removed from site 1Ma329, the Shelta Cave Site. Site 1Ma329 was recorded by Richard Cobb of Florence, Alabama. Shelta Cave was owned for about 20 years by the National Speleological Society. The cave was commercialized around 1888 and a certain amount of construction, largely consisting of trail building, was carried out inside the cave. A series of shallow tests were made on April 10, 1988, in multiple areas. Fairly heavy scattered charcoal was observed in each test, but no lithics, shell, or bone was present. The only probable artifact recovered was a medium-sized hammerstone with some probably wear marks. This was found down the slope from the east entrance and likely rolled down from the surface. Bill Torode found possible cranial fragments in the same general area in the 1970s, but these had been removed by unknown persons in later years. No known individuals are identified. No associated funerary objects are present.

In 1977, human remains representing, at minimum, one individual, was removed from site 1Ma55. Site 1Ma55 consists of a thin scatter of lithic debris contained within a plow zone context. The sparse density of material would imply that the area had been intermittently occupied during the Archaic/Woodland period and probably represents a hunting station. No known individuals are identified. No associated funerary objects are present.

Between 1962 and 2007, human remains representing, at minimum, one individual, was removed from site 1Ma82, Cambron Site 193. Site 1Ma82 was recorded by Charles Hubbert of the University of Alabama. The site was entered into the file based on a site form from James Cambron. Site 1Ma338 was recorded by Jeff Thomson, Owens Crossroads, Alabama. At one end of the site one Clovis, one Greenbriar, and several Kirks were found. A midden deposit found is mostly attributed to the Late Archaic and Woodland. Material on the northwest end is very sparse, but two Kirks were recovered. An update for the site was submitted in August of 2007. Site 1Ma82 was combined with 1Ma338 as a result of OAR Project 07–195. No known individuals are identified. No associated funerary objects are present.

Marion County

In 2009, human remains representing, at minimum, one individual, was removed from site 1Mr305, EM/RS2/3 Site. Site 1Mr305 was submitted by Kareen Hawsey of the Office of Archaeological Research in March of 2009. Site 1Mr305 was originally identified in 2007 by R. Lance Richardson at the Office of Archaeological Research. This site consists of two adjacent bluff shelters and a small terrace on the northern side of a steep slope overlooking an intermittent drainage. The easternmost shelter has talus rockfall over almost its entire floor, while the western shelter and terrace are relatively clear of rockfall. A Phase II program was conducted in January of 2008 at site 1Mr305. One sandstone lined pit, and another possible pit were located in the western bluff shelter. Soil profiles across the site indicate cultural and natural deposits also present at the site. The diverse artifact assemblage recovered at the site indicates that a wide variety of activities was conducted there during the early Archaic through the Late Woodland periods. No known individuals are identified. No associated funerary objects are present.

Morgan County

Between 1972 and 2021, human remains representing, at minimum, four individuals, were removed from site 1Mg76, Ed Smith Cave Site. Site 1Mg76 was recorded by John Walthall of the University of Alabama. The site consists of a Copena burial cave. The site was revisited by Charles Hubbert of the University of Alabama in September of 1991. Ben Hoksbergen, Gretchen Eggimen, Scott Shaw, and Stacey Hathorn revisited site 1Mg76 on behalf of the Archaeological Conservancy on August 7, 2021. Human bone fragments and at least one copper bead were noted. Mineralized bone fragments were also noted, possibly indicating a Pleistocene component. All Prehistoric material was scattered and was most likely deposited in the cave through a sink or pit cave entrance that has since been blocked. No known individuals are identified. The one lot of associated funerary objects include lithic.

In 1941, human remains representing, at minimum, one individual, was removed from site 1Mg72, the Higdon Site. Site 1Mg72 was recorded by Walter Jones of the University of Alabama. The site consists of a small, low, earthen mound. The site contained superficial deposits of salt brine, including borax and potash. Human remains were in fragmentary condition; features were

limited largely to rough stone groups. Atlatl weights and projectile points were also found as part of the mound fill. No known individuals are identified. No associated funerary objects are present.

In 1997, one associated funerary object, was removed from Burial 1 at site 1Mg300. Site 1Mg300 was originally recorded by Charles Hubbert of the University of Alabama. The site consists of lithic debris and fire cracked rock noted and recovered from the beach area around three sides of the site. Much of the site is located off TVA property and could not be fully examined. The site was revisited in 1997 by Carey Oakley of the University of Alabama. The site was to be destroyed by plant construction. Portions of the plow zone were removed to search for preserved features. None were found in the stripped area, but a flexed human burial was encountered in the excavation of a nearby perc test. Monitoring of the remaining soil removal was recommended. Four additional features were observed during monitoring. The features contained fire cracked rock, mussel shell, and very few artifacts. Soot from a steatite vessel associated with the burial was dated to 2590+/- 60 B.P. No ancestral remains are present. The one lot of associated funerary objects include a soapstone bowl.

Colbert County

Between 1961 and 1983, human remains representing, at minimum, two individuals, were removed from site 1Ct127. Site 1Ct127 was recorded by Horace Holland of Leighton, Alabama. A site called 1Ct127, probably in the vicinity of Stanfield-Worley, was also tested during 1961. No site form was completed for that site and so the number was reused. There is no map or other information on that site except a few excavation notes discovered in the county file during the 1983 site file revision project. That site had not been entered into the file. No known individuals are identified. No associated funerary objects are present.

In 1992, human remains representing, at minimum, 11 individuals, from an unknown site were removed from Leighton Public Library and transferred to the University of Alabama. The Alabama Museum of Natural History received the ancestral remains in February of 1992 from a Mrs. Layton. There is a letter addressed to Mrs. Layton from the Alabama Museum of Natural History director at the time Dr. Doug Jones. No known individuals are

identified. No associated funerary objects are present.

Limestone County

At an unknown date, human remains representing, at minimum, one individual, was removed from site LiA, Limestone County, Alabama. There is no information available currently concerning geographical location or acquisition history for this individual. The only information in our collection is the label on the box housing the individual, which is LiA, and a label on the human remains themselves indicating site LiA. No known individuals are identified. No associated funerary objects are present.

Perry County (Tennessee)

At an unknown date, human remains representing, at minimum, four individuals, were removed from site 40Py87. The Tennessee Department of Transportation excavated thousands of prehistoric artifacts along the banks of a river in Perry County, Tennessee. The archaeology project began with a set of design plans for a new structure that would ultimately replace an outdated iron truss bridge. Federal and state regulations require TDOT to preserve archaeological sites found within the path of a construction project—making every effort to avoid sites when possible or record sites when unavoidable. The Perry County site was unavoidable, and TDOT archaeologists excavated as a means of mitigation. Each uncovered artifact, spanning Paleoindian, Archaic, Woodland, and Mississippian periods, was carefully and meticulously washed, sorted, and catalogued for comparative analysis and reporting. No known individuals are identified. No associated funerary objects are present.

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 University of Alabama Museums has determined that:

- The human remains described in this notice represent the physical remains of 40 individuals of Native American ancestry.
- The 17 lots of objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the

time of death or later as part of the death rite or ceremony.

- There is a connection between the human remains and associated funerary objects described as Colbert County, Limestone County, and Perry County (Tennessee) in this notice and the Cherokee Nation; Eastern Band of Cherokee Indians; The Chickasaw Nation; and The Muscogee (Creek) Nation.

- There is a connection between the human remains and associated funerary objects described as Lamar County, Madison County, Morgan County, and Marion County in this notice and The Chickasaw Nation 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 22, 2025. If competing requests for repatriation are received, the University of Alabama Museums 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 University of Alabama Museums 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 13, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–16120 Filed 8–21–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR**National Park Service**

[N6464; NPS-WASO-NAGPRA-NPS0040884; PPWOCRADN0-PCU00RP14.R50000]

Notice of Inventory Completion: Florida Department of State, Tallahassee, FL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Florida Department of State (FDOS) 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 22, 2025.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Tea Kaplan, Florida Department of State, 2100 W Tennessee Street, Tallahassee, FL 32304, email 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 FDOS, 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, 15 individuals have been identified. The three associated funerary objects are sand temper ceramic sherds. Ancestral remains and objects were collected in six instances from Nassau County, Florida. Remains from Fernandina Plaza Lot were transferred to the Department by Fort Clinch State Park in 1991 and 1994. These Ancestral human remains were likely removed during excavations by R. Bullen and J. Griffin at eh Fernandina Town Plaza in 1951–52. Additional remains from Fort Clinch Beach were removed from the surface of beach erosion exposures by Department staff during an archaeological survey in 1975, and by park visitors and staff, the latter of which were transferred to the

Department in 1991. In 1977, the City of Fernandina Beach transferred Ancestral remains to the Department that were exposed by a city construction crew. Lastly, Ancestral remains were transferred to the Department from the C.A. Pound Human Identification Lab in 2006 under 872.05, *Florida Statutes*. The remains were discovered exposed on Fernandina Beach in 2005.

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 FDOS has determined that:

- The human remains described in this notice represent the physical remains of 15 individuals of Native American ancestry.
- The three 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 Alabama-Coushatta Tribe of Texas; Alabama-Quassarte Tribal Town; Coushatta Tribe of Louisiana; Kialegee Tribal Town; Miccosukee Tribe of Indians; Poarch Band of Creek Indians; Seminole Tribe of Florida; 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 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 22, 2025. If competing requests for repatriation are received, the FDOS 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 FDOS 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 13, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–16121 Filed 8–21–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR**National Park Service**

[N6466; NPS-WASO-NAGPRA-NPS0040886; PPWOCRADN0-PCU00RP14.R50000]

Notice of Inventory Completion: Office of the State Archaeologist, 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) has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after September 22, 2025.

ADDRESSES: Send written requests for repatriation of the human remains 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.

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 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, human remains representing, at least, one individual have been reasonably identified. No associated funerary objects are present. In 1960, human remains representing a minimum of one individual were removed from an unspecified mound site on Richardson Bay, Marin County, CA. The remains were discovered in the home of a private citizen who had passed away in Dubuque, IA, and were transferred to the OSA BP in 2014. An older adult male is represented by an incomplete cranium (Burial Project 3083). The overall condition of the bone suggests antiquity and cranio-facial morphology is indicative of Native American ancestry. No hazardous substances are present.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location and acquisition history of the human remains described in this notice.

Determinations

The OSA BP has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- There is a reasonable connection between the human remains described in this notice and the Federated Indians of Graton Rancheria, California.

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 a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains in this notice to a requestor may occur on or after September 22, 2025. If competing requests for repatriation are received, the OSA BP 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 OSA BP 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 13, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–16123 Filed 8–21–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6473; NPS–WASO–NAGPRA–NPS0040892; PPWOCRADNO–PCU00RP14.R50000]

Notice of Intended Repatriation: University of North Dakota, Grand Forks, ND

AGENCY: National Park Service, Interior.
ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of North Dakota 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 22, 2025.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Dr. Crystal Alberts, University of North Dakota, Carnegie Hall, 1st Floor, 250 Centennial Drive, Stop 8193, Grand Forks, ND 58202, email und.nagpra@und.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 North Dakota, 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 objects of cultural patrimony are a buckskin vest, a pair of moccasins, and a quiver and bow case. The objects have

not been treated with potentially hazardous substances to the best of the institution's knowledge.

The items were acquired or donated to the University of North Dakota (UND) from an unknown source and at an unknown time. At some point prior to 1991, the items described in this notice, among others, were internally transferred to the UND American Indian Studies Department.

The buckskin/leather vest that is fringed along the shoulder and edges. It has red, yellow, blue, purple and white porcupine quillwork in a floral and geometric design front and back with metal buttons. It measures 33" (chest) by 19" (length).

The buckskin moccasins have white, blue, and green seed beads in a geometric design with red horsehair and metal cones. They measure 5" by 10 1/2."

The buckskin bow and quiver case has buckskin fringe and measures 5" x 35." It has blue, red, green, and orange seed beads in a geometric pattern.

Determinations

The University of North Dakota has determined that:

- The three objects of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.

- There is a reasonable connection between the cultural items described in this notice and the Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana.

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 22, 2025. If competing requests for repatriation are received, the University of North Dakota 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 University of North Dakota 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 13, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–16128 Filed 8–21–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6455; NPS–WASO–NAGPRA–
NPS0040877; 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 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 22, 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 greeneli@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 15 cultural items have been requested for repatriation.

One lot of objects of cultural patrimony were taken from CA–SON–1325 near Timber Cove, Sonoma County, CA. The cultural items are flaked stone tools and debitage which were acquired through an archeological investigation done in 1981 by the Anthropological Studies Center for California Department of Forestry Survey, Gualala Ranch #2. The cultural items have been housed at Sonoma State University since 1981 under Accession Number 81–01.

Two lots of objects of cultural patrimony were taken from CA–SON–1335/H near Guerneville, Sonoma County, CA. The cultural items are flaked stone tools and debitage; and historic-period material, which were acquired through an archeological investigation done in 1981 by the Anthropological Studies Center for the Cronkite/Klaunburch Survey. The cultural items have been housed at Sonoma State University since 1981 under Accession Number 81–01.

Four lots of objects of cultural patrimony were taken from CA–SON–1829 near Sea Ranch, Sonoma County, CA. The cultural items are flaked stone tools and debitage which were acquired through an archeological investigation done in 2017 by the Anthropological Studies Center for the California Department of Forestry and Fire Protection. The cultural items have been housed at Sonoma State University since 2017 under Accession Number 2017–53.

Seven lots of objects of cultural patrimony were taken from CA–SON–1827 near Cloverdale, Sonoma County, CA. The cultural items are flaked stone tools and debitage. The cultural items have been housed at Sonoma State University since 1990 under Accession Number 90–01.

One lot of objects of cultural patrimony were taken from CA–SON–1893 near Cloverdale, Sonoma County, CA. The cultural items are debitage which was acquired through an archeological investigation done in 2017 by the Anthropological Studies Center for the California Department of Forestry and Fire Protection. The cultural items have been housed at Sonoma State University since 2017 under Accession Number 2017–54.

Based on records concerning the 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 15 objects of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.

- There is a connection between the cultural items described in this notice and the Kashia Band of Pomo Indians of the Stewarts Point Rancheria, California.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after September 22, 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 13, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–16114 Filed 8–21–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6467; NPS-WASO-NAGPRA-NPS0040887; PPWOCRADN0-PCU00RP14.R50000]

Notice of Inventory Completion:
University of Florida, Florida Museum of Natural History, Gainesville, FL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Florida, Florida Museum of Natural History (FLMNH), has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after September 22, 2025.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Megan Fry, University of Florida, Florida Museum of Natural History, 1659 Museum Road, Gainesville, FL 32611, email NagpraOffice@floridamuseum.ufl.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the 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

Brothers Site (8SO31) is a shell midden first discovered in 1973 when it was partially destroyed by dredging the canal adjacent to the Myakka River. A surface collection was conducted in 1975 by W.A. Cockrell. The two Ancestors found were turned over to Col. William Royal, who subsequently deposited them with the State Division of Archives. The collection is associated with various accessions (2003–10, 12, 13, 14) that went to Arizona State University (ASU) from other institutions across the state of Florida. This collection had ties to the Florida Bureau of Archaeological Research, but all parties concerned agreed to transfer all these collections to the Florida Museum of Natural History in 2003. There are no associated funerary objects.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains described in this notice.

Determinations

The FLMNH 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 Miccosukee Tribe of Indians and the Seminole Tribe of Florida.

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 22, 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.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: August 13, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–16113 Filed 8–21–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6460; NPS-WASO-NAGPRA-NPS0040881; PPWOCRADN0-PCU00RP14.R50000]

Notice of Intended Disposition: U.S. Department of the Air Force, Vandenberg Space Force Base, Santa Barbara County, CA

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 Air Force (DAF), Vandenberg Space Force Base (SFB) intends to carry out the disposition of human remains and associated funerary objects removed from Federal land to the Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California (SYBCI) who has 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 22, 2025. If no claim for disposition is received by August 24, 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 in this notice to Josh Smallwood, Vandenberg Space Force Base Cultural Resources, Installation Tribal Liaison Officer/Cultural Resources Manager, SLD 30 CES/CEIEA, 1028 Iceland Avenue, Building 11146, Vandenberg Space Force Base, CA 93437–6010 email stacy.smallwood.1@spaceforce.mil.

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 DAF, and additional information on the cultural items 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

On January 20, 2023, the DAF, in cooperation with Union Pacific Railroad (UPRR), conducted emergency data recovery excavations at archaeological site CA-SBA-530 in response to the presidentially declared severe winter storm disaster in Santa Barbara County which undermined the footings of the

UPRR's Honda Trestle. Excavations were conducted pursuant to the provisions for emergency situations at 36 CFR 800.12(b)(2). In consultation with the federally recognized SYBCI, the entire artifact collection recovered during excavations will be repatriated due to the presence of human remains in all three units of the L-shaped block excavation. In addition to those items, the collection includes shell beads, lithic and ground stone tools, and faunal remains that, based on traditional knowledge, could reasonably be considered associated funerary items under NAGPRA.

Based on the information available, human remains representing at least one individual has been reasonably identified. A total of 5,098 associated funerary objects were identified in the three excavation units which had human remains, including flaked and ground stone tools, debitage, shell beads and ornaments, ground and polished stone, and faunal remains. No unassociated funerary objects, objects of cultural patrimony, or sacred objects are present.

Determinations

The DAF has determined that:

- The human remains described in this notice represent the physical remains of at least one individual of Native American ancestry.
- The 5,098 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.
- The Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California 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 24, 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 22, 2025. If competing claims for disposition are received, the DAF Vandenberg SFB 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 DAF Vandenberg SFB 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 13, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–16118 Filed 8–21–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6458; NPS–WASO–NAGPRA–NPS0040880; PPWOCRADNO–PCU00RP14.R50000]

Notice of Inventory Completion: Kansas State Historical Society, Topeka, KS

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Kansas State Historical Society (KSHS) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after September 22, 2025.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Dr. Nicole Klarmann, Kansas State Historical Society, 6425 SW 6th Avenue, Topeka, KS 66615–1099, email kshs.nagpra@ks.gov.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative

responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the KSHS, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

The 10 associated funerary objects from site 14SD350 in Sheridan County, KS (UBS 1990–27) are jasper flakes, animal bone fragments, mollusks, and a mulling stone. The human remains from this site were previously repatriated to Pawnee Nation of Oklahoma in 2000 and should have included the associated funerary objects. This burial was excavated by KSHS in 1978 from a stream terrace along the South Fork Solomon River.

Human remains representing, at least, two individuals have been identified from an unknown location presumably in Nebraska (UBS 2005–14). No associated funerary objects are present. The Kansas UBS (Unmarked Burial Sites) board voted to consider these remains as subject to NAGPRA jurisdiction. No other provenience information is available.

To our knowledge, no hazardous substances were used to treat any of the human remains or associated funerary objects.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

The KSHS has determined that:

- The human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- The 10 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 Pawnee Nation of Oklahoma.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in

this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after September 22, 2025. If competing requests for repatriation are received, the KSHS must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The KSHS is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: August 13, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–16117 Filed 8–21–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6463; NPS–WASO–NAGPRA–NPS0040883; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Housatonic Museum of Art, Bridgeport, CT

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Housatonic Museum of Art (HMA) 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 22, 2025.

ADDRESSES: Send additional, written requests for repatriation of the cultural

items in this notice to Charlotte Lefland, Housatonic Museum of Art, 900 Lafayette Boulevard, Bridgeport, CT 06604, email charlotte.lefland@ctstate.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 HMA, 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 40 cultural items have been requested for repatriation. The 40 objects of cultural patrimony are masks, tools, dolls, miniature sculptures, games, baskets, fishing equipment, and clothing. These objects of cultural patrimony are all associated with the artic slope of Alaska and were donated to the HMA over the last 10–15 years. All are believed to be affiliated with the Inupiat Community of the Artic Slope. There does not appear to be any hazardous substances used to treat any of the items.

Determinations

The HMA has determined that:

- The 40 objects of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.

- There is a connection between the cultural items described in this notice and the Inupiat Community of the Artic Slope.

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 22, 2025. If

competing requests for repatriation are received, the HMA 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 HMA 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 13, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–16119 Filed 8–21–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6454; NPS–WASO–NAGPRA–NPS0040874; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of Florida, Florida Museum of Natural History, Gainesville, FL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Florida, Florida Museum of Natural History (FLMNH), has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after September 22, 2025.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Megan Fry, University of Florida, Florida Museum of Natural History, 1659 Museum Road, Gainesville, FL 32611, email NagpraOffice@floridamuseum.ufl.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the 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 one individual from Monkey Jungle Hammock (8DA2100) are present at the Florida Museum of Natural History. There are no associated funerary objects from the site. The site is a dry sinkhole. Bone and fossils were accumulated by a combination of deadfall trap and mammalian and avian predators. Lewis Ober and William Weaver of Miami Dade College noticed fossil bones weathering out of sediment that had been excavated out of a sinkhole to form an alligator habitat at the Monkey Jungle zoological park. No in situ sediment was available for excavation, therefore there is no contextual information available for the context of the material from the site. The Ancestor was collected between 1969 and 1970.

The collection came to FLMNH by way of Frank Dumond, the general manager of Monkey Jungle who granted access to property and site collected by Lewis D. Ober, William G. Weaver, and Miami-Dade Community College students from 1969–1989 (Morgan and Seymour, 1997). Metro-Dade Archaeology crew also collected specimens in 1980. Vertebrate fossils were then deposited with FLMNH. In reviewing the 1969 accession, FLMNH found a single human mandible among the collection.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains described in this notice.

Determinations

The FLMNH has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- There is a connection between the human remains described in this notice and the Miccosukee Tribe of Indians; Seminole Tribe of Florida; and The Seminole Nation of Oklahoma.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after September 22, 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.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: August 13, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–16110 Filed 8–21–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6471; NPS–WASO–NAGPRA–NPS0040890; PPWOCRADNO–PCU00RP14.R50000]

Notice of Intended Repatriation: Los Rios Community College District, Sacramento, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Los Rios Community College District (LRCCD) 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 22, 2025.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Jamey Nye, Los Rios Community College District, 1919 Spanos Ct, Arden-Arcade, CA 95825, email nagpra@losrios.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 LRCCD, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of six cultural items have been requested for repatriation. The six objects of cultural patrimony are one bone awl and five bundles of fiber. The cultural items were removed from El Dorado County, CA in the 1930s and given to the Lillard Collection at Sacramento City College which were later transferred to American River College, both campuses within the Los Rios Community College District.

Determinations

LRCCD has determined that:

- The six objects of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.

- There is a reasonable connection between the cultural items described in this notice and the Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), 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 22, 2025. If competing requests for repatriation are received, LRCCD 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. LRCCD 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 13, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–16126 Filed 8–21–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6462; NPS–WASO–NAGPRA–NPS0040876; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of Florida, Florida Museum of Natural History, Gainesville, FL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Florida, Florida Museum of Natural History (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 22, 2025.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Megan Fry, University of Florida, Florida Museum of Natural History, 1659 Museum Road, Gainesville, FL 32611, email NagpraOffice@floridamuseum.ufl.edu.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the 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 one individual from Culter Fossil Site (8DA2001) is present at the Florida

Museum of Natural History. There are 257 associated funerary objects. A total of 11 associated funerary objects are housed in the Vertebrate Paleontology collections at FLMNH, and consist of fossil vertebrates, namely dentition from peccaries, dire wolves, and white-tailed deer, and skeletal elements of a mourning dove and a jaguar. The remaining 246 are housed in the Environmental Archaeology collection, at FLMNH, and include charred faunal bone, land shell, and coprolites. The site is a sinkhole which includes fossils from extinct and extant vertebrates. The site was heavily vandalized. Robert Carr, the archaeologist for Dade County, was able to recover most of the material which had been “shipped to different parts of the country”. He subsequently undertook a rescue excavation to record what information was still in situ. Cutler Fossil Site features evidence of human use dating to roughly 9,700 BP, lasting through the Archaic (5,000–2,500 BP) and into the Glades period (A.D. 1,000 BP–1750). Carr sent the various collection types from the site to differing institutions. The Ancestors were sent to the University of Massachusetts. The artifacts were sent to the Historical Museum of Southern Florida. The vertebrate paleontological material came to FLMNH. The Ancestors at FLMNH consist of a small collection of human dentition, which was likely overlooked or misidentified when they were separating out the collections and unintentionally sent to FLMNH with the paleontological material.

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 one individual of Native American ancestry.
- The 257 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 Seminole Nation of Oklahoma.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after September 22, 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 13, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–16112 Filed 8–21–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6469; NPS–WASO–NAGPRA–NPS0040888; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: U.S. Department of the Interior, Bureau of Indian Affairs, Washington, DC, and California State University, Stanislaus, Turlock, CA

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 Indian Affairs (BIA) and California State University, Stanislaus intends to repatriate a certain cultural item that meets the definition of an object of

cultural patrimony and that has a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural item in this notice may occur on or after September 22, 2025.

ADDRESSES: Send additional, written requests for repatriation of the cultural item in this notice to Tamara Billie, U.S. Department of the Interior, Bureau of Indian Affairs, 1001 Indian School Road NW, Mailbox 44, Albuquerque, NM 87104, email tamara.billie@bia.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 BIA, 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 one cultural item has been requested for repatriation. The one object of cultural patrimony is a pottery sherd that was removed from the Rincon Indian Reservation in San Diego County, California, by Lewis K. Napton with the Institute for Archeological Research, California State College, Stanislaus (Stanislaus State). The archeological survey was conducted in search of evidence of cultural resources in preparation for housing construction on the Reservation as requested by the All Mission Indian Housing Authority (AMIHA), Valley Center, California. The pottery sherd has since been housed at Stanislaus State and was never officially accessioned by the university. Stanislaus State continues to search for any additional items that were removed from the Rincon Indian Reservation to support their repatriation to the Tribe.

Determinations

The BIA, in consultation, has determined that:

- The one object of cultural patrimony described in this notice has ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.

- There is a connection between the cultural item described in this notice and the Rincon Band of Luiseno

Mission Indians of Rincon Reservation, California.

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 22, 2025. If competing requests for repatriation are received, the BIA 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. The BIA 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 13, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025-16124 Filed 8-21-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6472; NPS-WASO-NAGPRA-NPS0040891; PPWOCRADNO-PCU00RP14.R50000]

Notice of Intended Repatriation: University of North Dakota, Grand Forks, ND, and University of North Dakota, Alumni Association & Foundation, Grand Forks, ND

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of North Dakota and the University of North Dakota (UND) Alumni Association & Foundation intend to repatriate certain a cultural item that meets the definition of an object of cultural patrimony and that has a cultural affiliation with the Indian

Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural item in this notice may occur on or after September 22, 2025.

ADDRESSES: Send additional, written requests for repatriation of the cultural item in this notice to Dr. Crystal Alberts, University of North Dakota, Carnegie Hall 1st Floor, 250 Centennial Drive, Stop 8193, Grand Forks, ND 58202, email und.nagpra@und.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 North Dakota and the UND Alumni Association & Foundation, 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 one cultural item has been requested for repatriation. The item is one eagle feather headdress (33 eagle feathers on a grey felt hat crown; trimmed crown feather; light blue and grey fluffs; yellow felt bases to the feathers; headband trimmed with lazy stitch beadwork, a row of brass bells and painted rawhide rosettes and strips of fur or streamers). The headdress has not been treated with potentially hazardous substances to the best of the institutions' knowledge.

This item is part of the Victor A. Corbett Collection, gifted to the UND Alumni Association & Foundation (UNDAAF) circa February 1988. According to New York City-based appraisers consulted by UNDAAF in the 1980s, most of these items are estimated to date from the 1890s through the 1950s with most acquired by Corbett in the 1940s and 50s and appear to be from tribes in what is now North Dakota and surrounding states.

Victor A. Corbett, a dentist in Minot, ND, from 1931-1984, was reported to accept artifacts from Native Americans in the surrounding area, namely the Standing Rock Sioux Tribe and the residents of the nearby Three Affiliated Tribes of Fort Berthold Reservation. Collection records do not provide any additional information regarding the objects' provenience or provenance.

Included in this collection is the headdress described above.

Determinations

The University of North Dakota and the UND Alumni Association & Foundation has determined that:

- The one object of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.

- There is a reasonable connection between the cultural item described in this notice and the Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana.

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 22, 2025. If competing requests for repatriation are received, the University of North Dakota and the UND Alumni Association & Foundation 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. The University of North Dakota and the UND Alumni Association & Foundation are 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 13, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–16127 Filed 8–21–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N6470; NPS–WASO–NAGPRA–NPS0040889; 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 a certain cultural item that meets the definition of a sacred object/object of cultural patrimony and that has a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural item in this notice may occur on or after September 22, 2025.

ADDRESSES: Send additional, written requests for repatriation of the cultural item in this notice to Regina Gorham, Collections Manager, Kalamazoo Valley Museum, 230 N Rose Street, Kalamazoo, MI 49007, email 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 one cultural item has been requested for repatriation. The one sacred object/object of cultural patrimony is a basket/tray. The donor of the object 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. This basket was purchased from Grace Nicholson's store in Pasadena, CA in April of 1917.

Determinations

The Kalamazoo Valley Museum has determined that:

- The one sacred object/object 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 item described in this notice and the Chemehuevi Indian Tribe of the Chemehuevi Reservation, California.

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 22, 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 item 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 13, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–16125 Filed 8–21–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF JUSTICE

Meeting of the Religious Liberty Commission

AGENCY: Office of the Associate Attorney General, United States Department of Justice (DOJ).

ACTION: Notice of Federal advisory committee meeting.

SUMMARY: The DOJ is publishing this notice to announce the third Federal advisory committee meeting of the Religious Liberty Commission (Commission).

DATES: Open to the public September 29, 2025, from 9:00 a.m. to 4:00 p.m.

ADDRESSES: The meeting will be held in the World Stage Theater, Museum of the Bible, 400 4th St. SW, Washington, DC 20024. The meeting will be recorded and broadcast at justice.gov/live.

FOR FURTHER INFORMATION CONTACT: Mary Margaret Bush, Religious Liberty Commission Designated Federal Officer, RLC@usdoj.gov, 202–297–3196. Mrs. Bush can also be contacted to request a reasonable accommodation to attend the meeting.

Registration Information: Registration is required for in-person attendance. In-person attendance is limited by space available. Members of the public may register on the Religious Liberty Commission website, <https://www.justice.gov/religious-liberty-commission>. Members of the public who attend in-person will be required to present identification and go through security screening.

We ask guests from the media to register through the Office of Public Affairs by September 26, 2025 at 5 p.m. Media should be prepared to go through security checks and present government-issued photo I.D. and valid media credentials.

SUPPLEMENTARY INFORMATION: The Religious Liberty Commission is a Federal advisory committee established by the President through Executive Order 14291. The Commission is composed of a chair, a vice chair, 11 members appointed by the President, including representatives from the private sector, employers, educational institutions, religious communities and

States, and three ex-officio members. The Commission advises the Domestic Policy Council and the White House Faith Office on religious liberty policies of the United States and will produce a comprehensive report to the President on the foundations of religious liberty in America, the impact of religious liberty on American society, current threats to domestic religious liberty, strategies to preserve and enhance religious liberty protections for future generations, and programs to increase awareness of and celebrate America's peaceful religious pluralism.

Agenda: During its third meeting on September 29, 2025, the Commission will discuss religious liberty issues in education from the perspectives of teachers and coaches, as well as religious liberty issues related to school funding, educational choice, and the autonomy of faith-based schools. The hearing will include panels with testimony from teachers and coaches, as well as school leaders and families impacted by religious liberty issues in these areas. The hearing will also include testimony from individuals with expertise on these topics. The hearing's objective will be to understand the historic landscape of religious liberty in the educational setting, recognize present threats to religious liberty in education, and identify opportunities to secure religious liberty in this context for the future.

Public Comment: Written comments may be sent by email to RLC@usdoj.gov or by mail to U.S. Department of Justice, Office of the Associate Attorney General, ATTN: Religious Liberty Commission, 950 Pennsylvania Avenue NW, Room 5263, Washington, DC 20530. The deadline for comments is September 22, 2025.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. 1001 *et seq.*).

Dated: August 19, 2025.

Mary Margaret Bush,

Designated Federal Officer, Religious Liberty Commission.

[FR Doc. 2025–16054 Filed 8–21–25; 8:45 am]

BILLING CODE 4410–21–P

DEPARTMENT OF JUSTICE

[OMB Number 1105–0025]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension Without Change, of a Previously Approved Collection; Federal Coal Lease Request

AGENCY: Antitrust Division, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Antitrust Division (ATR), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 30 days until September 22, 2025.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Sarah Oldfield, Deputy Chief Legal Advisor, Antitrust Division, United States Department of Justice, 950 Pennsylvania Street NW, Room 3304, Washington, DC 20530 (phone: 202–305–8915).

SUPPLEMENTARY INFORMATION: The proposed information collection was previously published in the **Federal Register** on May 1, 2025, 90 FR 18710, allowing a 60-day comment period. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic,

mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a currently approved collection.

2. *The Title of the Form/Collection:* Federal Coal Lease Form.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form numbers are ATR-139 and ATR-140. The applicable component within the Department of Justice is the Antitrust Division.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Business or other for profit. Other: None. The Department of Justice evaluates the competitive impact of issuances, transfers and exchanges of federal coal leases. These forms seek information regarding a prospective coal lessee's existing coal reserves. The Department uses this information to determine whether the issuance, transfer or exchange of the federal coal lease is consistent with the antitrust laws.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 10 respondents will complete each form, with each response taking approximately two hours.

6. *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 20 annual burden hours associated with this collection, in total.

If additional information is required contact: Darwin Arceo, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 4W-218, Washington, DC 20530.

Dated: August 20, 2025.

Darwin Arceo,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2025-16143 Filed 8-21-25; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby

given that a proposed Consent Decree in *United States v. Tyson L. Friskney*, 3:23-cv-00439-JRK, was lodged with the United States District Court for the Northern District of Ohio on August 19, 2025.

This proposed Consent Decree concerns a complaint filed by the United States against Tyson L. Friskney, pursuant to § 309(b) of the Clean Water Act, 33 U.S.C. 1319(b), to obtain injunctive relief from the Defendant for violating the Clean Water Act by discharging pollutants without a permit into waters of the United States. The proposed Consent Decree resolves these allegations by requiring the Defendant to perform injunctive relief, in the form of compensatory mitigation via the purchase stream mitigation credits.

The Department of Justice will accept written comments relating to this proposed Consent Decree for thirty (30) days from the date of publication of this Notice. Please address comments to Miranda Jensen, P.O. Box 7611, Washington, DC 20044-7611, pubcomment_ed.s.enrd@usdoj.gov and refer to *United States v. Tyson L. Friskney*, 90-5-1-1-21944.

The proposed Consent Decree may be examined at the Clerk's Office, United States District Court for the Northern District of Ohio, 1716 Spielbusch Avenue, Toledo, Ohio 43604. In addition, the proposed Consent Decree may be examined electronically at <https://www.justice.gov/enrd/consent-decrees>.

Charles Scott Spear,

Acting Assistant Section Chief, Environmental Defense Section, Environment and Natural Resources Division.

[FR Doc. 2025-16097 Filed 8-21-25; 8:45 am]

BILLING CODE P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

[Exemption Application No. L-12103]

Proposed Exemption for Certain Prohibited Transactions Involving Mid-America Carpenters Regional Council Apprentice and Training Fund (the Fund) Located in St. Louis, Missouri

AGENCY: Employee Benefits Security Administration, Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This proposed exemption would permit the sale by the Fund of real property to the Mid-America Carpenters Regional Council (the Sale). Without this exemption, the Sale would

be prohibited by the Employee Retirement Income Security Act of 1974 (ERISA).

DATES:

Exemption date: If granted, this exemption will be in effect as of the date of publication in the **Federal Register**.

Comments due: Written comments and requests for a public hearing on the proposed exemption must be received by the Department by October 6, 2025.

ADDRESSES: All written comments and requests for a hearing should be submitted to the Employee Benefits Security Administration (EBSA), Office of Exemption Determinations, Attention: Application No. L-12103:

- via email to e-OED@dol.gov; or
- Electronically at <https://www.regulations.gov>. Follow the

“Submit a Comment” instructions.

Any such comments or requests should be sent by the end of the scheduled comment period. The application for exemption and the comments received will be available for public inspection in the Public Disclosure Room of the Employee Benefits Security Administration, U.S. Department of Labor, Room N-1515, 200 Constitution Avenue NW, Washington, DC 20210 (202) 693-8673).

See **SUPPLEMENTARY INFORMATION** below for additional information regarding comments.

FOR FURTHER INFORMATION CONTACT: Ms. Blessed ChukSORJI-Keefe of the Department at (202) 693-8567. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION:

Comments: Persons are encouraged to submit all comments electronically and not to follow with paper copies. Comments should state the nature of the person's interest in the proposed exemption and how the person would be adversely affected by the exemption, if granted. Any person who may be adversely affected by an exemption can request a hearing on the exemption if their request includes: (1) the name, address, telephone number, and email address of the person making the request; (2) the nature of the person's interest in the exemption, and the manner in which the person would be adversely affected by the exemption; and (3) a statement of the issues to be addressed and a general description of the evidence to be presented at the hearing. The Department will grant a hearing request made in accordance with the requirements above when it finds that a hearing is necessary to fully explore material factual issues identified by the requestor, and will publish a hearing notice in the **Federal Register**. The Department may decline

to hold a hearing if it finds that: (1) the request for the hearing does not meet the requirements above; (2) the only issues identified for exploration at the hearing are matters of law; or (3) the factual issues identified can be fully explored through the submission of evidence in written (including electronic) form.

Warning: All comments received will be included in the public record without change and may be made available online at <https://www.regulations.gov>. The Department notes that it will include any personal information provided in the public record and online, unless the commenter claims that any of the information included is confidential or the disclosure of such information is restricted by statute. If you submit a comment, EBSA recommends that you include your name and other contact information in the body of your comment, but DO NOT submit information that you consider to be confidential, or otherwise protected (such as a Social Security number or an unlisted phone number) or confidential business information that you do not want publicly disclosed. If EBSA cannot read your comment due to technical difficulties and cannot contact you for clarification, EBSA might not be able to consider your comment.

Additionally, the <https://www.regulations.gov> website is an “anonymous access” system, which means EBSA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email directly to EBSA without going through <https://www.regulations.gov>, your email address will be automatically captured and included as part of the comment that is placed in the public record and made available on the internet.

Proposed Exemption

The Department is considering granting this exemption under the authority of ERISA section 408(a), and in accordance with the Department’s exemption procedures regulation,¹ because it has tentatively determined that this proposed exemption is administratively feasible, in the interests of the Fund and of its participants and beneficiaries, and protective of the rights of both the Fund and the participants and beneficiaries of

the Fund. If the proposed exemption is granted, the Fund will be permitted to sell 1.13 acres of improved real property (the Parcel), which is a portion of a 5.67-acre parcel of real property located at 8955 E. Terrace, Kansas City, Missouri (the Real Property), to the Mid-America Carpenters Regional Council (MACRC). The Fund purchased the Real Property in June 2014, and the Parcel represents a portion of the Real Property.

Benefits of the Exemption

As described in more detail below, the Department is proposing relief based in part on the Fund’s representation that the Sale will permit the Fund to earn approximately \$50,000 more in net value than originally offered by the MACRC. Furthermore, in connection with the application for an exemption, the Fund and the MACRC entered into a lease requiring the MACRC to pay annual rent of approximately \$250,000 per year (subject to 2% annual escalation) for the use of a building on the Parcel, beginning on or around November 15, 2020 until the Sale is completed, as well as certain back rent, interest, and penalty amounts discussed in detail below.

Summary of Facts and Representations²

Parties to the Transaction

1. The Applicant is the Fund, which became the successor to the Carpenters’ Joint Training Fund of St. Louis (CJTF). The Fund assumed all CJTF financial and operational responsibilities on January 1, 2024.

2. The Fund is a Taft-Hartley trust. As of December 31, 2024, 9,660 apprentices and journeymen participated in Fund programs. As of June 30, 2024, the Fund’s most recent audit, the Fund held total assets of \$83,027,770 and net assets of \$78,323,645.

3. The Fund sponsors the St. Louis-Kansas City Carpenters Regional Training Fund (the Plan), which operates training and education facilities throughout Missouri, Kansas, Illinois, and eastern Iowa for

apprentices and journeymen carpenters, millwrights, cabinet makers, floorlayers, and workers in other trades or specialties.

4. The MACRC is the successor to the St. Louis-Kansas City Carpenters Regional Council, a labor union affiliated with the United Brotherhood of Carpenters and the Joiners of America covering approximately 52,000 members located in Illinois, Missouri, Kansas and Eastern Iowa. The MACRC’s membership is comprised of cabinet makers, concrete and drywall installers, general carpenters and joiners, and members of several other trades. Members of the MACRC are eligible to participate and do participate in the Fund.

5. The board of trustees of the Fund (the Board of Trustees) consists of ten trustees appointed by contributing employers (Employer Trustees) and ten trustees appointed by the MACRC (Union Trustees).

The Parcel

6. The Fund purchased the Real Property in 2014, for \$2,195,000 to expand the Plan’s training and education programs. Subsequently, the Board of Trustees directed and approved the renovation of the Real Property, to create a 65,000 square foot training center for approximately \$8.26 million, which the Fund paid. The training center opened in October 2015. The renovated facilities include office space, a portion of which is currently leased by the Fund to the MACRC to house the MACRC’s Kansas City offices, under an operating lease agreement between the Fund and the MACRC.

7. In August 2019, the MACRC approached the Fund to discuss the sale of all or a portion of the Real Property to the MACRC. At a special meeting of the Trustees held on September 25, 2019, the Trustees discussed the potential sale to the MACRC and voted unanimously to approve the sale in principle, obtain an appraisal of the fair market value of the Real Property, and conduct a later vote to approve the appraisal. Following additional discussions, the Fund and the MACRC entered into a commercial real estate sales contract for the sale of a 1.13-acre Parcel.

8. **The Sale:** The Fund seeks an exemption to permit a sale of the Parcel to the MACRC. As discussed below, the MACRC constructed a health and wellness center on the Parcel to provide medical benefits to its members, including participants of the Fund who participate in the Carpenters’ Health & Welfare Trust Fund of St. Louis (the Welfare Fund). The Fund wants to sell

¹ 29 CFR part 2570, subpart B (75 FR 66637, 66644, October 27, 2011). The Department’s exemption procedures regulation was amended at 89 FR 4662, on January 24, 2024, with an effective date of April 8, 2024. However, because the application was submitted on April 4, 2024, the procedures in effect as of that date govern.

² The Summary of Facts and Representations is based on the Applicant’s representations provided in its exemption application and does not reflect the factual findings or opinions of the Department, unless indicated otherwise. The Department notes that availability of this exemption is subject to the express condition that the material facts and representations made by the Applicant in Application L-12103 are true, complete, and accurately describe all material terms of the transaction(s) covered by the exemption. If there is any material change in a transaction covered by the exemption, or in a material fact or representation described in the application, the exemption may cease to be effective, with such determination made at Department’s sole discretion. See 29 CFR 2570.49.

the Parcel to the MACRC for additional cash which would be used to fund the Plan's training programs and acquire vehicles for the purpose of facilitating the training programs. A sale of the Parcel from the Fund to the MACRC would constitute a prohibited transaction because of the relationship between the parties, and therefore an exemption from the prohibited transaction provisions of ERISA is required before the transaction can proceed.

ERISA Prohibited Transaction Analysis

9. ERISA section 406(a)(1)(A) provides, in relevant part, that a fiduciary with respect to a plan shall not cause the plan to engage in a transaction, if he or she knows or should know that such transaction constitutes a direct or indirect sale or exchange of any property between a plan and a party in interest to the plan. The Fund and the Plan are each an "employee welfare benefit plan" within the meaning of ERISA section 3(1) and a "multiemployer plan" within the meaning of ERISA section 3(37). ERISA section 3(14)(D) defines parties in interest with respect to a plan to include, among others, the plan fiduciary, a sponsoring employer of the plan, and an employee organization whose members are covered by the plan. MACRC is an "employee organization" within the meaning of ERISA section 3(4), and it is therefore a party in interest within the meaning of ERISA section 3(14)(D) with respect to the Fund. Therefore, the Fund's sale of the Parcel to the MACRC would violate ERISA section 406(a)(1)(A).

10. ERISA section 406(b)(1) states that a plan fiduciary shall not deal with the assets of the plan in his own interest or for his own account. For purposes of ERISA, the Union Trustees are fiduciaries with respect to the Fund. The Union Trustees were appointed by the MACRC and receive salaries from the MACRC for their services as trustees; therefore, they have an interest in the MACRC that would cause them to violate ERISA Section 406(b)(1) if they exercised any of the authority that makes them a fiduciary, in connection with the Sale. ERISA section 406(b)(2) states that a plan fiduciary shall not act in any transaction involving the plan on behalf of a party whose interests are adverse to the interests of the plan. The interests of the MACRC are adverse to the interests of the Fund for purposes of the sale, because the MACRC is the Fund's counterparty. Therefore, the Sale would violate ERISA section 406(b)(2).

11. Although the Applicant states that the Union Trustees recused themselves

from the Fund's decision to sell the Parcel to the MACRC since September 23, 2020, whether the Union Trustees effectively recused themselves from all aspects of the Fund's decision making regarding the Sale, so as to negate a violation of ERISA section 406(b)(1) and 406(b)(2), involves an inherently factual determination that is beyond the scope of this proposed exemption.³ In connection with this application, the Department cannot determine whether the Union Trustees sufficiently recused themselves from engaging in the deliberations regarding the Sale or whether they used their positions to influence the Employer Trustees' decision to approve the Sale in order to determine definitively that there was no violation of ERISA section 406(b)(1) or 406(b)(2). To the extent the Union Trustees exercised any authority, control, or responsibility that make them a fiduciary to cause the Fund to engage in the Sale, they would have violated ERISA section 406(b)(1) and (b)(2), because the Sale would benefit the MACRC, an entity in which the Union Trustees have an interest and would involve Union Trustees acting on behalf of both the Fund and the MACRC.

Prior Applications and Prohibited Use of the Parcel

12. *First EXPRO Application.* On June 26, 2020, the Fund filed an application for authorization for approval of the Sale (the Initial EXPRO Application)⁴ under the expedited procedures of Prohibited Transaction Exemption 96-62, as amended (the EXPRO Procedures). At the request of the Department, the Fund withdrew the Initial EXPRO Application on August 25, 2020, to engage the services of an independent fiduciary to review and approve the terms of the sale of the Parcel to the MACRC.

13. *Second EXPRO Application.* The Fund submitted a second application for authorization on April 5, 2021, again under the EXPRO Procedures. The second EXPRO application included a written report submitted by an independent fiduciary, Prudent Fiduciary Services, LLC (PFS), who was tasked with reviewing and approving the terms of the Parcel sale to the MACRC.⁵ The report submitted by PFS

noted that, on or around November 15, 2020, the MACRC accessed the Parcel and commenced construction of the health and wellness center building on the Parcel without compensating the Fund. Due to the ERISA fiduciary and prohibited transaction issues caused by the MACRC's access and use of the Parcel, the Department did not approve the second EXPRO Application.

14. *Exemption Application No. L-12068.* The second EXPRO application was converted to a standard individual exemption application and designated Exemption Application No. L-12068, on February 2, 2022. By letter dated March 11, 2022, the Department informed the Applicant that it had tentatively determined not to propose the requested exemption based on: (A) the MACRC's past and continuing construction activities on the Parcel; and (B) the Fund's failure to submit with the application an updated appraisal report and an updated independent fiduciary report from PFS. On April 27, 2022, the Fund supplemented its application with an updated appraisal report from a qualified independent appraiser and an updated report from PFS. The updated fiduciary report from PFS provided the following statement: "[w]e found that the most significant development since the [o]riginal [r]eport has been the progress of construction activities on the subject property. It is our understanding that construction has been completed, and the planned wellness center is ready to operate."

15. The Fund and the Department held a tentative denial conference on May 4, 2022 and, following subsequent discussions, the Department, the Fund, and the MACRC agreed in May 2023 that: (A) the Fund would withdraw Exemption Application No. L-12068; (B) the MACRC would enter into a settlement agreement with the Employee Benefits Security Administration's Office of Enforcement to address the MACRC's access to and use of the Parcel under ERISA section 502(i); (C) the Fund would engage the services of a new independent fiduciary to review the terms of the Sale and determine the "amount involved" for purposes of correcting the MACRC's access to and use of the Parcel under ERISA section 502(i); and (D) once the prior steps had been completed, the Fund would submit a new exemption application to the Department for prospective relief for the sale of the Parcel to the MACRC at an appraised fair market value that takes into consideration the value of the

³ For example, their presence on the Board of Trustees, particularly prior to their official "recusal" on September 23, 2020, may have influenced the Employer Trustees' willingness to cause the Fund to sell the Parcel to the MACRC.

⁴ Submission No. E-00826.

⁵ As described in further detail below, PFS was ultimately replaced by Gallagher Fiduciary

Advisors, LLC in connection with the current application for exemptive relief.

completed wellness center building on the Parcel.

16. The Employer Trustees selected Gallagher Fiduciary Advisors, LLC (Gallagher) to act as the new independent fiduciary for the Fund. Gallagher is a registered investment adviser with no relationship with the Fund or the MACRC, except as the Fund's independent fiduciary with respect to the Sale. Gallagher's fee for its services as independent fiduciary for the Fund will be less than 2% of its annual revenues for Gallagher's prior income tax year.

The Settlement Agreement and Ground Lease

17. The MACRC and the Department entered into a Settlement Agreement on January 31, 2024 (the Settlement Agreement). Among other things, the Settlement Agreement required the Fund and the MACRC to enter into a lease, whereby the MACRC would pay the Fund; ground rent for its past use of the Parcel from November 15, 2020 (the date that the MACRC first accessed the Parcel) to January 31, 2024 (the Ground Rent); and office rent for its use of the wellness center beginning on February 1, 2024 (the Office Rent).⁶

18. Gallagher hired Newmark Valuation & Advisory (Newmark) to determine these rental rates.⁷ Newmark provided an appraisal report, dated November 29, 2023 (the Appraisal Report), which set the Ground Rent at \$50,666 and the Office Rent at \$252,125 per year, subject to annual escalations of two percent.

19. The Fund and the MACRC entered into a lease agreement (the Lease Agreement) on January 31, 2023, pursuant to which the MACRC will lease the Parcel (including the wellness center and any other buildings on the Parcel) from the Fund in exchange for: (1) a one-time payment of past-due rent plus interest and penalties in an amount equal to \$50,666; and (2) the payment of \$252,125 per year subject to annual escalations of two percent per year.⁸ The commercial market rental amount, which takes into account the close proximity of the wellness center property to the MACRC, was determined by Newmark and approved by Gallagher. Gallagher determined that the lease terms are commercially

reasonable. The lease terminates upon the earlier of the date that the Parcel is sold or either party terminates the lease agreement pursuant to its terms.

Re-Submission of Application

20. In April 2024, the Fund re-submitted its application for an exemption. In its resubmission, the Fund stated that, if the exemption is granted, the MACRC will pay the estimated value of both the Parcel and the wellness center (\$3.4 million) to the Fund and the MACRC will receive a credit for the \$3.18 million that the MACRC spent on construction costs, resulting in approximately \$220,000 of net proceeds being received by the Fund at closing. If this exemption is granted, the fair market value of the Parcel will be updated by an independent appraiser on the date of the sale, and the Fund will receive the greater of such price or \$220,000.

21. The Fund remains represented by Gallagher in connection with the Sale. In this regard, Gallagher is required to: review all relevant materials to evaluate the Sale; review and modify (as needed) the Sale agreement and related documents; prepare a report describing its review and determinations with respect to the Sale; advise the Employer Trustees regarding its review of the Sale; respond in writing to the Department with respect to the application and with respect to comments to the proposed exemption; make a final determination on behalf of the Fund whether to approve the sale of the Parcel to the MACRC; and ensure that the Fund receives all rent due under the terms of the lease, and receives the fair market value of the Parcel as agreed upon under the terms of the purchase and sale agreement.

Gallagher's Fiduciary Report

22. In support of its exemption request, the Applicant submitted a fiduciary report issued by Gallagher dated March 8, 2024 (the Gallagher Report). In making its conclusions, Gallagher performed a review of: (A) the First and Second EXPRO Applications, and Exemption Application No. L-12068; (B) the Form 990 for the Fund as of December 31, 2022; (C) the Appraisal Report; (D) prior appraisals of the Parcel obtained by the Fund in connection with the prior exemption applications; and (E) the prior purchase and sale agreement between the Fund and the MACRC for the Sale. Gallagher also conducted an in-person visit to the Real Property in September 2023 (and intends to re-visit the Real Property if the Sale is approved by the

Department); and held discussions with legal counsel for the Fund.

23. Gallagher states that the Sale is in the interest of the Fund and its participants, because:

- the Fund will be compensated at the fair market value of the Parcel's underlying land, at \$220,000, plus rent payments for the period November 15, 2020 to closing, including penalties and interest on back rent (which it has already received).

- the MACRC has been caused to pay market office space rent of \$252,125 per year as determined by the Newmark appraisal, which took into account the close proximity of the MACRC to the Wellness Center, to the Fund until such time that the Wellness Center Property is either sold to the MACRC with the permission of the Department and Gallagher, or the lease is terminated.

- the Fund's members will enjoy ready access to the Wellness Center, in a system that has already worked successfully at another the MACRC wellness facility.

- neither the Fund's staff nor its participants are expected to be burdened by parking limitations as a result of the sale, as the remaining acreage after the sale is expected to provide ample parking for Fund staff and participants.

- the MACRC is a ready and willing purchaser for the wellness center, and there will be no additional sales expenses or timing delays that would be inherent in a sale to an unconflicted third party, as the time to market the Parcel to a third party could be up nine months and would necessitate additional marketing, brokerage and closing costs to the Fund.

24. Gallagher notes that the value of the Parcel, net of the value of the completed wellness center building, was determined by Newmark to be \$220,000, which is \$50,000 more than the original offer that the MACRC made to the Fund. Gallagher notes further that Newmark appropriately considered the close proximity of the MACRC (the interested buyer) to the wellness center and that the MACRC built the Wellness Center on property it didn't own, used appropriate methodologies and assumptions to make its determination, and applied those methodologies and assumptions correctly to its valuation of the Parcel.

25. Gallagher opined that, if the MACRC was not permitted to purchase the Parcel, Fund participants would not be afforded the benefits that the wellness center is expected to provide, and the Fund would more than likely need to market the Parcel to an unconflicted third party (since owning

⁶ Thereafter, members of the MACRC were able to access and utilize the building.

⁷ Gallagher also intended to rely on Newmark's appraisal to determine the market value of the Parcel for purposes of the Sale.

⁸ As described above, the past due rent, plus interest and penalties were determined by Gallagher based on an appraisal by Newmark and were paid in connection with the Settlement Agreement.

and maintaining the building as landlord does not coincide with the purpose of the Fund, which is to provide training to Union members). The Fund would be responsible, as owner of the building and seller, for standard closing costs and fees that are commonly negotiated to be paid between uninterested parties. Gallagher noted that the MACRC will be responsible for all recording fees and closing costs with regard to the Sale, all of the due diligence such as the appraisal and other costs necessary for the Sale, as well as any real estate transfer taxes. Further, Gallagher noted that the Fund would likely have to pay a brokerage fee to market the wellness center property and would be subject to any delays and market conditions necessary for such a sale. Gallagher noted that, to its knowledge, there are no other interested buyers for the Parcel, thus the time to market the Parcel to a third party could be up to nine months.

26. Gallagher noted in its report that the MACRC had provided proof that it paid the required back rent, interest and penalties due under the Lease Agreement, the security deposit due under the lease, and its first and second month's rent.

Statutory Findings

The Department has tentatively made the following required findings under ERISA section 408(a) with respect to the proposed exemption:

27. *In the Interest of the Fund and its Participants.* The Department has tentatively determined that an exemption for the Sale is in the interest of the Fund and its participants because the Fund will receive the greater of the fair market value of the Parcel, or \$220,000.⁹ The fair market value of the Parcel that the Fund will receive in the Sale is \$50,000 more than the original offer from the MACRC. Furthermore, absent the exemption, the Independent Fiduciary and the MACRC likely would not have negotiated for the payment of annual rent of \$250,000 (with a yearly escalation) until the date of closing of the Sale.

28. *Protective of the Rights of the Participants of the Fund.* The Department has tentatively determined that an exemption for the Sale is protective of the rights of the participants and beneficiaries of the Fund. The exemption would be

conditioned upon the MACRC's compliance with its obligations under the Settlement Agreement and the Lease Agreement.¹⁰ The Sale must be a one-time transaction for cash, overseen in all material respects by a qualified independent fiduciary who solely represents the Fund. The Union Trustees must have recused themselves from any discussion and approval of the Sale since September 23, 2020. Further, the fair market value of the Parcel must be established by a qualified independent appraiser who has undertaken its obligations without contractual indemnification provisions.¹¹

29. *Administratively Feasible.* The Department has tentatively determined that an exemption for the Sale is administratively feasible, because, among other things, the Sale would be a one-time transaction overseen by a qualified independent fiduciary responsible for ensuring that, among other things, each condition of the exemption has been met. Further, the Sale will end the entanglement of the Fund with the MACRC regarding the leasing of the Parcel and resolve the issues covered in the Settlement Agreement.

Notice to Interested Persons

Notice of the proposed exemption will be provided by the Fund to all Interested Persons within fifteen (15) days of the publication of the notice of proposed exemption in the **Federal Register**, by first class U.S. mail to the last known address of all such individuals. The notice will contain a copy of the notice of proposed exemption, as published in the **Federal Register**, and a supplemental statement, as required pursuant to 29 CFR 2570.43(a)(2). The supplemental statement will inform interested persons of their right to comment on and to request a hearing with respect to the pending exemption. All written comments and/or requests for a hearing must be received by the Department within forty-five (45) days of the date of publication of this proposed exemption in the **Federal Register**. All comments will be made available to the public.

Warning: If you submit a comment, EBSA recommends that you include your name and other contact information in the body of your comment, but DO NOT submit

information that you consider to be confidential, or otherwise protected (such as Social Security number or an unlisted phone number) or confidential business information that you do not want publicly disclosed. All comments may be posted on the internet and can be retrieved by most internet search engines.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under ERISA section 408(a) does not relieve a fiduciary or other party in interest from certain other provisions of ERISA, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of ERISA section 404, which, among other things, require a fiduciary to discharge their duties respecting the plan solely in the interest of the participants and beneficiaries of the plan in accordance with ERISA section 404(a)(1), and in a prudent fashion in accordance with ERISA section 404(a)(1)(B);

(2) Before an exemption may be granted under ERISA section 408(a), the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries, and protective of the rights of participants and beneficiaries of the plan;

(3) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of ERISA, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(4) The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete at all times, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Proposed Exemption

The Department is considering granting an exemption under the authority of ERISA section 408(a) and in accordance with the procedures set forth in 29 CFR part 2570, subpart B (76 FR 66637, 66644, October 27, 2011). If the proposed exemption is granted, the restrictions of ERISA sections 406(a)(1)(A), 406(b)(1), and 406(b)(2),

⁹ The purchase price of the Parcel paid by the MACRC to the Fund will be \$3,400,000 based on the appraised value of the Parcel, and a credit for the costs that the MACRC incurred in constructing the improvements will be given to the MACRC in the amount of \$3,180,000. Thus, the net purchase price will be \$220,000.

¹⁰ Gallagher represents in its report that the MACRC paid the required back rent, interest and penalties under the Lease Agreement to the Fund and paid the required ERISA 502(i) penalty to the Department. The MACRC also provided proof of payment of the security deposit under the lease and its first two months' rent.

shall not apply to the sale of the 1.13 acre portion of improved real property located at 8955 E. Terrace, Kansas City, Missouri (the Parcel) by the Mid-America Carpenters Regional Council Apprentice and Training Fund (the Fund) to the Mid-America Carpenters Regional Council (the MACRC) (the Sale), provided the following conditions are satisfied at all times:

(a) The MACRC complied with all applicable obligations under the "Settlement and Agreement to Pay ERISA Section 502(i) Amount Involved and Penalty Amount" entered into between the MACRC and the Department, effective January 31, 2024 (the Settlement); and the MACRC paid all back rent, penalties, and interest due to the Fund under the terms of the Lease Agreement dated January 31, 2024 between the MACRC and the Fund (the Lease) for the period of time that the MACRC improperly accessed the Parcel and commenced construction of the building on the Parcel, from November 15, 2020 through January 31, 2024, the date of the Settlement Agreement.

(b) The MACRC complies with all terms of the Lease, and any violation of or failure to comply with any term of the Lease is corrected as soon as reasonably possible upon discovery.

(c) The Sale is a one-time transaction for cash that must close within ninety (90) days of the issuance of the final exemption.

(d) At the time of the Sale, the Fund receives the greater of (1) \$220,000; or (2) the fair market value of the Parcel as established by an independent appraiser in an updated appraisal of such Parcel on the date of the Sale. The independent appraiser must meet the Department's definition of a "qualified independent appraiser" under the Department's Exemption Procedure in 29 CFR 2570.31(i) and, at all times: the qualified independent appraiser must not have entered into, and must not enter into, any agreement, arrangement, or understanding that includes any provision that provides for the direct or indirect indemnification or reimbursement of the qualified independent appraiser by the Fund, the MACRC, or any other party for any failure to adhere to its contractual obligations or to state or Federal laws applicable to the qualified independent appraiser's work; or that waives any rights, claims or remedies of the Fund or its participants and beneficiaries under ERISA or other Federal and state laws against the qualified independent appraiser with respect to the Sale.

(e) The Fund pays no fees, commissions, or other expenses associated with the Sale.

(f) The terms and conditions of the Sale are at least as favorable to the Fund as those obtainable in an arm's length transaction with an unrelated third party.

(g) The trustees appointed by the MACRC (the Union Trustees) recused themselves, and continue to recuse themselves, from any involvement in the decision-making process with respect to the Fund's decision to enter into the Sale, since September 23, 2020.

(h) Gallagher Advisory Services, LLC (Gallagher), or another "qualified independent fiduciary" as defined under 29 CFR 2570.31(j) (the Independent Fiduciary) is retained to act as the Independent Fiduciary on behalf of the Fund for all purposes in connection with the Sale and the Lease, and at all times: the Independent Fiduciary must not have entered into, and must not enter into, any agreement, arrangement, or understanding that includes any provision that provides for the direct or indirect indemnification or reimbursement of such Independent Fiduciary by the Fund, the MACRC, or other party for any failure to adhere to its contractual obligations or to state or Federal laws applicable to the Independent Fiduciary's work; or that waives any rights, claims, or remedies of the Fund under ERISA, state, or Federal law against the Independent Fiduciary with respect to the Sale.

(i) The Independent Fiduciary must represent the Fund and its participants and beneficiaries for all purposes in connection with the Sale and the Lease in accordance with its fiduciary duties under ERISA section 404, including taking the following actions:

(1) review relevant materials to evaluate the Sale and determine whether it is in the best interest of the Fund to proceed with the Sale;

(2) determine whether to rely upon the appraisal report used to determine the fair market value of the Parcel for all purposes in connection with the Sale, and review and approve the methodology used in such appraisal in order to determine that the appropriate methodology is applied by the independent appraiser in determining the fair market value of the Parcel on the date of the Sale;

(3) review, negotiate, and modify (as needed) the Sale agreement and related documents;

(4) prepare a report in connection with the application of the exemption request describing the Independent Fiduciary's review and determinations with respect to the Sale, including whether the Sale is in the best interest of the Fund and its participants and beneficiaries;

(5) make a final determination on behalf of the Fund whether to approve the Sale;

(6) ensure that the Fund receives the fair market value of the Parcel as agreed upon under the terms of the purchase and sale agreement; and that the remaining terms of the purchase and sale agreement and any related instruments are complied with; and

(7) ensure that the MACRC has complied with and continues to comply with all applicable terms of the Lease, including that the Fund receives all rent due to it under the terms of the Lease.

(j) The Independent Fiduciary must prepare an "After Closing Report" for the Employer Trustees of the Fund and the Department, which must be delivered to both parties within 60 days of the closing of the sale of the Parcel. The report must describe the extent to which the conditions of the exemption have been complied with by the parties, the reasons for any non-compliance, and the steps that the Independent Fiduciary took on behalf of the Fund to enforce the rights of the Fund in respect to such non-compliance. The report should describe the documents reviewed or other steps taken in order for the Independent Fiduciary to make its determinations.

(k) The Fund's Trustees and the Independent Fiduciary maintain for a period of six (6) years from the date of any transaction related to the Sale, in a manner that is convenient and accessible for audit and examination, the records necessary to enable the persons described in paragraph (l)(1) below to determine whether conditions of this exemption, if granted, have been met, except that (i) a prohibited transaction will not be considered to have occurred if, due to circumstances beyond the control of the Fund's trustees and/or the Independent Fiduciary, the records are lost or destroyed prior to the end of the six-year period, and (ii) no party in interest other than the Fund's trustees or the Independent Fiduciary shall be subject to the civil penalty that may be assessed under ERISA section 502(i) if the records are not maintained, or are not available for examination.

(l) (1) Notwithstanding any provisions of sections (a)(2) and (b) of ERISA Section 504, the records referred to in paragraph (k) above shall be unconditionally available at their customary location during normal business hours to: (i) any duly authorized employee or representative of the Department or the Internal Revenue Service; (ii) the Fund's trustees or any duly authorized representative of the Fund's trustees; (iii) the

Independent Fiduciary or any duly authorized representative of the Independent Fiduciary; (iv) any participant or beneficiary of the Fund, or any duly authorized representative of such participant or beneficiary; and (2) should the MACRC or any party refuse to disclose information to a person on the basis that such information is exempt from disclosure, such party shall provide a written notice advising that person of the reasons for the refusal and that the Department may request such information by the close of the thirtieth (30th) day following the request.

(m) All the material facts and representations set forth in the Proposed Exemption's Summary of Facts and Representations are true and accurate at all times.

Exemption Date: If granted, this exemption will be in effect as of the date of publication in the **Federal Register**.

Signed at Washington, DC, this 19th day of August 2025.

Christopher Motta,

Acting Director, Office of Exemption Determinations, Employee Benefits Security Administration, U.S. Department of Labor.

[FR Doc. 2025–16057 Filed 8–21–25; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Office of the Secretary

Senior Executive Service; Appointment of Members to the Performance Review Board

AGENCY: Office of the Secretary.

ACTION: Appointment of Members of the Performance Review Board.

SUMMARY: Title 5 U.S.C. 4314(c)(4) provides that Notice of the Appointment of the individual to serve as a member of the Performance Review Board of the Senior Executive Service shall be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT:

Tania Burkley, Chief, Division of Executive Resources, Room C2318, U.S. Department of Labor, Frances Perkins Building, 200 Constitution Ave. NW, Washington, DC 20210, telephone: (202) 693–7638.

SUPPLEMENTARY INFORMATION: The following individuals are hereby appointed to serve on the Department's Performance Review Board:

Permanent Membership

Chair—Keith Sonderling, Deputy Secretary

Vice-Chair—Dean Heyl, Assistant Secretary for Administration and Management

Rotating Membership—Appointments Expire on 09/30/28

BLS Christopher Rosenlund, Assistant Commissioner for Regional Operations

ETA Lori Frazier-Bearden, Deputy Assistant Secretary

ILAB Ana Guevara, Deputy Undersecretary

MSHA Melanie Calhoun, Director of Technical Support

OSHA Eric Harbin, Regional Administrator, Dallas

SOL Steven Hough, Deputy Solicitor for Policy

SOL Emily Su, Deputy Solicitor, National Operations

WHD Patricia Davidson, Deputy Administrator

Authority: This notice was compiled in accordance to 5 CFR 430.311(a)(4).

Signed at Washington, DC.

Dean Heyl,

Assistant Secretary for Administration and Management.

[FR Doc. 2025–16052 Filed 8–21–25; 8:45 am]

BILLING CODE 4510–04–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2019–0009]

DEKRA Certification Inc.: Application for Expansion of Recognition and Proposed Modification to the NRTL Program's List of Appropriate Test Standards

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: In this notice, OSHA announces the application of DEKRA Certification Inc., for expansion of the recognition as a Nationally Recognized Testing Laboratory (NRTL) and presents the agency's preliminary finding to grant the application. Additionally, OSHA proposes to add two test standards to the NRTL Program's List of Appropriate Test Standards.

DATES: Submit comments, information, and documents in response to this notice, or requests for an extension of time to make a submission, on or before September 8, 2025.

ADDRESSES: Comments may be submitted as follows:

Electronically: You may submit comments, including attachments,

electronically at <http://www.regulations.gov>, the Federal eRulemaking Portal. Follow the online instructions for submitting comments.

Instructions: All submissions must include the agency's name and the docket number for this rulemaking (Docket No. OSHA–2019–0009). All comments, including any personal information you provide, are placed in the public docket without change and may be made available online at <https://www.regulations.gov>. Therefore, OSHA cautions commenters about submitting information they do not want made available to the public, or submitting materials that contain personal information (either about themselves or others), such as Social Security numbers and birthdates.

Docket: To read or download comments or other material in the docket, go to <http://www.regulations.gov>. Documents in the docket (including this **Federal Register** notice) are listed in the <http://www.regulations.gov> index; however, some information (e.g., copyrighted material) is not publicly available to read or download through the website. All submissions, including copyrighted material, are available for inspection through the OSHA Docket Office. Contact the OSHA Docket Office at (202) 693–2350 (TTY 877) 889–5627 for assistance in locating docket submissions.

Extension of comment period: Submit requests for an extension of the comment period on or before September 8, 2025 to the Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Room N–3653, Washington, DC 20210, or by fax to (202) 693–1644.

FOR FURTHER INFORMATION CONTACT:

Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, phone: (202) 693–1999 or email: meilinger.francis2@dol.gov.

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, phone: (202) 693–1911 or email: robinson.kevin@dol.gov.

SUPPLEMENTARY INFORMATION:

I. Notice of the Application for Expansion

OSHA is providing notice that DEKRA Certification Inc. (DEKRA), is applying for expansion of the current recognition as a NRTL. DEKRA requests the addition of thirty-two test standards and one additional test site to the NRTL scope of recognition.

OSHA's recognition of a NRTL signifies that the organization meets the requirements specified in 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within the scope of recognition. Each NRTL's scope of recognition includes: (1) the type of products the NRTL may test, with each type specified by the applicable test standard; and (2) the recognized site(s) that has/have the technical capability to perform the product-testing and product-certification activities for test standards within the NRTL's scope. Recognition is not a delegation or grant of government authority; however, recognition enables

employers to use products approved by the NRTL to meet OSHA standards that require product testing and certification.

The agency processes applications by a NRTL for initial recognition and for an expansion or renewal of this recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides a preliminary finding. In the second notice, the agency provides a final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL, including DEKRA, which details the NRTL's scope of recognition. These pages are available from the OSHA website at <http://www.osha.gov/dts/otpca/nrtl/index.html>.

II. General Background on the Application

DEKRA submitted an application to OSHA for expansion of the NRTL scope

of recognition on March 19, 2024 (OSHA–2019–0009–0018), requesting the addition of thirty-two test standards and one additional test site located at: Enderstrasse 92b, 02177 Dresden, Germany. OSHA staff performed a detailed analysis of the application packet and reviewed other pertinent information. OSHA staff performed an on-site review of DEKRA's testing facility at DEKRA Dresden, Enderstrasse 92b, 02177 Dresden, Germany associated with this application on March 3–4, 2025, in which assessors found some nonconformances with the requirements of 29 CFR 1910.7. DEKRA has addressed these issues sufficiently, and OSHA staff has preliminarily determined that OSHA should grant the application.

Table 1, below, lists the appropriate test standards found in DEKRA's application for expansion for testing and certification of products under the NRTL Program.

TABLE 1—PROPOSED APPROPRIATE TEST STANDARDS FOR INCLUSION IN DEKRA'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
UL 60335–1	Safety of Household and Similar Electrical Appliances, Part 1: General Requirements.
UL 60335–2–69*	Household and Similar Electrical Appliances—Safety—Part 2–69: Particular Requirements for Wet and Dry Vacuum Cleaners, including Power Brush, for Commercial Use.
UL 60335–2–72	Household and Similar Electrical Appliances—Safety—Part 2–72: Particular Requirements for Floor Treatment Machines With or Without Traction Drive, for Commercial Use.
UL 60335–2–79*	Household and Similar Electrical Appliances—Safety—Part 2–79: Particular Requirements for High Pressure Cleaners and Steam Cleaners.
UL 60745–1	Hand-Held Motor-Operated Electric Tools—Safety—Part 1: General Requirements.
UL 60745–2–3	Hand-Held Motor-Operated Electric Tools—Safety—Part 2–3: Particular Requirements for Grinders, Polishers and Disk-Type Sanders.
UL 60745–2–6	Hand-Held Motor-Operated Electric Tools—Safety—Part 2–6: Particular Requirements for Hammers.
UL 60745–2–12	Hand-Held Motor-Operated Electric Tools—Safety—Part 2–12: Particular Requirements for Concrete Vibrators.
UL 60745–2–16	Hand-Held Motor-Operated Electric Tools—Safety—Part 2–16: Particular Requirements for Tackers.
UL 60745–2–18	Hand-Held Motor-Operated Electric Tools—Safety—Part 2–18: Particular Requirements for Strapping Tools.
UL 60745–2–19	Hand-Held Motor-Operated Electric Tools—Safety—Part 2–19: Particular Requirements for Jointers.
UL 60745–2–20	Hand-Held Motor-Operated Electric Tools—Safety—Part 2–20: Particular Requirements for Band Saws.
UL 60745–2–22	Hand-Held Motor-Operated Electric Tools—Safety—Part 2–22: Particular Requirements for Cut-Off Machines.
UL 62841–1	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 1: General Requirements.
UL 62841–2–1	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 2–1: Particular Requirements for Hand-Held Drills and Impact Drills.
UL 62841–2–2	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 2–2: Particular Requirements for Hand-Held Screwdrivers and Impact Wrenches.
UL 62841–2–4	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 2–4: Particular Requirements for Hand-Held Sanders and Polishers Other Than Disc Type.
UL 62841–2–5	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 2–5: Particular Requirements for Hand-Held Circular Saws.
UL 62841–2–8	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 2–8: Particular Requirements for Hand-Held Shears and Nibblers.
UL 62841–2–9	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 2–9: Particular Requirements for Hand-Held Tappers and Threaders.
UL 62841–2–10	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Part 2–10: Particular Requirements for Hand-Held Mixers.
UL 62841–2–11	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Part 2–11: Particular Requirements for Hand-Held Reciprocating Saws.
UL 62841–2–14	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 2–14: Particular Requirements for Hand-Held Planers.
UL 62841–2–17	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 2–17: Particular Requirements for Hand-Held Routers.

TABLE 1—PROPOSED APPROPRIATE TEST STANDARDS FOR INCLUSION IN DEKRA'S NRTL SCOPE OF RECOGNITION—Continued

Test standard	Test standard title
UL 62841–2–21	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Part 2–21: Particular Requirements for Hand-Held Drain Cleaners.
UL 62841–3–1	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 3–1: Particular Requirements for Transportable Table Saws.
UL 62841–3–4	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 3–4: Particular Requirements for Transportable Bench Grinders.
UL 62841–3–6	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 3–6: Particular Requirements for Transportable Diamond Drills with Liquid System.
UL 62841–3–9	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 3–9: Particular Requirements for Transportable Mitre Saws.
UL 62841–3–10	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 3–10: Particular Requirements for Transportable Cut-Off Machines.
UL 62841–4–1	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 4–1: Particular Requirements for Chain Saws.
UL 62841–4–2	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 4–2: Particular Requirements for Hedge Trimmers.

* Represents the standards that OSHA proposes to add to the NRTL Program's List of Appropriate Test Standards.

III. Proposal to Add New Test Standards to the NRTL Program's List of Appropriate Test Standards

Periodically, OSHA will propose to add new test standards to the NRTL list of appropriate test standards following an evaluation of the test standard document. To qualify as an appropriate test standard, the agency evaluates the document to (1) verify it represents a product category for which OSHA requires certification by a NRTL, (2) verify the document represents a product and not a component, and (3) verify the document defines safety test specifications (not installation or

operational performance specifications). OSHA becomes aware of new test standards through various avenues. For example, OSHA may become aware of new test standards by: (1) monitoring notifications issued by certain Standards Development Organizations; (2) reviewing applications by NRTLs or applicants seeking recognition to include new test standards in their scopes of recognition; and (3) obtaining notification from manufacturers, manufacturing organizations, government agencies, or other parties. OSHA may determine to include a new test standard in the list, for example, if the test standard is for a particular type

of product that another test standard also covers, or it covers a type of product that no standard previously covered.

In this notice, OSHA proposes to add two new test standards to the NRTL Program's list of appropriate test standards. Table 2, below, lists the test standards that are new to the NRTL Program. OSHA has preliminarily determined that these test standards are appropriate and proposes to include them in the NRTL Program's list of appropriate test standards. OSHA seeks public comment on this preliminary determination.

TABLE 2—STANDARDS OSHA IS PROPOSING TO ADD TO THE NRTL PROGRAM'S LIST OF APPROPRIATE TEST STANDARDS

Test standard	Test standard title
UL 60335–2–69	Household and Similar Electrical Appliances—Safety—Part 2–69: Particular Requirements for Wet and Dry Vacuum Cleaners, including Power Brush, for Commercial Use.
UL 60335–2–79	Household and Similar Electrical Appliances—Safety—Part 2–79: Particular Requirements for High Pressure Cleaners and Steam Cleaners.

IV. Preliminary Findings on the Application

DEKRA submitted an acceptable application for expansion of the scope of recognition. OSHA's review of the application files and pertinent documentation indicates that DEKRA has met the requirements prescribed by 29 CFR 1910.7 for expanding the recognition to include the addition of the thirty-two test standards for NRTL testing and certification listed in Table 1 and one additional test site located at: Enderstrasse 92b, 02177 Dresden, Germany. This preliminary finding does not constitute an interim or temporary approval of DEKRA's application.

OSHA seeks comment on this preliminary determination.

IV. Public Participation

OSHA welcomes public comment as to whether DEKRA meets the requirements of 29 CFR 1910.7 for expansion of recognition as a NRTL. Comments should consist of pertinent written documents and exhibits.

Commenters needing more time to comment must submit a request in writing, stating the reasons for the request by the due date for comments. OSHA will limit any extension to 10 days unless the requester justifies a longer time period. OSHA may deny a

request for an extension if it is not adequately justified.

To review copies of the exhibits identified in this notice, as well as comments submitted to the docket, contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor. These materials also are generally available online at <https://www.regulations.gov> under Docket No. OSHA–2019–0009 (for further information, see the “Docket” heading in the section of this notice titled ADDRESSES).

OSHA staff will review all comments to the docket submitted in a timely manner. After addressing the issues

raised by these comments, staff will make a recommendation to the Assistant Secretary of Labor for Occupational Safety and Health on whether to grant DEKRA's amended application for expansion of the scope of recognition. The Assistant Secretary will make the final decision on granting the application. In making this decision, the Assistant Secretary may undertake other proceedings prescribed in Appendix A to 29 CFR 1910.7.

OSHA will publish a public notice of the final decision in the **Federal Register**.

V. Authority and Signature

Amanda Laihow, Acting Assistant Secretary of Labor for Occupational Safety and Health, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 7–2025 (90 FR 27878, June 30, 2025), and 29 CFR 1910.7.

Signed at Washington, DC, on August 18, 2025.

Amanda Laihow,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2025–16091 Filed 8–21–25; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2006–0042]

CSA Group Testing & Certification Inc.: Application for Expansion of Recognition

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: In this notice, OSHA announces the application of CSA Group & Testing Certification Inc., for expansion of the recognition as a Nationally Recognized Testing Laboratory (NRTL) and presents the agency's preliminary finding to grant the application.

DATES: Submit comments, information, and documents in response to this notice, or requests for an extension of time to make a submission, on or before September 8, 2025.

ADDRESSES: Comments may be submitted as follows:

Electronically: You may submit comments, including attachments, electronically at <http://www.regulations.gov>, the Federal

eRulemaking Portal. Follow the online instructions for submitting comments.

Instructions: All submissions must include the agency's name and the docket number for this rulemaking (Docket No. OSHA–2006–0042). All comments, including any personal information you provide, are placed in the public docket without change and may be made available online at <https://www.regulations.gov>. Therefore, OSHA cautions commenters about submitting information they do not want made available to the public, or submitting materials that contain personal information (either about themselves or others), such as Social Security numbers and birthdates.

Docket: To read or download comments or other material in the docket, go to <http://www.regulations.gov>. Documents in the docket (including this **Federal Register** notice) are listed in the <http://www.regulations.gov> index; however, some information (e.g., copyrighted material) is not publicly available to read or download through the website. All submissions, including copyrighted material, are available for inspection through the OSHA Docket Office. Contact the OSHA Docket Office at (202) 693–2350 (TTY (877) 889–5627) for assistance in locating docket submissions.

Extension of comment period: Submit requests for an extension of the comment period on or before September 8, 2025 to the Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Room N–3653, Washington, DC 20210, or by fax to (202) 693–1644.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, phone: (202) 693–1999 or email: meilinger.francis2@dol.gov.

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, phone: (202) 693–1911 or email: robinson.kevin@dol.gov.

SUPPLEMENTARY INFORMATION:

I. Notice of the Application for Expansion

OSHA is providing notice that CSA Group Testing & Certification Inc. (CSA), is applying for expansion of the current recognition as a NRTL. CSA requests the addition of eight test standards to the NRTL scope of recognition.

OSHA recognition of a NRTL signifies that the organization meets the requirements specified in 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within the scope of recognition. Each NRTL's scope of recognition includes: (1) the type of products the NRTL may test, with each type specified by the applicable test standard; and (2) the recognized site(s) that has/have the technical capability to perform the product-testing and product-certification activities for test standards within the NRTL's scope. Recognition is not a delegation or grant of government authority; however, recognition enables employers to use products approved by the NRTL to meet OSHA standards that require product testing and certification.

The agency processes applications by a NRTL for initial recognition and for an expansion or renewal of this recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides a preliminary finding. In the second notice, the agency provides a final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL, including CSA, which details the NRTL's scope of recognition. These pages are available from the OSHA website at <http://www.osha.gov/dts/otpc/nrtl/index.html>.

II. General Background on the Application

CSA submitted an application to OSHA for expansion of the NRTL scope of recognition on June 30, 2022 (OSHA–2006–0042–0053), requested the addition of eight standards to the NRTL scope of recognition. OSHA staff performed a detailed analysis of the application packet and reviewed other pertinent information. OSHA did not perform an on-site review in response to this application. OSHA staff has preliminarily determined that OSHA

should grant the application for test standard expansion.

Table 1, below, lists the appropriate test standards found in CSA's application for expansion for testing and

certification of products under the NRTL Program.

TABLE 1—PROPOSED APPROPRIATE TEST STANDARDS FOR INCLUSION IN CSA'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
UL 62841–2–1	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 2–1: Particular Requirements for Hand-Held Drills and Impact Drills.
UL 62841–2–3	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 2–3: Particular Requirements for Hand-Held Grinders, Disc-Type Polishers and Disc-Type Sanders.
UL 62841–2–10	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 2–10: Particular Requirements for Hand-Held Mixers.
UL 62841–2–17	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 2–17: Particular Requirements for Hand-Held Routers.
UL 62841–3–13	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 3–13: Particular Requirements for Transportable Drills.
UL 62841–4–1	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 4–1: Particular Requirements for Chain Saws.
UL 62841–4–2	Electric Motor-Operated Hand-Held Tools, Transportable Tools and Lawn and Garden Machinery—Safety—Part 4–2: Particular Requirements for Hedge Trimmers.
UL 2580	Batteries for Use in Electric Vehicles.

III. Preliminary Findings on the Application

CSA submitted an acceptable application for expansion of the scope of recognition. OSHA's review of the application files and pertinent documentation indicates that CSA has met the requirements prescribed by 29 CFR 1910.7 for expanding the recognition to include the addition of the eight test standards for NRTL testing and certification listed in Table 1. This preliminary finding does not constitute an interim or temporary approval of CSA's application.

OSHA seeks comment on this preliminary determination.

IV. Public Participation

OSHA welcomes public comment as to whether CSA meets the requirements of 29 CFR 1910.7 for expansion of recognition as a NRTL. Comments should consist of pertinent written documents and exhibits.

Commenters needing more time to comment must submit a request in writing, stating the reasons for the request by the due date for comments. OSHA will limit any extension to 10 days unless the requester justifies a longer time period. OSHA may deny a request for an extension if it is not adequately justified.

To receive copies of the exhibits identified in this notice, as well as comments submitted to the docket, contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor. These materials also are generally available online at <https://www.regulations.gov> under Docket No. OSHA–2006–0042 (for further information, see the “Docket”

heading in the section of this notice titled **ADDRESSES**).

OSHA staff will review all comments to the docket submitted in a timely manner. After addressing the issues raised by these comments, staff will make a recommendation to the Assistant Secretary of Labor for Occupational Safety and Health on whether to grant CSA's application for expansion of the scope of recognition. The Assistant Secretary will make the final decision on granting the application. In making this decision, the Assistant Secretary may undertake other proceedings prescribed in Appendix A to 29 CFR 1910.7.

OSHA will publish a public notice of the final decision in the **Federal Register**.

V. Authority and Signature

Amanda Laihow, Acting Assistant Secretary of Labor for Occupational Safety and Health, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 7–2025 (90 FR 27878, June 30, 2025), and 29 CFR 1910.7.

Signed at Washington, DC, on August 18, 2025.

Amanda Laihow,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2025–16092 Filed 8–21–25; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2010–0046]

QPS Evaluation Services, Inc.: Grant of Expansion of Recognition

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: In this notice, OSHA announces the final decision to expand the scope of recognition for QPS Evaluation Services, Inc. as a Nationally Recognized Testing Laboratory (NRTL).

DATES: The expansion of the scope of recognition becomes effective on August 22, 2025.

FOR FURTHER INFORMATION CONTACT:

Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor; telephone (202) 693–1999 or email meilinger.francis2@dol.gov.

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor; telephone (202) 693–1911 or email robinson.kevin@dol.gov.

SUPPLEMENTARY INFORMATION:

I. Notice of Final Decision

OSHA hereby gives notice of the expansion of the scope of recognition of QPS Evaluation Services, Inc. (QPS) as a NRTL. QPS's expansion covers the

addition of one test standard to the NRTL scope of recognition.

OSHA’s recognition of a NRTL signifies that the organization meets the requirements specified in 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within the scope of recognition. Each NRTL’s scope of recognition includes: (1) the type of products the NRTL may test, with each type specified by the applicable test standard; and (2) the recognized site(s) that has/have the technical capability to perform the product-testing and product-certification activities for test standards within the NRTL’s scope. Recognition is not a delegation or grant of government authority; however, recognition enables employers to use products approved by the NRTL to meet OSHA standards that require product testing and certification.

The agency processes applications by a NRTL for initial recognition and for an expansion or renewal of this recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides a preliminary finding. In the second notice, the agency provides a final decision on the application. These notices set forth the NRTL’s scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL, including QPS which details the NRTL’s scope of recognition. These pages are available from the OSHA website at <https://www.osha.gov/dts/otpca/nrtl/index.html>.

QPS submitted an application to OSHA for expansion of the NRTL scope of recognition on February 2, 2024 (OSHA–2010–0046–0024), requesting the addition of one standard to the NRTL scope of recognition. OSHA staff performed a detailed analysis of the application packet and reviewed other pertinent information. OSHA did not perform an on-site review related to this application.

OSHA published the preliminary notice announcing QPS’s expansion application in the **Federal Register** on June 26, 2025 (90 FR 27346). The agency requested comments by July 11, 2025, and one anonymous comment was received in response to this notice. In the comment located in the docket at (OSHA–2010–0046–0025), the commenter stated that “[t]he QPS should not be considered as part of an OSHA action plan for a potential conflict of interest. This would be a

violation of OSHA regulations for the purposes of the contract in question. OSHA does not participate in rule enforcement and does not have the authority to justify the recognition requested.” NRTL Program staff reviewed this comment and determined that it lacks the detail and clarity that would allow OSHA to provide a meaningful response.

To obtain or review copies of all public documents pertaining to the QPS’s application, go to <https://www.regulations.gov> or contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor. Docket No. OSHA–2010–0046 contains all materials in the record concerning QPS’s recognition. Contact the OSHA Docket Office at (202) 693–2350 (TTY (877) 889–5627) for assistance in locating docket submissions.

II. Final Decision and Order

OSHA staff examined QPS’s expansion application, its capability to meet the requirements of the test standard, and other pertinent information. Based on its review of this evidence, OSHA finds that QPS meets the requirements of 29 CFR 1910.7 for expansion of its recognition, subject to the limitations and conditions listed in this notice. OSHA, therefore, is proceeding with this final notice to grant QPS’s application for an expansion of the scope of recognition. OSHA limits the expansion of QPS’s recognition to testing and certification of products for demonstration of conformance to the test standard listed below in Table 1.

TABLE 1—APPROPRIATE TEST STANDARD FOR INCLUSION IN QPS’S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
UL 347A	Medium Voltage Power Conversion Equipment.

OSHA’s recognition of any NRTL for a particular test standard is limited to equipment or materials for which OSHA standards require third-party testing and certification before using them in the workplace. Consequently, if a test standard also covers any products for which OSHA does not require such testing and certification, a NRTL’s scope of recognition does not include these products.

The American National Standards Institute (ANSI) may approve the test standard listed above as an American National Standard. However, for convenience, we may use the

designation of the standards-developing organization for the standard as opposed to the ANSI designation. Under the NRTL Program’s policy (see OSHA Instruction CPL 01–00–004, Chapter 2, Section VIII), any NRTL recognized for a particular test standard may use either the proprietary version of the test standard or the ANSI version of that standard. Contact ANSI to determine whether a test standard is currently ANSI-approved.

A. Conditions

In addition to those conditions already required by 29 CFR 1910.7, QPS must abide by the following conditions of the recognition:

1. QPS must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major change in its operations as a NRTL, and provide details of the change(s);
 2. QPS must meet all the terms of its recognition and comply with all OSHA policies pertaining to this recognition; and
 3. QPS must continue to meet the requirements for recognition, including all previously published conditions on QPS’s scope of recognition, in all areas for which it has recognition.
- Pursuant to the authority in 29 CFR 1910.7, OSHA hereby expands the scope of recognition of QPS as a NRTL, subject to the limitations and conditions specified above.

III. Authority and Signature

Amanda Laihow, Acting Assistant Secretary of Labor for Occupational Safety and Health, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor’s Order No. 7–2027 (90 FR 27878; June 30, 2025), and 29 CFR 1910.7.

Signed at Washington, DC, on August 18, 2025.

Amanda Laihow,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2025–16093 Filed 8–21–25; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2007–0039]

Intertek Testing Services NA, Inc.: Grant of Expansion of Recognition

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: In this notice, OSHA announces the final decision to expand the scope of recognition of Intertek Testing Services NA, Inc. as a Nationally Recognized Testing Laboratory (NRTL).

DATES: The expansion of the scope of recognition becomes effective on August 22, 2025.

FOR FURTHER INFORMATION CONTACT:

Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor, telephone: (202) 693-1999; email: meilinger.francis@dol.gov.

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, phone: (202) 693-2300 or email: robinson.kevin@dol.gov.

SUPPLEMENTARY INFORMATION:**I. Notice of Final Decision**

OSHA hereby gives notice of the expansion of the scope of recognition for Intertek Testing Services NA, Inc. (ITSNA), as a NRTL. ITSNA's expansion covers the addition of one test standard to the NRTL scope of recognition.

OSHA recognition of a NRTL signifies that the organization meets the requirements specified in 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within the scope of recognition. Each NRTL's scope of recognition includes: (1) the type of products the NRTL may test, with each type specified by the applicable test standard; and (2) the recognized site(s) that has/have the technical capability to perform the product-testing and product-certification activities for test standards within the NRTL's scope. Recognition is not a delegation or grant of government authority; however, recognition enables employers to use products approved by the NRTL to meet OSHA standards that require product testing and certification.

The agency processes applications by a NRTL for initial recognition and for an expansion or renewal of this recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the

application and provides a preliminary finding. In the second notice, the agency provides a final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL, including ITSNA, which details the NRTL's scope of recognition. These pages are available from the OSHA website at <http://www.osha.gov/dts/otpc/nrtl/index.html>.

ITSNA submitted an application dated February 15, 2021 (OSHA-2007-0039-0063), requesting the addition of one test standard to the NRTL scope of recognition. OSHA staff performed a detailed analysis of the application packet and reviewed other pertinent information. OSHA performed an on-site review of ITSNA's Cortland, New York facility on April 14-16, 2024, where assessors found nonconformances with 29 CFR 1910.7. ITSNA addressed these issues sufficiently.

OSHA published the preliminary notice announcing ITSNA's expansion application in the **Federal Register** on June 26, 2025 (90 FR 27344). The agency requested comments by July 11, 2025, and three anonymous comments were received in response. Two commenters ((OSHA-2007-0039-0067) and (OSHA-2007-0039-0068)) questioned how Intertek could issue NRTL certifications and conduct field evaluations to UL 9540 when UL 9540 was not yet within ITSNA's scope of NRTL recognition, and attached to their comments a product description for Energy Storage Systems and Equipment indicating that "a representative sample of the device(s) have been tested, investigated and found to comply with the requirements of the Standard(s) for energy storage systems and equipment (ANSI/CAN/UL 9540) and are identified with the cETL and/or ETL Listed Mark." One commenter (OSHA-2007-0039-0066) stated that Intertek had listed 113 NRTL certificates without having the proper accreditation and attached to their comment an ITSNA certification directory indicating ITSNA had certified a number of products to ANSI/CAN/UL 9540, and several other test standards.

The agency reviewed the documentary evidence submitted by the commenters and also addressed the commenters' allegations directly with ITSNA. ITSNA advised OSHA that it has not included references to the NRTL Program in their quotes or Authorizations to mark UL 9540 certifications. ITSNA also provided copies of example UL 9540 certifications, which do not reference "NRTL." NRTL certifications note

"NRTL" on the authorization to mark. OSHA concludes based on its review that the ITSNA certifications to which the commenters objected were not NRTL certifications, and ITSNA did not misrepresent its scope of recognition as an NRTL. As such, no further action will be taken by the agency with respect to the commenters' allegations.

To obtain or review copies of all public documents pertaining to the ITSNA expansion application, go to www.regulations.gov or contact the Docket Office at (202) 693-2350 (TTY (877) 889-5627). Docket No. OSHA-2007-0039 contains all materials in the record containing ITSNA's recognition.

II. Final Decision and Order

OSHA staff examined ITSNA's expansion application and examined other pertinent information. Based on review of this evidence, OSHA finds that ITSNA meets the requirements of 29 CFR 1910.7 for expansion of recognition, subject to the specified limitations and conditions listed in this notice. OSHA, therefore, is proceeding with this final notice to grant ITSNA's scope of recognition. OSHA limits the expansion of ITSNA's recognition to testing and certification of products for demonstration of conformance to the test standard listed below in Table 1.

TABLE 1—APPROPRIATE TEST STANDARD FOR INCLUSION IN ITSNA'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
UL 9540	Energy Storage Systems and Equipment.

OSHA's recognition of any NRTL for a particular test standard is limited to equipment or materials for which OSHA standards require third-party testing and certification before using them in the workplace. Consequently, if a test standard also covers any products for which OSHA does not require such testing and certification, a NRTL's scope of recognition does not include these products.

A. Conditions

Recognition is contingent on continued compliance with 29 CFR 1910.7, including, but not limited to, abiding by the following conditions of the recognition:

1. ITSNA must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major change in its operations as a NRTL, and provide details of the change(s);

2. ITSNA must meet all the terms of its recognition and comply with all OSHA policies pertaining to this recognition; and

3. ITSNA must continue to meet the requirements for recognition, including all previously published conditions on ITSNA's scope of recognition, in all areas for which it has recognition.

Pursuant to the authority in 29 CFR 1910.7, OSHA hereby expands the scope of recognition of ITSNA as a NRTL, subject to the limitations and conditions specified above.

III. Authority and Signature

Amanda Laihow, Acting Assistant Secretary of Labor for Occupational Safety and Health, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 7–2027 (90 FR 27878; June 30, 2025), and 29 CFR 1910.7.

Signed at Washington, DC, on August 18, 2025.

Amanda Laihow,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2025–16094 Filed 8–21–25; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 25–029]

Performance Review Board, Senior Executive Service (SES)

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of membership of SES Performance Review Board.

SUMMARY: The Civil Service Reform Act of 1978, Public Law 95–454 (Section 405) requires that appointments of individual members to the Performance Review Board (PRB) be published in the *Federal Register*.

The performance review function for the SES in NASA is being performed by the NASA PRB. The following individuals are serving on the Board:

Performance Review Board

Chairperson, Associate Administrator
Deputy Chief of Staff
Deputy Associate Administrator
Chief Human Capital Officer
Chief of Safety and Mission Assurance
Director, Ames Research Center

Nanette Smith,

Federal Register Liaison Officer.

[FR Doc. 2025–16074 Filed 8–21–25; 8:45 am]

BILLING CODE 7510–13–P

NUCLEAR REGULATORY COMMISSION

[NRC–2025–0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of August 25, and September 1, 8, 15, 22, 29, 2025. The schedule for Commission meetings is subject to change on short notice. The NRC Commission Meeting Schedule can be found on the internet at: <https://www.nrc.gov/public-involve/public-meetings/schedule.html>.

PLACE: The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings or need this meeting notice or the transcript or other information from the public meetings in another format (e.g., Braille, large print), please notify Anne Silk, NRC Disability Program Specialist, at 301–287–0745, by videophone at 240–428–3217, or by email at Anne.Silk@nrc.gov. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

STATUS: Public and closed.

Members of the public may request to receive the information in these notices electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555, at 301–415–1969, or by email at Betty.Thweatt@nrc.gov or Samantha.Miklaszewski@nrc.gov.

MATTERS TO BE CONSIDERED:

Week of August 25, 2025

There are no meetings scheduled for the week of August 25, 2025.

Week of September 1, 2025—Tentative

There are no meetings scheduled for the week of September 1, 2025.

Week of September 8, 2025—Tentative

Tuesday, September 9, 2025

10:00 a.m. All Employees Meeting
(Public Meeting); (Contact: Wesley Held: 301–287–3591)

Additional Information: The meeting will be held in the TWFN Auditorium, 11545 Rockville Pike, Rockville, Maryland. The public is invited to attend the Commission's meeting in person or watch live via webcast at the Web address—<https://video.nrc.gov/>.

Thursday, September 11, 2025

10:00 a.m. Briefing on NRC
International Activities (Closed Ex.
1 and 9)

Week of September 15, 2025—Tentative

There are no meetings scheduled for the week of September 15, 2025.

Week of September 22, 2025—Tentative

There are no meetings scheduled for the week of September 22, 2025.

Week of September 29, 2025—Tentative

There are no meetings scheduled for the week of September 29, 2025.

CONTACT PERSON FOR MORE INFORMATION:

For more information or to verify the status of meetings, contact Wesley Held at 301–287–3591 or via email at Wesley.Held@nrc.gov.

The NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated: August 20, 2025.

For the Nuclear Regulatory Commission.

Yanely Malave Velez,

Technical Coordinator, Office of the Secretary.

[FR Doc. 2025–16144 Filed 8–20–25; 4:15 pm]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2025–1622 and K2025–1614; MC2025–1623 and K2025–1615; MC2025–1624 and K2025–1616; MC2025–1625 and K2025–1617]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* August 26, 2025.

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

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

SUPPLEMENTARY INFORMATION:

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

I. Introduction

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

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (<http://www.prc.gov>). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.¹

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

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

Section III identifies the docket number(s) associated with each Postal Service request, if any, to add a standardized distinct product to the Competitive product list or to amend a standardized distinct product, the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. Standardized distinct products are negotiated service agreements that are variations of one or more Competitive

products, and for which financial models, minimum rates, and classification criteria have undergone advance Commission review. See 39 CFR 3041.110(n); 39 CFR 3041.205(a). Such requests are reviewed in summary proceedings pursuant to 39 CFR 3041.325(c)(2) and 39 CFR 3041.505(f)(1). Pursuant to 39 CFR 3041.405(c)–(d), the Commission does not appoint a Public Representative or request public comment in proceedings to review such requests.

II. Public Proceeding(s)

1. *Docket No(s)*: MC2025–1622 and K2025–1614; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1400 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: August 18, 2025; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Almaroof Agoro; *Comments Due*: August 26, 2025.

2. *Docket No(s)*: MC2025–1623 and K2025–1615; *Filing Title*: USPS Request to Add Priority Mail & USPS Ground Advantage Contract 816 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: August 18, 2025; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Almaroof Agoro; *Comments Due*: August 26, 2025.

3. *Docket No(s)*: MC2025–1624 and K2025–1616; *Filing Title*: USPS Request to Add Priority Mail & USPS Ground Advantage Contract 817 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: August 18, 2025; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Samuel Robinson; *Comments Due*: August 26, 2025.

4. *Docket No(s)*: MC2025–1625 and K2025–1617; *Filing Title*: USPS Request to Add Priority Mail & USPS Ground Advantage Contract 818 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: August 18, 2025; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Christopher Mohr; *Comments Due*: August 26, 2025.

III. Summary Proceeding(s)

None. See Section II for public proceedings.

This Notice will be published in the **Federal Register**.

Erica A. Barker,
Secretary.

[FR Doc. 2025–16049 Filed 8–21–25; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2024–563; K2025–306; MC2025–1626 and K2025–1618; MC2025–1627 and K2025–1619; MC2025–1628 and K2025–1620; MC2025–1629 and K2025–1621]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* August 27, 2025.

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

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

SUPPLEMENTARY INFORMATION:

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I. Introduction

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

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (<http://www.prc.gov>). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance

¹ See Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

with the requirements of 39 CFR 3011.301.¹

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

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

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

II. Public Proceeding(s)

1. *Docket No(s):* CP2024–563; *Filing Title:* USPS Request Concerning Amendment One to Priority Mail

Express, Priority Mail & USPS Ground Advantage Contract 250, with Materials Filed Under Seal; *Filing Acceptance Date:* August 19, 2025; *Filing Authority:* 39 CFR 3035.105 and 39 CFR 3041.505; *Public Representative:* Arif Hafiz; *Comments Due:* August 27, 2025.

2. *Docket No(s):* K2025–306; *Filing Title:* USPS Request Concerning Amendment One to Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 650 and Material Under Seal; *Filing Acceptance Date:* August 19, 2025; *Filing Authority:* 39 CFR 3035.105 and 39 CFR 3041.505; *Public Representative:* Almaroof Agoro; *Comments Due:* August 27, 2025.

3. *Docket No(s):* MC2025–1626 and K2025–1618; *Filing Title:* USPS Request to Add Priority Mail & USPS Ground Advantage Contract 819 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* August 19, 2025; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Elsie Lee-Robbins; *Comments Due:* August 27, 2025.

4. *Docket No(s):* MC2025–1627 and K2025–1619; *Filing Title:* USPS Request to Add Priority Mail & USPS Ground Advantage Contract 820 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* August 19, 2025; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Evan Wise; *Comments Due:* August 27, 2025.

5. *Docket No(s):* MC2025–1628 and K2025–1620; *Filing Title:* USPS Request to Add Priority Mail & USPS Ground Advantage Contract 821 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* August 19, 2025; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Kenneth Moeller; *Comments Due:* August 27, 2025.

6. *Docket No(s):* MC2025–1629 and K2025–1621; *Filing Title:* USPS Request to Add Priority Mail Contract 919 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* August 19, 2025; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Maxine Bradley; *Comments Due:* August 27, 2025.

III. Summary Proceedings(s)

None. See Section II for public proceedings.

This Notice will be published in the **Federal Register**.

Erica A. Barker,
Secretary.

[FR Doc. 2025–16150 Filed 8–21–25; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103743; File No. SR–CboeBZX–2025–114]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing of a Proposed Rule Change To Amend the Rule Governing the VanEck Ethereum ETF To Permit Staking of Ether under Rule 14.11(e)(4) Commodity-Based Trust Shares

August 19, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the “Act”),¹ and Rule 19b–4 thereunder,² notice is hereby given that on August 6, 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 substantially prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BZX Exchange, Inc. (“BZX” or the “Exchange”) is filing with the Securities and Exchange Commission (“Commission” or “SEC”) a proposed rule change to amend the rule governing the VanEck Ethereum ETF (the “Trust”), shares (the “Shares”) of which have been approved by the Commission to list and trade on the Exchange pursuant to BZX Rule 14.11(e)(4), to permit staking of ether held by the Trust.

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/), 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

¹ See Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

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 Commission approved the Exchange's proposal to list and trade shares (the "Shares") of the Trust on the Exchange pursuant to Exchange Rule 14.11(e)(4), Commodity-Based Trust Shares, on May 23, 2024.³ Exchange Rule 14.11(e)(4) governs the listing and trading of Commodity-Based Trust Shares, which means a security (a) that is issued by a trust that holds (1) a specified commodity deposited with the trust, or (2) a specified commodity and, in addition to such specified commodity, cash; (b) that is issued by such trust in a specified aggregate minimum number in return for a deposit of a quantity of the underlying commodity and/or cash; and (c) that, when aggregated in the same specified minimum number, may be redeemed at a holder's request by such trust which will deliver to the redeeming holder the quantity of the underlying commodity and/or cash. The Shares are issued by the Trust, which was formed as a Delaware statutory trust on June 22, 2021.

Based on discussions with the Sponsor, the Exchange proposes to amend several portions of the ETH ETP Amendment No. 2, as amended, in order to allow the staking of ether held by the Trust.⁴ In particular, the Exchange proposes to adopt the below "Staking" section following the "The Custodian" section⁵ and before the "Creation and

Redemption of Shares" section of the ETH ETP Amendment No. 2:

Staking

The Sponsor may stake, or cause to be staked, all or a portion of the Trust's ether through one or more trusted staking providers ("Staking Providers"). In consideration for any staking activity in which the Trust may engage, the Trust would receive all or a portion of the staking rewards generated by the Staking Provider, which may be treated as income to the Trust.

The Staking Process

On September 15, 2022, the Ethereum network upgraded from proof-of-work to a proof-of-stake consensus mechanism in a transition commonly referred to as "the Merge". Proof-of-stake was intended to address the perceived shortcomings of the proof-of-work related to energy usage and duplicative computational effort expended by network contributors (known under proof-of-work as "miners" and under proof-of-stake as "validators"). In a proof-of-work mechanism, miners compete to be the first to solve the cryptographic puzzle. The winner then becomes the only miner permitted to process the block and, in turn, the one to receive the respective rewards. Miners who are not first in time (and thus are not permitted to process the next block) will have effectively expended significant labor and computing power for no gain. Under a proof-of-stake mechanism, several validators can be involved in the processing of a block. One validator may be selected to propose a block while other validators verify the content of that block. The corresponding rewards vary per role performed. Additionally, validators do not compete based on computational power like miners do. Instead, the amount of capital each validator has committed, in the form of the blockchain's native currency, is what contributes to the selection. This proof-of-stake system reduces the computational work performed—and energy expended—to validate each block compared to proof-of-work.

Under proof-of-stake, validators staking a minimum of 32 ether are randomly selected by an Ethereum Network algorithm to process transactions. Entities running multiple validator nodes will therefore experience an increased likelihood of any one of their validators being selected based on their share of validators compared to the total active validators on the network. Any malicious activity, such as double signing, disagreeing with the eventual consensus or otherwise violating protocol rules, results in the forfeiture or "slashing" of a portion of the staked ether.

To operate a node on the Ethereum blockchain, a validator must acquire and lock at least 32 ether by sending a deposit transaction to the staking contract. This transaction associates the staked ether with a withdrawal address (to unlock the ether and receive any staking rewards) and a validator address (to designate the validator node performing transaction verification).

Staking by the Sponsor on Behalf of the Trust

The Sponsor may stake, or cause to be staked, all or a portion of the Trust's ether on behalf of the Trust through one or more Staking Providers. The Sponsor expects to maintain sufficient liquidity in the Trust to satisfy redemptions and current liabilities. Any ether staked by the Sponsor on behalf of the Trust will consist exclusively of ether owned by the Trust. The Sponsor's staking activities on behalf of the Trust will be consistent with the May 29, 2025 statement issued by the Division of Corporation Finance's statement, entitled "Certain Protocol Staking Activities"⁶ and will not constitute activities that the SEC has alleged to involve securities offerings in violation of Section 5 of the Securities Act of 1933 (the "Securities Act").⁷

⁶ See Division of Corporation Finance, Statement on Certain Protocol Staking Activities (May 29, 2025), available at <https://www.sec.gov/newsroom/speeches-statements/statement-certain-protocol-stakingactivities-052925> [sic].

⁷ See SEC v. Payward Ventures, Inc. and Payward Trading, Ltd., (Complaint filed February 9, 2023) available at <https://www.sec.gov/files/litigation/complaints/2023/comp-pr2023-25.pdf>. (In February 2023, the SEC charged and entered into a settlement order with Payward Ventures, Inc. and Payward Trading Ltd., both commonly known as Kraken, regarding Kraken's alleged failure to register the offer and sale of their crypto asset staking as a service program, whereby investors transfer crypto assets to Kraken for staking in exchange for advertised annual investment returns of as much as 21 percent. According to the SEC's complaint, since 2019, Kraken has offered and sold its crypto asset "staking services" to the general public, whereby Kraken pools certain crypto assets transferred by investors and stakes them on behalf of those investors. According to the SEC, investors would lock up—or "stake"—their crypto tokens with Kraken with the goal of being rewarded with new tokens when their staked crypto tokens become part of the process for validating data for the blockchain. The complaint alleged that Kraken touted that its staking investment program offered an easy-to-use platform and benefits that derived from Kraken's efforts on behalf of investors, including Kraken's strategies to obtain regular investment returns and payouts.) See also SEC v. Binance Holdings Limited, et al., (Complaint filed June 5, 2023) available at <https://www.sec.gov/files/litigation/complaints/2023/comp-pr2023-101.pdf>. (On June 5, 2023, the SEC filed a complaint charging Binance Holdings Ltd. and certain of its affiliates with a variety of securities law violations, including operating a "staking as a service" program. The SEC's complaint alleges, among other things, that BAM Trading violated Sections 5(a) and 5(c) of the Securities Act by offering and selling its staking program without a registration statement, and that BAM Trading's Staking Program was promoted "as a superior and much easier way to obtain staking rewards by, among other things, pooling the crypto assets of a large number of investors.") See also SEC v. Coinbase, Inc. and Coinbase Global (Complaint filed June 6, 2023) available at <https://www.sec.gov/files/litigation/complaints/2023/comp-pr2023-102.pdf>. (On June 6, 2023, the SEC filed a complaint against Coinbase, Inc. and Coinbase Global in federal district court in the Southern District of New York, alleging, inter alia that Coinbase Inc. violated the Securities Act by failing to register with the SEC the offer and sale of its staking program. The SEC's complaint alleges that through the Coinbase staking program, investors' crypto assets are transferred to and pooled by Coinbase

³ See Securities Exchange Act Release Nos. 100214 (May 22, 2024) 89 FR 46462 (May 29, 2024) (SR-CboeBZX-2023-069) (Notice of Filing of Amendment No. 2 to a Proposed Rule Change to List and Trade Shares of the VanEck Ethereum Trust Under BZX Rule 14.11(e)(4), Commodity-Based Trust Shares) ("ETH ETP Amendment No. 2"); 100224 (May 23, 2024) 89 FR 46937 (May 30, 2024) (SR-CboeBZX-2023-069) (Order Granting Accelerated Approval of Proposed Rule Changes, as Modified by Amendments Thereto, to List and Trade Shares of Ether-Based Exchange-Traded Products) (the "ETH ETP Approval Order").

⁴ The Exchange has also filed a separate proposed rule change to amend portions of the ETH ETP Amendment No. 2 in order to allow for in-kind creation and redemptions. See Securities Exchange Act Release No. 102500 (February 19, 2025) 90 FR 11336 (March 5, 2025) (SR-CboeBZX-2025-031).

⁵ See ETH ETP Amendment No. 2 at 46471.

First, the Sponsor will only stake, or cause to be staked, ether held by the Trust. The Sponsor will not seek to pool ether held by the Trust with ether held by other entities in order to stake its assets in a node. Second, the Sponsor will not advertise itself as providing any staking services generally, or promise or promote any specific level of return from staking, or solicit delegated stakes from entities other than the Trust. Third, the Sponsor will stake, or cause to be staked, the Trust's ether solely in order to preserve the assets of the Trust by contributing to the security of the network and to generate returns for the Trust's shareholders. Fourth, the Sponsor will not bear or subsidize the risk of slashing or forks on behalf of the Trust.

Staking by the Sponsor will not result in ether held by the Trust moving out of the control of the Custodian. The staking contract can only release ether, either remaining principal or rewards, to the withdrawal address specified when the validator is created. The private keys associated with this withdrawal address are controlled by the Custodian. Additionally, the Sponsor will engage with Staking Provider(s) to execute software and hardware necessary for a live validator to perform its duties. Even if the validators are unable to perform these duties due to complete failure or disruption of the hardware, the Custodian is able to retrieve ether from the associated validators.

Except for the above changes, all other representations in the ETH ETP Amendment No. 2, as amended, remain unchanged and will continue to constitute continuing listing requirements. In addition, the Trust will continue to comply with the terms of the ETH ETP Amendment No. 2, as amended, and the requirements of Rule 14.11(e)(4).

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.⁸ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)⁹ 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.

The Exchange believes the proposed rule change is designed to remove impediments to and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest because it would allow the Trust to stake its ether on behalf of its investors. The Ethereum network allows for staking of its native asset, ether, and permits validators who successfully stake ether to receive block rewards. The net beneficiaries are not only validators, or those on behalf of whom they stake ether, but also the Ethereum blockchain itself which grows and is progressively made more secure through the validation of transactions. Staking permits validators to contribute to network security and functionality. Validators are compensated for fulfilling this important role through block rewards.

Allowing the Trust to stake its ether would benefit investors and help the Trust to better track the returns associated with holding ether. This would improve the creation and redemption process for both authorized participants and the Trust, increase efficiency, and ultimately benefit the end investors in the Trust.

Except for the addition of staking of the Trust's ether and the changes discussed herein, all other representations made in the ETH ETP Amendment No. 2, as amended, remain unchanged and will continue to constitute continuing listing requirements for the Trust.

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. As noted above, the proposed amendment is intended to benefit investors and allow the Trust to better track the returns associated with holding ether. The Exchange believes these changes will not impose any burden on competition.

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

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

- A. by order approve or disapprove such proposed rule change, or
- B. institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-CboeBZX-2025-114 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-2025-114. 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-2025-114 and should be submitted on or before September 12, 2025.

(segregated by asset), and subsequently "staked" (or committed) by Coinbase in exchange for rewards, which Coinbase distributes pro rata to investors after paying itself a 25-35% commission. The SEC also alleges that investors understand that Coinbase will expend efforts and leverage its experience and expertise to generate returns. On February 27, 2025, the SEC filed to dismiss its lawsuit.)

⁸ 15 U.S.C. 78f(b).

⁹ 15 U.S.C. 78f(b)(5).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁰

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–16072 Filed 8–21–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103740; File No. SR–NYSEARCA–2025–60]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change To Amend Rule 7.35–E

August 19, 2025.

Pursuant to Section 19(b)(1)¹ of the Securities Exchange Act of 1934 (“Act”)² and Rule 19b–4 thereunder,³ notice is hereby given that, on August 15, 2025, NYSE Arca, Inc. (“NYSE Arca” or the “Exchange”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 7.35–E (Auctions) regarding the calculation of the Auction Reference Price. The proposed rule change is available on the Exchange’s website at www.nyse.com and at the principal office of the Exchange.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 7.35–E (Auctions), which describes how the Exchange conducts auctions, to enhance reference price calculations for the Core Open Auction, Trading Halt Auction, and Closing Auction. The proposed change would reflect an augmented calculation of the Auction Reference Price, as defined in Rule 7.35–E(a)(8)(A), that more accurately reflects price movements in a dynamic market environment, thereby promoting greater transparency in the auction process and the Exchange’s marketplace.

The Auction Reference Price is a price used in determining the Indicative Match Price⁴ for an auction. For example, as provided in Rule 7.35–E(a)(8)(A), if there are two or more prices at which the maximum volume of shares is tradable, the Indicative Match Price will be the price closest to the Auction Reference Price, provided that the Indicative Match Price will not be lower (higher) than the price of an order to buy (sell) ranked Priority 2—Display Orders that was eligible to participate in the applicable auction.

Rule 7.35–E(a)(8)(A) currently defines the Auction Reference Price for the Core Open Auction as the midpoint of the Auction NBBO or, if the Auction NBBO is locked, the locked price. If there is no Auction NBBO, the Auction Reference Price would be the prior trading day’s Official Closing Price. The Auction Reference Price for the Closing Auction is defined as the last consolidated round-lot price of that trading day and, if none, the prior trading day’s Official Closing Price. The Auction Reference Price for a Trading Halt Auction is defined as the last consolidated round-lot price of that trading day and, if none, the prior trading day’s Official Closing Price (except as provided for in Rule 7.35–E(e)(7)(A)).

The Exchange proposes to amend Rule 7.35–E(a)(8)(A) regarding the calculation of the Auction Reference Price for the Core Open Auction to reflect a cascading calculation that would consider, in addition to the benchmarks currently reflected in the rule, the price of the last consolidated trade of at least one round lot of that trading day. The Exchange notes that

this proposed change would promote consistency with the Auction Reference Price calculation for the Closing Auction and Trading Halt Auction.⁵ As proposed, the Auction Reference Price for the Core Open Auction would be defined as:

- The price of the last consolidated trade of at least one round lot of that trading day, or
- If there were no such trades, the midpoint of the Auction NBBO, or
- If the Auction NBBO is locked, the locked price, or
- If there is no Auction NBBO, the prior trading day’s Official Closing Price for the initial calculation of the Auction Reference Price, and for each subsequent calculation of the Auction Reference Price, the most recently calculated Auction Reference Price.

With the addition of the price of the last consolidated trade of at least one round lot of that trading day as a benchmark for calculating the Auction Reference Price for the Core Open Auction, the Exchange proposes to distinguish between the initial calculation of the Auction Reference Price for the Core Open Auction and subsequent calculations pursuant to the cascading calculation, in the event that there is no Auction NBBO. For the initial calculation, the Exchange proposes that, if there is no Auction NBBO, the Auction Reference Price would, as currently, be the prior trading day’s Official Closing Price. However, for subsequent calculations of the Auction Reference Price when there is no Auction NBBO, the Exchange proposes that the Auction Reference Price would instead be the most recent Auction Reference Price, which the Exchange believes would provide a more recent reference price for the auction. In addition, the Exchange proposes to specify that each Auction Reference Price calculation would be based on an evaluation of the period since the last calculation of the Auction Reference Price. This proposed change

⁵ The Exchange proposes conforming changes to the definition of Auction Reference Price for the Closing Auction and Trading Halt Auction to use the same language as is proposed for the Auction Reference Price for the Core Open Auction. Specifically, the Exchange proposes to use the “price of the last consolidated trade of at least one round lot of that trading day” formulation in place of the existing “last consolidated round-lot price of that trading day.” These proposed changes are not intended to change how the Exchange determines the Auction Reference Price for the Closing Auction or Trading Halt Auction, but would add clarity and consistency in Rule 7.35–E(a)(8)(A) with respect to the determination of the Auction Reference Price. The Exchange also proposes non-substantive grammatical changes to the Auction Reference Price definitions for the Early Open Auction, Closing Auction, Trading Halt Auction, and IPO Auction to further improve clarity in Rule 7.35–E(a)(8)(A).

¹⁰ 17 CFR 200.30–3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b–4.

⁴ The Indicative Match Price is the best price at which the maximum volume of shares, including the non-displayed quantity of Reserve Orders, is tradable in the applicable auction, subject to Auction Collars. See Rule 7.35–E(a)(8).

is intended to ensure that, in cases where there was no consolidated trade of at least one round lot in the period since the last calculation of the Auction Reference Price, the Auction Reference Price would instead be the midpoint of the Auction NBBO (or other price as provided for in Rule 7.35–E(a)(8)(A)) to reflect a more recent reference price for the auction.

The Exchange also proposes that Auction Reference Price calculations for the Core Open Auction, Closing Auction, and Trading Halt Auction would exclude trades on Trade Reporting Facilities during the Early Trading Session or Late Trading Session, which may not reflect the actual market in a security, thus providing for a more accurate snapshot of the current market.

The Exchange believes the proposed enhancements to the calculations of the Auction Reference Price for auctions on the Exchange would better reflect more recent trading activity, and such price may reflect a more recent valuation for a security, to the benefit of investors. The proposed rule change would therefore promote the fair and orderly operation of auctions on the Exchange by using reference prices that are consistent with the most recent market activity in a given security, which would also allow more buy and sell interest to participate in such auctions.

Because of the technology changes associated with the proposed changes, the Exchange proposes to announce the implementation date of these changes by Trader Update. Subject to approval of this proposed rule change, the Exchange anticipates that such changes will be implemented before the end of the fourth quarter of 2025.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act,⁶ in general, and furthers the objectives of Section 6(b)(5),⁷ in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to, and perfect the mechanism of, a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes the proposed change would promote just and equitable principles of trade, remove impediments to, and perfect the

mechanism of, a free and open market and a national market system, and protect investors and the public interest because it is intended to enhance the process for reference price calculations for auctions conducted by the Exchange. Specifically, the proposed change is intended to reflect an augmented calculation of the Auction Reference Price for the Core Open Auction, Closing Auction, and Trading Halt Auction to more accurately reflect price movements in a dynamic market environment, thereby promoting transparency and removing impediments to and perfecting the mechanisms of a free and open market and a national market system. As noted above, the proposed changes to Rule 7.35–E(a)(8)(A) would reflect that the calculation of the Auction Reference Price for the Core Open Auction would take into account the price of the last consolidated sale of at least one round lot of the trading day and would be based on an evaluation of the period since the last calculation of the Auction Reference Price. In addition, the Auction Reference Price calculations for the Core Open Auction, Closing Auction, and Trading Halt Auction would exclude trades on Trade Reporting Facilities during the Early Trading Session or Late Trading Session. The Exchange believes that the proposed change would result in Auction Reference Prices that better reflect more recent trading activity and which may reflect a more recent valuation for a security. The Exchange believes that the proposed change would thus remove impediments to, and perfect the mechanism of, a free and open market and a national market system because it is intended to provide market participants with reference price information that could encourage additional liquidity in auctions conducted on the Exchange.

The Exchange believes that the proposed non-substantive grammatical changes to the Auction Reference Price definitions for the Early Open Auction, Closing Auction, Trading Halt Auction, and IPO Auction would remove impediments to, and perfect the mechanism of, a free and open market and a national market system and protect investors and the public interest because they are not intended to effect any change to these definitions and are intended only to promote clarity in Rule 7.35–E(a)(8)(A).

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not

necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not intended to address competitive issues but rather is concerned solely with enhancing the quality of the reference prices the Exchange utilizes for the Core Open Auction, Closing Auction, and Trading Halt Auction. The proposed rule change does not implicate any intermarket competition concerns because it relates to how the Exchange would facilitate auctions in Exchange-listed securities.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

- (A) by order approve or disapprove the proposed rule change, or
- (B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR–NYSEARCA–2025–60 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.
- All submissions should refer to file number SR–NYSEARCA–2025–60. 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

⁶ 15 U.S.C. 78f(b).

⁷ 15 U.S.C. 78f(b)(5).

only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-NYSEARCA-2025-60 and should be submitted on or before September 12, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁸

Sherry R. Haywood,
Assistant Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-103744; File No. SR-NYSEAMER-2025-51]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of Proposed Change To Amend Rule 904

August 19, 2025.

Pursuant to Section 19(b)(1)¹ of the Securities Exchange Act of 1934 (“Act”)² and Rule 19b-4 thereunder,³ notice is hereby given that, on August 15, 2025, NYSE American LLC (“NYSE American” or the “Exchange”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 904 (Position Limits) regarding the position limits for options on the Grayscale Bitcoin Trust ETF (“GBTC”), the Grayscale Bitcoin Mini Trust ETF (“BTC”), and the Bitwise Bitcoin ETF (“BITB”) (collectively, the “Bitcoin ETFs”). The proposed rule change is

available on the Exchange's website at www.nyse.com and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 904 (Position Limits) regarding the position limits for options on the Bitcoin ETFs. Specifically, the proposed rule change amends Rule 904, Commentary .07(f) to delete the 25,000-contract position limit for options on each Bitcoin ETF. As a result, the position limits for Bitcoin ETF options would be determined in accordance with Rule 904, Commentary .07(a)–(e) and be based on trading in each Bitcoin ETF during the most-recent six-month period.⁴ This proposal is based on substantially identical rule changes submitted by NYSE Arca, Inc., the Exchange's affiliated equities exchange, and approved by the Securities and Exchange Commission (“Commission”).⁵

Each Bitcoin ETF is an Exchange-Traded Fund (“ETF”) that holds bitcoin

and is listed on NYSE Arca.⁶ On October 18, 2024, the Commission approved the listing and trading of Bitcoin ETF options on the Exchange.⁷ The position and exercise limits for options on each Bitcoin ETF are 25,000 contracts, as set forth in Rule 904, Commentary .07(f), the lowest available limit.⁸

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.”⁹ 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.”¹⁰ Based on its review and analysis of the Bitcoin ETF data, the Commission concluded that the 25,000-contract position limit for options on each Bitcoin ETF satisfied these objectives.¹¹

While the Exchange proposed a 25,000-contract position limit in its initial rule filing to list and trade Bitcoin ETF options, it nonetheless believes that evidence existed to support a much higher position limit. Specifically, when the Commission approved the Exchange's proposal to permit the listing and trading of Bitcoin ETF options, it considered and reviewed data analysis that the exercisable risk associated with a position limit of 25,000 contracts represented only 0.9% of the outstanding shares of GBTC; 0.7% of the outstanding shares of BTC; and

⁶ NYSE Arca received approval to list and trade Bitcoin-Based Commodity-Based Trust Shares in GBTC, BTC, and BITB pursuant to NYSE Arca Rule 8.201-E(c)(1). See Securities Exchange Act Release Nos. 99306 (January 10, 2024), 89 FR 3008 (January 17, 2024) (Order Granting Accelerated Approval of Proposed Rule Changes, as Modified by Amendments Thereto, to list and trade options on, among other ETFs, GBTC and BITB) (SR-NYSEARCA-2021-90); 100610 (July 26, 2024) (order approving listing and trading of Commodity-Based Trust Shares of BTC, among other ETFs), 89 FR 62821 (August 1, 2024) (SR-NYSEARCA-2023-45). The Exchange began trading Bitcoin ETF options on November 22, 2024.

⁷ See Securities Exchange Act Release No. 101386 (October 18, 2024), 89 FR 84960 (October 24, 2024) (SR-NYSEAMER-2024-49) (order approving the listing and trading of options on GBTC, BTC, and BITB, pursuant to Rule 915, Commentary .10(a) (the “Bitcoin ETF Options Approval Order”).

⁸ See Rule 904, Commentary .07(e) and Rule 905(a)(i).

⁹ See Bitcoin ETF Options Approval Order, 89 FR at 84971.

¹⁰ See *id.*

¹¹ See *id.*

⁸ 17 CFR 200.30-3(a)(12).

¹¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

⁴ Pursuant to Rule 905(a)(i), the exercise limits for options on each Bitcoin ETF are equivalent to the position limits prescribed for such options in current Rule 904. Therefore, currently, the exercise limit for options on each Bitcoin ETF is 25,000 contracts. The proposed rule change would modify the exercise limit for Bitcoin ETF options to be equivalent to the position limit prescribed in Rule 904, Commentary .07 (which may be 25,000, 50,000, 75,000, 200,000, or 250,000, depending on the six-month trading volume or the six-month trading volume and outstanding shares of IBIT). See Rule 904, Commentary .07(a)–(e).

⁵ See Securities Exchange Act Release Nos. 103567 (July 29, 2025) 90 FR 36253 (August 1, 2025) (SR-NYSEARCA-2025-07) (order approving NYSE Arca proposed rule change to amend position and exercise limits for GBTC options) and 103568 (July 29, 2025) 90 FR 36238 (August 1, 2025) (SR-NYSEARCA-2025-10) (order approving NYSE Arca proposed rule change to amend position and exercise limits for BTC and BITB options) (together, the “Arca Approval Orders”).

3.6% of the outstanding shares of BITB.¹² The Commission stated that it also considered and reviewed the Exchange’s statement that with a position limit of 25,000 contracts on the same side of the market for each Bitcoin ETF option: (1) with 284,570,100 shares of GBTC outstanding, 114 market participants would have to simultaneously exercise their positions to place GBTC under stress; (2) with 366,950,100 shares of BTC outstanding, 147 market participants would have to simultaneously exercise their positions to place BTC under stress; and (3) with 68,690,000 shares of BITB outstanding,

27 market participants would have to simultaneously exercise their positions to place BITB under stress.¹³ Based on this review, the Commission concluded that the 25,000-contract position and exercise limit applicable to Bitcoin ETF options 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 to manipulate or

disrupt the underlying market so as to benefit the options position.¹⁴ Currently, each Bitcoin ETF option would qualify for the 250,000 contract position (and exercise) limit on same-side contracts pursuant to Rule 904, Commentary .07(a)(i), which requires that trading volume for the underlying security in the most-recent six months be at least 100 million shares.¹⁵ As of November 25, 2024, the market capitalization and average daily volume (“ADV”) for the preceding three months for each Bitcoin ETF was as shown in the table below.¹⁶

Bitcoin ETF	Market capitalization	Three-month ADV (shares)
GBTC	\$20,661,316,542	3,829,597
BTC	\$3,496,748,882	2,036,369
BITB	\$4,095,157,000	2,480,478

Therefore, each Bitcoin ETF is well-above the requisite 100 million shares necessary to qualify for the 250,000-contract position and exercise limit. Also, as of November 25, 2024, there were 19,787,762 bitcoins in circulation.¹⁷ At a price of \$94,830 per bitcoin,¹⁸ that equates to a market capitalization of greater than \$1.876 trillion. If a position limit of 250,000 contracts were considered, the exercisable risk for each Bitcoin ETF would represent 9.13% (GBTC)¹⁹; 30.14% (BTC);²⁰ and 31.72% (BITB)²¹ of their respective shares outstanding. Given each of the Bitcoin ETF’s liquidity, the current 25,000-contract position and exercise limit for options on each Bitcoin ETF is extremely conservative.

As noted above, position and exercise limits are designed to limit the number of options contracts traded on an 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 Rules 904 and 905, 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, the Exchange proposes to remove each Bitcoin ETF (and their associated 25,000-contract limit) from the table of position limits in Commentary .07(f), which would enable options on each Bitcoin ETF to trade in the same manner as options on other ETFs not included in this Commentary.²² Specifically, this proposal would result in an increased position and exercise limit for options on each Bitcoin ETF from 25,000 to 250,000 same-side contacts, pursuant to Commentary .07(a)(i). In addition, like options on other ETFs not listed in

Commentary .07(f), position limits for options on each Bitcoin ETF would be subject to subsequent six-month reviews to determine future position and exercise limits.²³

In support of its (now-approved) proposals to amend the position and exercise limits for options on each Bitcoin ETF, NYSE Arca performed several analyses, which the Exchange has reviewed and considered. First, NYSE Arca reviewed each Bitcoin ETF’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, there were 19,787,762 bitcoins in circulation.²⁴ At a price of \$94,830 per bitcoin,²⁵ that equates to a market capitalization of greater than \$1.876 trillion. If a position (and exercise) limit of 250,000 contracts were considered for each Fund, the exercisable risk would represent 9.13% of GBTC shares outstanding;²⁶ 30.14% of BTC shares outstanding²⁷ and 31.27% of BITB shares outstanding.²⁸

¹² See *id.* (data as of August 30, 2024).

¹³ See *id.*

¹⁴ See *id.*

¹⁵ Rule 904, Commentary .07(a) provides that to be eligible for the 250,000-contract limit, either (i) the most recent six-month trading volume of the underlying security must have totaled at least 100,000,000 shares or (ii) the most recent six-month trading volume of the underlying security must have totaled at least 75,000,000 shares and the underlying must have at least 300,000,000 shares currently outstanding.

¹⁶ The market capitalization for each Bitcoin ETF was determined by multiplying a settlement price (GBTC, \$42.16—BTC, \$51.70—BITB) by the number of shares outstanding (GBTC—273,950,100, BTC—82,939,964, BITB—79,950,100). Data acquired from FactSet.

¹⁷ See <https://www.coingecko.com/en/coins/bitcoin>.

¹⁸ This is the approximate price of bitcoin from 4:00 p.m. ET on November 25, 2024.

¹⁹ This percentage is arrived at with this equation: (250,000 contract limit * 100 shares per option / 273,950,100 shares outstanding).

²⁰ This percentage is arrived at with this equation: (250,000 contract limit * 100 shares per option / 82,939,964 BTC shares outstanding).

²¹ This percentage is arrived at with this equation: (250,000 contract limit * 100 shares per option / 79,950,100 BITB shares outstanding).

²² See proposed Rule 904, Commentary .07(f). The Exchange notes that the ETFs included in Commentary .07(f) (other than certain ETFs that hold bitcoin) have significantly higher position

limits than are authorized by Rule, which increases were subject to Exchange rule filings.

²³ See Rule 904, Commentary .07(e) and Rule 905(a)(i).

²⁴ See <https://www.coingecko.com/en/coins/bitcoin>.

²⁵ This is the approximate price of bitcoin from 4:00 p.m. ET on November 25, 2024.

²⁶ This percentage is arrived at with this equation: (250,000 contract limit * 100 shares per option / 273,950,100 shares outstanding).

²⁷ This percentage is arrived at with this equation: (250,000 contract limit * 100 shares per option / 82,939,964 BTC shares outstanding).

²⁸ This percentage is arrived at with this equation: (250,000 contract limit * 100 shares per option / 79,950,100 BITB shares outstanding).

Since each Bitcoin ETF has a creation and redemption process managed through the issuer (whereby bitcoin is used to create shares of GBTC, BTC or BITB, as applicable), NYSE Arca compared the position (and exercise) limits sought to the total market capitalization of the entire bitcoin market, and in that case, the exercisable risk for options on each Fund would represent less than 0.10% (GBTC), 0.06% (BTC) or 0.07% (BITB) of all bitcoin outstanding.²⁹

The Exchange believes this analysis by NYSE Arca demonstrates that a 250,000-contract position (and exercise) limit for each of GBTC, BTC, and BITB options would be appropriate given each of these Bitcoin ETF's liquidity.

Next, NYSE Arca reviewed a position and exercise limit of 250,000 contracts 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), the Exchange examined equivalent bitcoin futures position limits. In particular, the Exchange looked to the Chicago Mercantile Exchange ("CME") bitcoin futures contract,³⁰ which has a position limit of 2,000 futures (for the initial spot month).³¹ On October 22, 2024, CME bitcoin futures settled at \$94,945.³² On October 22, 2024, GBTC settled at \$53.64, BTC settled at \$29.90 and BITB settled at \$36.74, which would equate to approximately 17,700,410 (GBTC), 31,754,181 (BTC), and 25,842,406 (BITB) shares of each Bitcoin ETF, 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 at expiration, an options position limit equivalent to the CME

position limit for Bitcoin futures (considering that all options deltas are ≤ 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).³³ 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. The Exchange believes NYSE Arca's comparison to CME's position limits on bitcoin futures demonstrates that a 250,000-contract limit for Bitcoin ETF options is appropriate.

Further, NYSE Arca analyzed a position and exercise limit of 250,000 for each of the Bitcoin ETFs against options on SPDR Gold Shares ("GLD"), which like the Bitcoin ETFs, is a commodity-backed ETF.³⁴ The Exchange notes that GLD has a float of 306.1 million shares and a position limit of 250,000 contracts.³⁵ 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. A position limit exercise in GLD would represent 8.17% of the float of GLD. In comparison, a 250,000-contract position limit in each of the Bitcoin ETFs would represent 9.13% of the float of GBTC; 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 the Bitcoin ETFs to a 250,000-contract position and exercise limit would be appropriate.

Based on the foregoing analyses performed by NYSE Arca, the Exchange believes that the Bitcoin ETFs 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 of the Bitcoin ETFs mitigates against the potential for manipulation.

The Exchange believes that allowing Bitcoin ETF options to have increased 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 member that maintains positions in Bitcoin ETF options 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 Makers³⁶ would continue to be exempt from this reporting requirement, however, the Exchange may access Market Maker position information.³⁷ Moreover, the Exchange's requirement that members 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.³⁸

The Exchange also has no reason to believe that the growth in trading volume in Bitcoin ETF options will not continue. Rather, the Exchange expects continued options volume growth in Bitcoin ETF options as opportunities for investors to participate in the options markets increase and evolve. The Exchange believes that the current position and exercise limits in Bitcoin ETF 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

²⁹ For GBTC, this number was arrived at with this calculation: $((250,000 \text{ limit} * 100 \text{ shares per option} * \$75.42 \text{ settle}) / (19,787,762 \text{ bitcoin outstanding} * \$94,830 \text{ bitcoin price}))$; 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: $((250,000 \text{ limit} * 100 \text{ shares per option} * \$51.70 \text{ settle}) / (19,787,762 \text{ bitcoin outstanding} * \$94,830 \text{ bitcoin price}))$.

³⁰ CME Bitcoin Futures are described in Chapter 350 of CME's Rulebook.

³¹ 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.

³² 2,000 futures at a 5-bitcoin multiplier (per the contract specifications) equates to \$949,450,000 (2000 contracts * 5 BTC per contract * \$94,945 price of November BTC future) of notional value.

³³ See <https://www.cmegroup.com/education/courses/market-regulation/position-limits/position-limits-aggregation-of-contracts-and-table.html>.

³⁴ Like the Bitcoin ETFs, GLD holds one asset in trust.

³⁵ See <https://www.ssga.com/us/en/intermediary/etfs/spdr-gold-shares-gld>.

³⁶ Per Rule 920NY(a), a Market Maker is an individual who is registered with the Exchange for the purpose of making transactions as a dealer-specialist.

³⁷ OCC through the Large option Position Reporting ("LOPR") system acts as a centralized service provider for ATP Holder compliance with position reporting requirements by collecting data from each ATP Holder consolidating the information, and ultimately providing detailed listings of each ATP Holder's report to the Exchange, as well as Financial Industry Regulatory Authority, Inc. ("FINRA"), acting as its agent pursuant to a regulatory services agreement ("RSA").

³⁸ See Rule 906. Reporting of Options Positions.

exchange or other lit markets. The Exchange believes that without the proposed changes to position and exercise limits for Bitcoin ETF options, market participants will find the 25,000-contract position and exercise 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 notes that, consistent with Rules 904 and 905, the position (and exercise) limits for Bitcoin ETF options would be reviewed on a six-month basis, as is done for other options.

The Exchange represents that its existing trading surveillances are adequate to monitor trading in Bitcoin ETF options. 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 each Bitcoin ETF 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.³⁹

³⁹ 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.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the “Act”),⁴⁰ in general, and furthers the objectives of Section 6(b)(5) of the Act,⁴¹ in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

In particular, the Exchange believes the proposed rule change will remove impediments to and perfect the mechanism of 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 Bitcoin ETF options may allow Market Makers to maintain their liquidity in these options in amounts commensurate with the continued high consumer demand in Bitcoin ETF options. Subjecting Bitcoin ETF options to the position limits in Rule 904, Commentary .07 and corresponding exercise limits in Rule 905 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. The Exchange notes the proposed rule change would further allow institutional investors to utilize Bitcoin ETF options for prudent risk management purposes.

In support of the proposed rule change, the Exchange cites the in-depth analysis Bitcoin ETF options performed which, as noted above, considered, among other things: (1) the market capitalization and ADV of each Bitcoin ETF and a 250,000 contract position and exercise limit in relation to the position limits of options on other securities; (2) market capitalization of the entire Bitcoin market in terms of exercise risk and availability of deliverables; and (3) comparing a 250,000 contract position limit to position limits for derivative products regulated by the CFTC. Based on the Exchange’s review of these analyses, the Exchange believes that subjecting Bitcoin ETF options to the position (and exercise) limits set forth in

Rule 904, Commentary .07 (which may go up to 250,000 contracts) is more than appropriate. The proposed position and exercise limits reasonably and appropriately balance the liquidity provisioning in the market against the prevention of manipulation.

B. Self-Regulatory Organization’s Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because all market participants would be subject to the same position and exercise limits for Bitcoin ETF options. The Exchange does not believe the proposed rule change will impose any burden on intermarket competition, and may benefit competition, as the proposed rule change is identical to NYSE Arca’s recently-approved rule changes.⁴² 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.

C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act⁴³ and Rule 19b–4(f)(6) thereunder.⁴⁴ Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A)

⁴² See Arca Approval Orders.

⁴³ 15 U.S.C. 78s(b)(3)(A)(iii).

⁴⁴ 17 CFR 240.19b–4(f)(6).

⁴⁰ 15 U.S.C. 78f(b).

⁴¹ 15 U.S.C. 78f(b)(5).

of the Act⁴⁵ and Rule 19b–4(f)(6) thereunder.⁴⁶

A proposed rule change filed under Rule 19b–4(f)(6)⁴⁷ under the Act does not normally become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b4(f)(6)(iii),⁴⁸ 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 limits for 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.⁴⁹ The Exchange is proposing similarly to remove of the 25,000 contract position and exercise limit for 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 Rule 904. The Exchange has provided information regarding BTC, GBTC, and BITB, including, among other things, information regarding trading volume, and the market capitalization of BTC, GBTC, and BITB and surveillance procedures that will apply. The Commission notes that the proposal raises no new or novel legal issues and would simply provide an additional venue for trading BTC, GBTC, and BITB with position and exercise limits that may be higher than 25,000 contracts. 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.⁵⁰

At any time within 60 days of the filing of such proposed rule change, the

Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)⁵¹ of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR–NYSEAMER–2025–51 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–NYSEAMER–2025–51. 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–NYSEAMER–2025–51 and should be submitted on or before September 12, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁵²

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–16073 Filed 8–21–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103742; File No. SR–NYSE–2025–28]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing of Proposed Rule Change of Amendments to Rule 7.35A and Rule 7.35C

August 19, 2025.

Pursuant to Section 19(b)(1)¹ of the Securities Exchange Act of 1934 (“Act”)² and Rule 19b–4 thereunder,³ notice is hereby given that, on August 5, 2025, New York Stock Exchange LLC (“NYSE” or the “Exchange”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes amendments to Rule 7.35A (DMM-Facilitated Core Open and Trading Halt Auctions) and Rule 7.35C (Exchange-Facilitated Auctions) to enhance reference price calculations for Core Open and Trading Halt Auctions conducted by Designated Market Makers and the Exchange. The proposed rule change is available on the Exchange's website at www.nyse.com and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at

⁴⁵ 15 U.S.C. 78s(b)(3)(A)(iii).

⁴⁶ 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 the pre-filing requirement.

⁴⁷ 17 CFR 240.19b–4(f)(6).

⁴⁸ 17 CFR 240.19b–4(f)(6)(iii).

⁴⁹ See Arca Approval Orders.

⁵⁰ 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).

⁵¹ 15 U.S.C. 78s(b)(2)(B).

⁵² 17 CFR 200.30–3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b–4.

the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes amendments to Rule 7.35A (DMM-Facilitated Core Open and Trading Halt Auctions) and Rule 7.35C (Exchange-Facilitated Auctions) to enhance reference price calculations for Core Open and Trading Halt Auctions conducted by Designated Market Makers ("DMM") and the Exchange.

The proposed changes would reflect an augmented calculation of the reference price for opening and trading halt auctions conducted on the Exchange that more accurately reflects price movements in a dynamic market environment, thereby promoting greater transparency in the auction process and the Exchange's marketplace.

Specifically, the reference price for opening auctions would reflect a cascading calculation to be called the "Opening Reference Price" that would consider the price of the last consolidated trade of at least one round lot of that trading day or, if there were no such trades, the midpoint of the Auction NBBO or, if the Auction NBBO is locked, the locked price, or if there is no Auction NBBO, for the initial calculation, the prior trading day's Official Closing Price. Each subsequent calculation would then utilize the most recent Opening Reference Price. As proposed, Opening Reference Price calculations would be based on an evaluation of the period since the last calculation of the Opening Reference Price and would exclude trades on Trade Reporting Facilities during the Early Trading Session or Late Trading Session, thus providing for a more accurate snapshot of the current market. For reopening auctions, the reference price would similarly be based on a dynamic calculation to be called the "Trading Halt Reference Price" that would consider the price of the last consolidated trade of at least one round lot of that trading day and, if none, the prior trading day's Official Closing Price. Trading Halt Reference Price calculations would also exclude trades on Trade Reporting Facilities during the Early Trading Session or Late Trading Session.

The Exchange also proposes that for both the Core Open and Trading Halt

Auctions, the Opening Reference Price and the Trading Halt Reference Price, as applicable, would be used to determine whether there is a price disparity and whether to publish a pre-opening indication for securities that have limited publicly-available pricing information available. Similarly, the proposed Opening Reference Price and the Trading Halt Reference Price, as applicable, would be used as the Imbalance Reference Price for the Core Open and Trading Halt Auctions. The Opening Reference Price and the Trading Halt Reference Price would also be used for Core Open Auctions and certain Trading Halt Auctions conducted by the Exchange.

The Exchange believes the proposed enhancements to the calculations of the benchmarks for auctions on the Exchange would better reflect more recent trading activity, and such price may reflect a more recent valuation for a security with which to assess whether an Auction Price would be at a price disparity and whether a security should be indicated, to the benefit of investors.

Background

Rule 7.35A sets forth the process for DMM-facilitated Core Open Auctions and Trading Halt Auctions. Rule 7.35A(a) sets forth both the DMM and Floor broker responsibilities for the opening and reopening of securities, and specifically provides that it is the responsibility of each DMM to ensure that registered securities open as close to the beginning of Core Trading Hours as possible or reopen at the end of the halt or pause, while at the same time not unduly hasty, particularly when at a price disparity from the Consolidated Last Sale Price, which means the Official Closing Price of a security prior to the beginning of Core Trading Hours, which may be the prior closing price on the Exchange.⁴

Rule 7.35A(a)(4) provides that Trading Officials participate in the opening and reopening process to provide an impartial professional assessment of unusual situations, as well as to provide guidance with respect to pricing when a significant disparity in supply and demand exists. Rule 7.35A(a)(4) provides that DMMs should consult with a Trading Official under specified circumstances, including if it is anticipated that the opening or reopening price will be at a significant

disparity from the Consolidated Last Sale Price for such security.⁵

Rule 7.35A(c)(1) provides that, except under the conditions of Rules 7.35A(c)(2) and (c)(3), a DMM may not effect a Core Open or Trading Halt Auction electronically under the conditions specified in subparagraphs (A)–(H) of Rule 7.35A. In particular, under subparagraph (F), the DMM could not effect a Core Open or Trading Halt Auction where there is no Consolidated Last Sale Price. Under subparagraph (G), the DMM would be constrained where the Core Open Auction Price will be more than 10% away from the Consolidated Last Sale Price, while under subparagraph (H) where the Trading Halt Auction Price will be more than 5% away from the Consolidated Last Sale Price.

Rule 7.35A(d) provides that a pre-opening indication would include the security and the price range within which the Auction Price is anticipated to occur and that a pre-opening indication would be published via the securities information processor and proprietary data feeds. Rule 7.35A(d)(2) addresses Indication Reference Prices, and provides that the Indication Reference Price for a security, other than an American Depository Receipt ("ADR"), would be, among others, the security's last Official Closing Price on the Exchange, adjusted as applicable based on the publicly disclosed terms of a corporate action,⁶ or the security's offering price in the case of an IPO.⁷

Rule 7.35A(d)(2)(B) provides that the Indication Reference Price for an ADR would be, among others, the closing price of the security underlying the ADR in the primary foreign market for such security when the trading day of the primary foreign market concludes after trading on the Exchange for the previous day has ended.⁸

Rule 7.35A(d)(2)(C) provides that the Indication Reference Price for reopening a security following a halt would be the Exchange Last Sale Price.

Rule 7.35A(e) specifies Auction Imbalance Information for the Core Open and Trading Halt Auctions. Rule 7.35A(e)(1)(D) provides that the Exchange would not disseminate Auction Imbalance Information for the Core Open Auction or Trading Halt Auction if there is no Consolidated Last Sale Price.

Rule 7.35A(e)(3) specifies how the Imbalance Reference Price would be determined and provides that the

⁴ Pursuant to Rule 7.35(a)(12)(A), the term "Consolidated Last Sale Price" means the most recent consolidated last-sale eligible trade in a security during Core Trading Hours on that trading day, and if none, the Official Closing Price from the prior trading day for that security.

⁵ See Rule 7.35A(a)(4)(B).

⁶ See Rule 7.35A(d)(2)(A)(i).

⁷ See Rule 7.35A(d)(2)(A)(ii).

⁸ See Rule 7.35A(d)(2)(B)(i).

Imbalance Reference Price for the Auction Imbalance Information would be the Consolidated Last Sale Price unless a pre-opening indication has been published, in which case the Imbalance Reference Price would be:

- the pre-opening indication bid price if the Consolidated Last Sale Price is lower than the bid price of the pre-opening indication;
- the pre-opening indication offer price if the Consolidated Last Sale Price is higher than the offer price of the pre-opening indication; or
- the Consolidated Last Sale Price if it is at or between the pre-opening indication bid and offer price.⁹

Rule 7.35C provides for how the Exchange would facilitate an Auction if a DMM cannot facilitate the opening or closing of trading. Rule 7.35C(b) sets forth definitions applicable to Rule 7.35C. Rule 7.35C(b)(1) defines the term “Auction Reference Price,” which is used by the Exchange for purposes of calculating the Indicative Match Price and Auction Collars. For Exchange-facilitated Auctions, the Exchange determines an Auction Price based on the Indicative Match Price for a security, which is bound by Auction Collars.¹⁰

Rule 7.35C(b)(1) specifies the Auction Reference Price used for determining Auction Collars for Exchange-facilitated Core Open Auctions. Currently, the Auction Reference Price for the Core Open Auction is the midpoint of the Auction NBBO or, if the Auction NBBO is locked, the locked price. If there is no Auction NBBO, it would be the Official Closing Price from the prior trading day. The Auction Reference Price for the Trading Halt Auction is, except as provided for in Rule 7.35C(e)(1), the Imbalance Reference Price as determined under Rule 7.35A(e)(3). The Auction Reference Price for the Closing Auction is the Imbalance Reference Price as determined under Rule 7.35B(e)(3). Finally, the Auction Reference Price for IPO Auctions would be a price determined under Rule 1.1(u)(1)(F).¹¹

Proposed Rule Change

The Exchange proposes to refine the reference price calculations it utilizes for Core Open and Trading Halt Auctions and replace the Consolidated Last Sale Price as the current benchmark. To reflect the enhanced calculations and effectuate these changes, the Exchange proposes new definitions of “Opening Reference

Price” and a “Trading Halt Reference Price” for Rule 7.35A that would likely reflect a more recent valuation information for a security to assess various aspects of the auction process on the Exchange, including how to measure whether the opening or reopening would be at a price disparity. Similarly, the Exchange proposes that the Opening Reference Price would be used to calculate the Auction Reference Price for Core Open Auctions during Exchange-facilitated auctions pursuant to Rule 7.35C.

As proposed, “Opening Reference Price” would mean

- the price of the last consolidated trade of at least one round lot of that trading day or,
- if there were no such trades, the midpoint of the Auction NBBO or,
- if the Auction NBBO is locked, the locked price, or
- if there is no Auction NBBO, for the initial calculation, the prior trading day’s Official Closing Price; for each subsequent calculation, the most recent Opening Reference Price.

Opening Reference Price calculations would be based on an evaluation of the period since the last calculation of the Opening Reference Price and exclude trades on Trade Reporting Facilities (“TRF”) during the Early Trading Session (“ETS”) or Late Trading Session (“LTS”), which may not reflect the actual market in a security.

In addition, “Trading Halt Reference Price” would mean the price of the last consolidated trade of at least one round-lot of that trading day and, if none, the prior trading day’s Official Closing Price. Trading Halt Reference Price calculations would similarly exclude TRF trades during the ETS or LTS.

The Exchange would replace Consolidated Last Sale with Opening Reference Price for an opening and Trading Halt Reference Price for a reopening, as applicable, in Rule 7.35A(a), governing DMM and Floor broker responsibilities, and Rule 7.35A(a)(4)(B), governing circumstances where a DMM should consult a Trading Official, both of which address assessments of whether an Auction Price would be at a price disparity.

Similarly, the Exchange would replace Opening Reference Price for an Opening or Trading Halt Reference Price for a reopening, as applicable, in Rule 7.35A(c)(1)(F)–(G), governing the conditions under which a DMM may not effect a Core Open or Trading Halt Auction electronically. In the condition set forth in Rule 7.35A(c)(1)(H), the Exchange would replace Consolidated Last Sale with Trading Halt Reference Price.

For the Indication Reference Price for pre-opening indications governed by Rule 7.35A(d), the Exchange would replace last Official Closing Price on the Exchange with Opening Reference Price in Rule 7.35A(d)(2)(A)(i). The Exchange would also delete the clause “adjusted as applicable based on the publicly disclosed terms of a corporate action” following last Official Closing Price as unnecessary.¹² Further, the Opening Reference Price would replace “closing price of the security underlying the ADR in the primary foreign market for such security when the trading day of the primary foreign market concludes after trading on the Exchange for the previous day has ended” as one of the ways to determine the Indication Reference Price for ADRs in Rule 7.35A(d)(2)(B)(i).

Finally, the Indication Reference Price for reopening a security following a halt under Rule 7.35A(d)(2)(C) would be Trading Halt Reference Price, replacing Exchange Last Sale Price.

For the Imbalance Reference Price under Rule 7.35A(e), the Exchange proposes not to disseminate Auction Imbalance Information for the Core Open Auction if there is no Opening Reference Price and for a Trading Halt Auction if there is no Trading Halt Reference Price, replacing Consolidated Last Sale Price.

The determination of the Imbalance Reference Price for the Core Open Auction under Rule 7.35A(e)(3) would be the Opening Reference Price unless a pre-opening indication has been published, in which case the Imbalance Reference Price would be the Opening Reference Price bounded by the pre-opening indication prices. For a Trading Halt Auction, the Imbalance Reference Price for the Auction Imbalance Information would be the Trading Halt Reference Price unless a pre-opening indication has been published, in which case the Imbalance Reference Price will be the Trading Halt Reference Price bounded by the pre-opening indication prices.

Finally, the Exchange proposes to replace the existing text for the Auction Reference Price for Core Open Auction with “Opening Reference Price as determined under Rule 7.35A(a).”

Because of the technology changes associated with the proposed changes, the Exchange proposes to announce the implementation date of these changes by Trader Update. Subject to approval of this proposed rule change, the Exchange

¹² The Exchange notes that the definition of the Official Closing Price in Rule 1.1(u)(6) provides that such a price may be adjusted to reflect corporate actions or a correction to a closing price, as disseminated by the primary listing market for the security.

⁹ See Rules 7.35A(d)(3)(A)–(C).

¹⁰ See Rule 7.35C(b)(2).

¹¹ The current Rule refers to Rule 1.1(s)(1)(F). The Exchange proposes to correct the reference.

anticipates that such changes will be implemented before the end of the fourth quarter of 2025.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,¹³ in general, and furthers the objectives of Section 6(b)(5) of the Act,¹⁴ in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest and because it is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The proposed changes to Rule 7.35A and Rule 7.35C to reflect an enhanced calculation of the reference price for opening and trading halt auctions conducted by DMMs or the Exchange would more accurately reflect price movements in a dynamic market environment, thereby promoting transparency and removing impediments to and perfecting the mechanisms of a free and open market and a national market system. As noted above, the Exchange would replace the static measures of Consolidated Last Sale Price or Official Closing Price from the prior trading day as the reference price for openings and reopenings in favor of a dynamic formula that would consider more recent trading activity of the impacted security in addition to the most recent closing activity. The proposed Opening Reference Price and Trading Halt Reference Price would be used to determine whether there is a price disparity and whether to publish a pre-opening indication for securities that have limited publicly-available pricing information available. The Exchange believes the proposed enhancements would better reflect more recent trading activity on another exchange, and such price may reflect a more recent valuation for a security with which to assess whether an Auction Price would be at a price disparity and whether a security should be indicated, to the benefit of investors and the maintenance of a fair and orderly market consistent with the protection of investors and the public

interest under Section 6(b)(5) of the Act.¹⁵

The Exchange believes that using the proposed dynamic calculations for various reference prices for openings and reopenings would remove impediments to and perfect the mechanism of a free and open market because, as described in detail above, such prices would be based on the most recent valuation for purposes of assessing price movement leading into an Auction. For example, use of the term Opening Reference Price would incorporate the last eligible consolidated trade of at least one round lot or, if there were no such trades, the midpoint of the Auction NBBO or, if the Auction NBBO is locked, the locked price, or if there is no Auction NBBO, for the initial calculation, the prior trading day's Official Closing Price, while for each subsequent calculation, the most recent Opening Reference Price, for purposes of providing guidance to the DMM and determining the reference price for opening or reopening a security. The proposed rule change would therefore promote the fair and orderly operation of Core Open and Trading Halt Auctions by allowing securities to open or reopen at prices that are consistent with the most updated available buy and sell interest in a given security, which would also allow more buy and sell interest to participate in such Auction.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not intended to address competitive issues but rather is concerned solely with enhancing the quality of the reference prices the Exchange utilizes for Core Open and Trading Halt Auctions. The proposed rule change does not implicate any intermarket competition concerns because it relates to how a DMM or the Exchange would facilitate Auctions in Exchange-listed securities.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-NYSE-2025-28 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-NYSE-2025-28. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-NYSE-2025-28 and should be submitted on or before September 12, 2025.

¹³ 15 U.S.C. 78f(b).

¹⁴ 15 U.S.C. 78f(b)(5).

¹⁵ 15 U.S.C. 78f(b)(5).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁶

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–16071 Filed 8–21–25; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103741; File No. SR–NYSEAMER–2025–47]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing of Proposed Change To Amend Rule 7.35E

August 19, 2025.

Pursuant to Section 19(b)(1)¹ of the Securities Exchange Act of 1934 (“Act”)² and Rule 19b–4 thereunder,³ notice is hereby given that, on August 5, 2025, NYSE American LLC (“NYSE American” or the “Exchange”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 7.35E (Auctions) regarding the calculation of the Auction Reference Price. The proposed rule change is available on the Exchange’s website at www.nyse.com and at the principal office of the Exchange.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 7.35E (Auctions), which describes how the Exchange conducts auctions, to enhance reference price calculations for the Core Open Auction, Trading Halt Auction, and Closing Auction. The proposed change would reflect an augmented calculation of the Auction Reference Price, as defined in Rule 7.35E(a)(8)(A), that more accurately reflects price movements in a dynamic market environment, thereby promoting greater transparency in the auction process and the Exchange’s marketplace.

The Auction Reference Price is a price used in determining the Indicative Match Price⁴ for an auction. For example, as provided in Rule 7.35E(a)(8)(A), if there are two or more prices at which the maximum volume of shares is tradable, the Indicative Match Price will be the price closest to the Auction Reference Price, provided that the Indicative Match Price will not be lower (higher) than the price of an order to buy (sell) ranked Priority 2—Display Orders that was eligible to participate in the applicable auction.

Rule 7.35E(a)(8)(A) currently defines the Auction Reference Price for the Core Open Auction as the midpoint of the Auction NBBO or, if the Auction NBBO is locked, the locked price. If there is no Auction NBBO, the Auction Reference Price would be the prior trading day’s Official Closing Price. The Auction Reference Price for the Closing Auction is defined as the last consolidated round-lot price of that trading day and, if none, the prior trading day’s Official Closing Price. The Auction Reference Price for a Trading Halt Auction is defined as the last consolidated round-lot price of that trading day and, if none, the prior trading day’s Official Closing Price (except as provided for in Rule 7.35E(e)(7)(A)).

The Exchange proposes to amend Rule 7.35E(a)(8)(A) regarding the calculation of the Auction Reference Price for the Core Open Auction to reflect a cascading calculation that would consider, in addition to the benchmarks currently reflected in the rule, the price of the last consolidated trade of at least one round lot of that trading day. The Exchange notes that

this proposed change would promote consistency with the Auction Reference Price calculation for the Closing Auction and Trading Halt Auction.⁵ As proposed, the Auction Reference Price for the Core Open Auction would be defined as:

- The price of the last consolidated trade of at least one round lot of that trading day, or
- If there were no such trades, the midpoint of the Auction NBBO, or
- If the Auction NBBO is locked, the locked price, or
- If there is no Auction NBBO, the prior trading day’s Official Closing Price for the initial calculation of the Auction Reference Price, and for each subsequent calculation of the Auction Reference Price, the most recently calculated Auction Reference Price.

With the addition of the price of the last consolidated trade of at least one round lot of that trading day as a benchmark for calculating the Auction Reference Price for the Core Open Auction, the Exchange proposes to distinguish between the initial calculation of the Auction Reference Price for the Core Open Auction and subsequent calculations pursuant to the cascading calculation, in the event that there is no Auction NBBO. For the initial calculation, the Exchange proposes that, if there is no Auction NBBO, the Auction Reference Price would, as currently, be the prior trading day’s Official Closing Price. However, for subsequent calculations of the Auction Reference Price when there is no Auction NBBO, the Exchange proposes that the Auction Reference Price would instead be the most recent Auction Reference Price, which the Exchange believes would provide a more recent reference price for the auction. In addition, the Exchange proposes to specify that each Auction Reference Price calculation would be based on an evaluation of the period since the last calculation of the Auction Reference Price. This proposed change

⁵ The Exchange proposes conforming changes to the definition of Auction Reference Price for the Closing Auction and Trading Halt Auction to use the same language as is proposed for the Auction Reference Price for the Core Open Auction. Specifically, the Exchange proposes to use the “price of the last consolidated trade of at least one round lot of that trading day” formulation in place of the existing “last consolidated round-lot price of that trading day.” These proposed changes are not intended to change how the Exchange determines the Auction Reference Price for the Closing Auction or Trading Halt Auction, but would add clarity and consistency in Rule 7.35E(a)(8)(A) with respect to the determination of the Auction Reference Price. The Exchange also proposes non-substantive grammatical changes to the Auction Reference Price definitions for the Early Open Auction, Closing Auction, and IPO Auction to further improve clarity in Rule 7.35E(a)(8)(A).

¹⁶ 17 CFR 200.30–3(a)(12).

¹⁵ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b–4.

⁴ The Indicative Match Price is the best price at which the maximum volume of shares, including the non-displayed quantity of Reserve Orders, is tradable in the applicable auction, subject to Auction Collars. See Rule 7.35E(a)(8).

is intended to ensure that, in cases where there was no consolidated trade of at least one round lot in the period since the last calculation of the Auction Reference Price, the Auction Reference Price would instead be the midpoint of the Auction NBBO (or other price as provided for in Rule 7.35E(a)(8)(A)) to reflect a more recent reference price for the auction.

The Exchange also proposes that Auction Reference Price calculations for the Core Open Auction, Closing Auction, and Trading Halt Auction would exclude trades on Trade Reporting Facilities during the Early Trading Session or Late Trading Session, which may not reflect the actual market in a security, thus providing for a more accurate snapshot of the current market.

The Exchange believes the proposed enhancements to the calculations of the Auction Reference Price for auctions on the Exchange would better reflect more recent trading activity, and such price may reflect a more recent valuation for a security, to the benefit of investors. The proposed rule change would therefore promote the fair and orderly operation of auctions on the Exchange by using reference prices that are consistent with the most recent market activity in a given security, which would also allow more buy and sell interest to participate in such auctions.

Because of the technology changes associated with the proposed changes, the Exchange proposes to announce the implementation date of these changes by Trader Update. Subject to approval of this proposed rule change, the Exchange anticipates that such changes will be implemented before the end of the fourth quarter of 2025.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act,⁶ in general, and furthers the objectives of Section 6(b)(5),⁷ in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to, and perfect the mechanism of, a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes the proposed change would promote just and equitable principles of trade, remove impediments to, and perfect the

mechanism of, a free and open market and a national market system, and protect investors and the public interest because it is intended to enhance the process for reference price calculations for auctions conducted by the Exchange. Specifically, the proposed change is intended to reflect an augmented calculation of the Auction Reference Price for the Core Open Auction, Closing Auction, and Trading Halt Auction to more accurately reflect price movements in a dynamic market environment, thereby promoting transparency and removing impediments to and perfecting the mechanisms of a free and open market and a national market system. As noted above, the proposed changes to Rule 7.35E(a)(8)(A) would reflect that the calculation of the Auction Reference Price for the Core Open Auction would take into account the price of the last consolidated sale of at least one round lot of the trading day and would be based on an evaluation of the period since the last calculation of the Auction Reference Price. In addition, the Auction Reference Price calculations for the Core Open Auction, Closing Auction, and Trading Halt Auction would exclude trades on Trade Reporting Facilities during the Early Trading Session or Late Trading Session. The Exchange believes that the proposed change would result in Auction Reference Prices that better reflect more recent trading activity and which may reflect a more recent valuation for a security. The Exchange believes that the proposed change would thus remove impediments to, and perfect the mechanism of, a free and open market and a national market system because it is intended to provide market participants with reference price information that could encourage additional liquidity in auctions conducted on the Exchange.

The Exchange believes that the proposed non-substantive grammatical changes to the Auction Reference Price definitions for the Early Open Auction, Closing Auction, and IPO Auction would remove impediments to, and perfect the mechanism of, a free and open market and a national market system and protect investors and the public interest because they are not intended to effect any change to these definitions and are intended only to promote clarity in Rule 7.35E(a)(8)(A).

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance

of the purposes of the Act. The proposed rule change is not intended to address competitive issues but rather is concerned solely with enhancing the quality of the reference prices the Exchange utilizes for the Core Open Auction, Closing Auction, and Trading Halt Auction. The proposed rule change does not implicate any intermarket competition concerns because it relates to how the Exchange would facilitate auctions in Exchange-listed securities.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

- (A) by order approve or disapprove the proposed rule change, or
- (B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-NYSEAMER-2025-47 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-NYSEAMER-2025-47. 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

⁶ 15 U.S.C. 78f(b).

⁷ 15 U.S.C. 78f(b)(5).

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-NYSEAMER-2025-47 and should be submitted on or before September 12, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁸

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025-16070 Filed 8-21-25; 8:45 am]

BILLING CODE 8011-01-P

DEPARTMENT OF STATE

[Public Notice: 12805]

Notice of Public Meeting in Preparation for International Maritime Organization CCC 11

The Department of State will conduct a public meeting at 10:00 a.m. on Tuesday, August 26, 2025, both in-person at Coast Guard Headquarters in Washington, DC, and via teleconference through Microsoft Teams. The primary purpose of the meeting is to prepare for the eleventh session of the International Maritime Organization's (IMO) Sub-Committee on Carriage of Cargoes and Containers (CCC 11) to be held at IMO Headquarters in London, United Kingdom from Monday, September 08, 2025, to Friday, September 12, 2025.

Members of the public may participate up to the capacity of the teleconference line, which can handle 500 participants or up to the seating capacity of the room if attending in-person. The meeting location will be the United States Coast Guard Headquarters, and the teleconference line will be provided to those who RSVP. To RSVP, participants should contact the meeting coordinator, LT Eva McNell, by email at Eva.M.McNell@uscg.mil. LT McNell will provide access information for in-person and virtual attendance.

The agenda items to be considered at CCC 11 include:

- Adoption of the agenda;
- Decisions of other IMO bodies;

- Amendments to the IGF Code and development of guidelines for alternative fuels and related technologies (2.3);
- Development of guidelines for the use of ammonia cargo as fuel and provisions for the use of alternative fuels other than cargo on gas carriers (1.17);
- Amendments to the IMSBC Code and supplements (7.13);
- Amendments to the IMDG Code and supplements (7.10);
- Revision of the Revised guidelines for the preparation of the Cargo Securing Manual (MSC.1/Circ.1353/Rev.2) to include a harmonized performance standard for lashing software to permit lashing software as a supplement to the Cargo Securing Manual (7.40);
- Consideration of reports of incidents involving dangerous goods or marine pollutants in packaged form on board ships or in port areas (7.28);
- Unified interpretation of provisions of IMO safety, security, environment, facilitation, liability and compensation-related conventions (7.1);
- Development of measures to prevent the loss of containers at sea (7.20);
- Revision of the Interim recommendations for carriage of liquefied hydrogen in bulk (2.25);
- Development of a safety regulatory framework to support the reduction of GHG emissions from ships using new technologies and alternative fuels (3.8)
- Biennial status report and provisional agenda for CCC 12;
- Election of the Chair and Vice-Chair for 2026;
- Any other business;
- Report to the Committees.

Please note: The IMO may, on short notice, adjust the CCC 11 agenda to accommodate the constraints associated with the virtual meeting format. Although no changes to the agenda are anticipated, if any are necessary, they will be provided to those who RSVP.

Those who plan to participate may contact the meeting coordinator, LT Eva McNell, by email at Eva.M.McNell@uscg.mil, by phone at 571-610-3684, or in writing at 2703 Martin Luther King Jr. Ave. SE, Hazardous Materials Division (CG-ENG-5), ATTN: LT Eva McNell, 2703 Martin Luther King Jr. Ave. SE, Stop 7509, Washington, DC 20593-7509, by August 12, 2025. Members of the public needing reasonable accommodation should advise LT Eva McNell no later than August 12, 2025. Requests made after that date will be considered but might not be possible to fulfill.

Additional information regarding this and other IMO public meetings may be found at: <https://www.dco.uscg.mil/IMO/>.

(Authority: 22 U.S.C. 2656 and 5 U.S.C. 552)

Emily C. Miletello,

Coast Guard Liaison Officer, Office of Ocean and Polar Affairs, Department of State.

[FR Doc. 2025-16146 Filed 8-21-25; 8:45 am]

BILLING CODE 4710-09-P

DEPARTMENT OF STATE

[Public Notice: 12800]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: “Hew Locke: Passages” Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to agreements with their foreign owners or custodians for temporary display in the exhibition “Hew Locke: Passages” at the Yale Center for British Art, New Haven, Connecticut; the Wexner Center for the Arts at The Ohio State University, Columbus, Ohio; the Museum of Fine Arts, Houston, in Houston, Texas; and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT:

Reed Liriano, Program Coordinator, Office of the Legal Adviser, U.S. Department of State (telephone: 202-632-6471; email: section2459@state.gov). The mailing address is U.S. Department of State, L/PD, 2200 C Street NW (SA-5), Suite 5H03, Washington, DC 20522-0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236-3 of August 28, 2000, and Delegation of

⁸ 17 CFR 200.30-3(a)(12).

Authority No. 523 of December 22, 2021.

Stefanie E. Williams,

Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2025–16077 Filed 8–21–25; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 12771]

Notice of Department of State Sanctions Actions Pursuant to the Executive Order Regarding Blocking Property of Weapons of Mass Destruction Proliferators and Their Supporters

SUMMARY: The Department of State is publishing the names of one or more persons that have been placed on the Department of the Treasury's List of Specially Designated Nationals and Blocked Persons (SDN List) administered by the Office of Foreign Assets Control (OFAC) based on the Department of State's determination, in consultation with other departments, as appropriate, that one or more applicable legal criteria of the E.O. regarding blocking property of weapons of mass destruction proliferators and their supporters 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: See **SUPPLEMENTARY INFORMATION** section for applicable date(s).

FOR FURTHER INFORMATION CONTACT: Thomas Zarzecki, Director, Office of Counterproliferation Initiatives, Bureau of Arms Control and Nonproliferation, Department of State, Washington, DC 20520, tel.: (202) 647 7594, email: *ISN_Sanctions@state.gov*.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website (<https://www.treasury.gov/ofac>).

Notice of Department of State Actions

On May 12, 2025, the Department of State, in consultation with other departments, as appropriate, determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authority listed below.

Individuals

1. SABER, Sayyed Mohammad Reza Seddighi, Iran; DOB 24 Aug 1974; nationality Iran; Additional Sanctions Information—Subject to Secondary Sanctions; Gender Male; National ID No. 2739202830 (Iran) (individual) [NPWMD] [IFSR].

Designated pursuant to section 1(a)(ii) of E.O. 13382 for having engaged, or attempted to engage, in activities or transactions that have materially contributed to, or pose a risk of materially contributing to, the proliferation of weapons of mass destruction or their means of delivery (including missiles capable of delivering such weapons), including any efforts to manufacture, acquire, possess, develop, transport, transfer or use such items, by Iran, a foreign country of proliferation concern.

2. TALAB, Ahmad Haghighat (a.k.a. SADEGH, Ahmad Haghighat Taleb; a.k.a. TALEB, Ahmad Haghighat), Iran; DOB 12 Oct 1963; POB Borujerd, Iran; nationality Iran; Additional Sanctions Information—Subject to Secondary Sanctions; Gender Male; National ID No. 4131686491 (Iran) (individual) [NPWMD] [IFSR].

Designated pursuant to section 1(a)(ii) of E.O. 13382 for having engaged, or attempted to engage, in activities or transactions that have materially contributed to, or pose a risk of materially contributing to, the proliferation of weapons of mass destruction or their means of delivery (including missiles capable of delivering such weapons), including any efforts to manufacture, acquire, possess, develop, transport, transfer or use such items, by Iran, a foreign country of proliferation concern.

3. MEHDIPUR, Mohammad Reza, Iran; DOB 06 Aug 1975; POB Naein, Iran; nationality Iran; Additional Sanctions Information—Subject to Secondary Sanctions; Gender Male; National ID No. 1249481643 (Iran) (individual) [NPWMD] [IFSR] (Linked To: SHAHID KARIMI GROUP).

Designated pursuant to section 1(a)(ii) of E.O. 13382 for having engaged, or attempted to engage, in activities or transactions that have materially contributed to, or pose a risk of materially contributing to, the proliferation of weapons of mass destruction or their means of delivery (including missiles capable of delivering such weapons), including any efforts to manufacture, acquire, possess, develop, transport, transfer or use such items, by Iran, a foreign country of proliferation concern.

Entity

1. FUYA PARS PROSPECTIVE TECHNOLOGISTS (a.k.a. POUYA PARS FANAVARAN AYANDEH NEGAR COMPANY; a.k.a. PUYA PARS FANAVARAN AYANDEH NEGAR COMPANY; a.k.a. "IDEAL VACUUM"; a.k.a. "IDEAL VACUUM STORE"), Number 18, 1st Mariam Street, Khayyam Boulevard, Shamsabad Industrial District, Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions; Organization Established Date 12 Feb 2013; National ID No. 14003220702 (Iran); Registration Number 434228 (Iran) [NPWMD] [IFSR].

Designated pursuant to section 1(a)(ii) of E.O. 13382 for having engaged, or attempted to engage, in activities or transactions that have materially contributed to, or pose a risk of materially contributing to, the proliferation of weapons of mass destruction or their means of delivery (including missiles capable of delivering such weapons), including any efforts to manufacture, acquire, possess, develop, transport, transfer or use such items, by Iran, a foreign country of proliferation concern.

Paul S. Watzlavick,

Senior Bureau Official, Bureau of Arms Control and Nonproliferation, Department of State.

[FR Doc. 2025–16102 Filed 8–21–25; 8:45 am]

BILLING CODE 4710–26–P

DEPARTMENT OF STATE

[Public Notice: 12797]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: "Lines of Resolution: Drawing at the Advent of Television and Video" Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to agreements with their foreign owners or custodians for temporary display in the exhibition "Lines of Resolution: Drawing at the Advent of Television and Video" at the Menil Drawing Institute, The Menil Collection, Houston, Texas, and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**. **FOR FURTHER INFORMATION CONTACT:** Reed Liriano, Program Coordinator,

Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: section2459@state.gov). The mailing address is U.S. Department of State, L/DP, 2200 C Street NW (SA–5), Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000, and Delegation of Authority No. 523 of December 22, 2021.

Stefanie E. Williams,

Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2025–16076 Filed 8–21–25; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Delegation of Authority No. 595]

Delegation of Authority to the Assistant Secretary of State for Political-Military Affairs Under 10 U.S.C. 352

By virtue of the authority vested in the Secretary of State, including section 1 of the State Department Basic Authorities Act (22 U.S.C. 2651a) and 10 U.S.C. 352—Naval Small Craft Instruction & Technical Training School, I hereby delegate to the Assistant Secretary of State for Political-Military Affairs, to the extent authorized by law, the authority to concur with the report required under section 352(f) of title 10 of the U.S. Code.

Any function or authority delegated herein may be exercised by the Secretary, a Deputy Secretary, or the Under Secretary for Arms Control and International Security. Any reference in this delegation of authority to any statute or delegation of authority shall be deemed to be a reference to such statute or delegation of authority as amended from time to time.

This document will be published in the **Federal Register**.

Dated: July 30, 2025.

Marco Rubio,

Secretary of State.

[FR Doc. 2025–16165 Filed 8–21–25; 8:45 am]

BILLING CODE 4710–25–P

SURFACE TRANSPORTATION BOARD

[Docket No. EP 552 (Sub-No. 29)]

Railroad Revenue Adequacy—2024 Determination

AGENCY: Surface Transportation Board.

ACTION: Notice of decision.

SUMMARY: On August 20, 2025, the Board served a decision announcing the 2024 revenue adequacy determinations for the nation's Class I railroads. Two Class I railroads (CSX Transportation, Inc., and Union Pacific Railroad Company) were found to be revenue adequate.

DATES: This decision is effective on August 20, 2025.

FOR FURTHER INFORMATION CONTACT:

Pedro Ramirez, (202) 915–0862. If you require an accommodation under the Americans with Disabilities Act, please call (202) 245–0245.

SUPPLEMENTARY INFORMATION: Under 49 U.S.C 10704(a)(3), the Board is required to make an annual determination of railroad revenue adequacy. A railroad is considered revenue adequate under 49 U.S.C. 10704(a) if it achieves a rate of return on net investment (ROI) equal to at least the current cost of capital for the railroad industry. For 2024, this number was determined to be 10.68% in *Railroad Cost of Capital—2024*, EP 558 (Sub-No. 28) (STB served July 21, 2025). The Board then applied this revenue adequacy standard to each Class I railroad. Two Class I carriers (CSX Transportation, Inc., and Union Pacific Railroad Company) were found to be revenue adequate for 2024.

The decision in this proceeding is posted at www.stb.gov.

Decided: August 14, 2025.

By the Board, Board Members Fuchs, Hedlund, Primus, and Schultz.

Regena Smith-Bernard,

Clearance Clerk.

[FR Doc. 2025–16141 Filed 8–21–25; 8:45 am]

BILLING CODE 4915–01–P

SURFACE TRANSPORTATION BOARD

[Docket No. MCF 21135]

Traxx America Inc. and Beeline Tours Ltd.—Acquisition of Beeline Tours Ltd. by Traxx America Inc.

AGENCY: Surface Transportation Board.

ACTION: Notice tentatively approving and authorizing finance transaction.

SUMMARY: On May 21, 2025, TRAXX America Inc. (TAI or the Applicant), a motor passenger carrier, filed an

application for approval to acquire all or substantially all of the operating assets of Beeline Tours Ltd. (BTL), also a motor passenger carrier. The Board is tentatively approving and authorizing the transaction subject to Willard Yuill (Yuill) filing to join the application. If Yuill's filing is satisfactory and no opposing comments are timely filed, this notice will be the final Board action.

DATES: Yuill's filing to join the application must be filed by September 5, 2025. Comments must be filed by October 6, 2025. If any comments are filed, the Applicant and/or Yuill may reply by October 21, 2025. If no opposing comments are filed by October 6, 2025, and there is no intervening Board order, this notice shall be effective on October 7, 2025.

ADDRESSES: Comments, referring to Docket No. MCF 21135, may be filed with the Board either via e-filing on the Board's website or in writing addressed to: Surface Transportation Board, 395 E Street SW, Washington, DC 20423–0001. In addition, send one copy of comments to the Applicant's representative, Kyle Glickson, Flott & Co. PC, 2200 Wilson Blvd., Suite 320, Arlington, VA 22201, and to Yuill's representative at the address that will be added to the service list for this proceeding on the Board's website following the submission of Yuill's filing joining the application.

FOR FURTHER INFORMATION CONTACT: Amy Ziehm at (202) 918–5462. If you require an accommodation under the Americans with Disabilities Act, please call (202) 245–0245.

SUPPLEMENTARY INFORMATION: According to the application,¹ TAI is incorporated and registered to do business in the State of Washington.² (Appl. 3.) As depicted in the organization chart attached to TAI's July 14, 2025 supplement, Traxx Holdings Inc. (Traxx), a noncarrier, owns 100% of TAI, and Traxx is 100% owned by Monarch Ventures Inc. (Monarch Ventures), also a noncarrier.³ (Suppl.,

¹ The Applicant supplemented its application on July 14, 2025, and July 24, 2025. Therefore, for purposes of determining the procedural schedule and statutory deadlines, the filing date of the application is July 24, 2025. See 49 CFR 1182.4(a).

² Further information, including TAI's U.S. Department of Transportation (USDOT) number and motor carrier number can be found in Exhibit A of the application. Additionally, although the application indicates that TAI "has a satisfactory safety rating," (Appl. 5), Exhibit A to the application indicates that TAI does not have a safety rating, (Appl., Ex. A).

³ According to the Applicant, Traxx also wholly owns Traxx Coachlines Ltd., a motor passenger carrier. (Suppl., Ex. B, July 14, 2025.) The Applicant asserts that the "TRAXX group of companies . . .

Continued

Ex. B, July 14, 2025.) Monarch Ventures is 100% owned by The Monarch Corporation (Monarch), a noncarrier, which in turn is 100% owned by Yuill. (*Id.*)

The application describes TAI as a premier bus charter rental company that provides charter services in the Seattle, Wash., area, with a particular focus on cruise transportation. (Appl. 3.) TAI's cruise transportation operations include transporting cruise ship passengers and crew between cruise terminals, hotels, airports, and local sightseeing locations. (Suppl. 1, July 14, 2025.) TAI also provides charter services to sports teams, universities, and private groups throughout the Pacific Northwest region (Washington and Oregon) and into Canada. (*Id.* at 1, 3.) TAI operates 22 coaches and employs 24 staff members. (Appl. 3)

According to the application, BTL is a Seattle-based bus charter rental company that is incorporated and registered to do business in the State of Washington.⁴ (*Id.*) BTL is 100% owned by Michael Rogers,⁵ (Appl. 1; Suppl., Ex. A, July 14, 2025), and operates exclusively in Washington, (Suppl. 3, July 14, 2025). The application states that BTL operates a diverse fleet of over 30 vehicles and employs more than 50 staff members. (Appl. 3.) BTL's charter services include school transportation, corporate charters, event charters, ad hoc group charters, shuttle services, and cruise and tourism-related group travel. (Suppl. 2, July 14, 2025.) BTL's cruise and tourism-related services operated under the name "Seattle Express" until April 2025, at which point TAI acquired the rights to the Seattle Express brand from BTL "in preparation for the proposed transaction." (*Id.*)

Under the proposed transaction, TAI will acquire BTL, including all of BTL's assets, vehicles, and business operations.⁶ (Appl. 3.) TAI states that following the transaction, Traxx will continue to wholly own TAI, (*id.* at 1),

and TAI will continue to operate BTL's fleet and routes under the existing BTL and Seattle Express names, (*id.* at 3; Suppl. 2, July 14, 2025). Additionally, although the application states that the operations of the parties will remain unchanged except insofar as TAI's "principals implement improvements," (Appl. 4), the supplement clarifies that TAI intends to expand the Seattle Express brand in the Seattle area to include private group transfers (*e.g.*, for conventions and tour groups) and mall shuttle services for select local hotels, (Suppl. 2, July 14, 2025).

Under 49 U.S.C. 14303(b), the Board must approve and authorize a transaction that it finds consistent with the public interest, taking into consideration at least (1) the effect of the proposed transaction on the adequacy of transportation to the public, (2) the total fixed charges resulting from the proposed transaction, and (3) the interest of affected carrier employees. The Applicant has submitted the information required by 49 CFR 1182.2, including information demonstrating that the proposed transaction is consistent with the public interest under 49 U.S.C. 14303(b), *see* 49 CFR 1182.2(a)(7), and a jurisdictional statement under 49 U.S.C. 14303(g) that the aggregate gross operating revenues of TAI and BTL exceeded \$2 million during the 12-month period immediately preceding the filing of the application, *see* 49 CFR 1182.2(a)(5). (Suppl. 5, July 14, 2025.)

The Applicant asserts that the proposed transaction will have no adverse impact on the adequacy of transportation services available for the public. (Appl. 4.) According to the Applicant, the proposed transaction involves the combination of two experienced, well-established bus companies in the Seattle area, and TAI intends to continue the operations of the carriers essentially as they are now being conducted. (*Id.*) Accordingly, the Applicant asserts that the public will not experience any disruption or change in service. (*Id.*)

The Applicant also argues that the proposed transaction will not adversely affect competition in the Seattle area. (Suppl. 3–5, July 14, 2025.) According to the Applicant, although TAI and BTL both operate within the broader motor passenger transportation market in the Seattle region, there is minimal direct competition between the carriers because their service offerings and clienteles are distinct, with TAI specializing in cruise and long-distance charter and BTL specializing in local, school-based, and community-driven transportation services. (*Id.* at 4.) The

Applicant also asserts that the transaction will enhance and improve service offerings, operational efficiency, resource allocation, and vehicle utilization. (*Id.* at 4–5.) Although the Applicant anticipates that, post-acquisition, TAI will "become approximately the fourth-largest charter provider by revenue in the Seattle market," the Applicant asserts that there will be no significant reduction in competition "due to the fragmented and niche-driven nature of the market." (Suppl. 5, July 14, 2025; *id.* at 3–4 (describing the competitive conditions in the motor coach market in Seattle and the broader Washington area).) The Applicant further states that this transaction would have no effect on total fixed charges, and that no carrier employees would be adversely affected by the contemplated transaction. (Appl. 4–5.)

The Board notes that Yuill did not join in TAI's application despite being the sole shareholder of Monarch, which wholly owns Monarch Ventures, which in turn wholly owns Traxx (TAI's 100% owner). (Suppl., Ex. B, July 14, 2025.) As TAI's ultimate owner, and without any evidence in the record suggesting otherwise, Yuill has the "power or authority" to exercise control of TAI. 49 U.S.C. 13102(5) (defining "control" to "include[] actual control, legal control, and the power to exercise control," including through or by "a holding or investment company"); *see also Morgan Stanley Grp.—Control Exemption—NCC L.P.*, MCF 20250, slip op. at 3 (ICC served Feb. 17, 1993) ("In determining issues of control, the Commission has focused on the ability to control as reflected in the power or authority to manage, direct, superintend, restrict, regulate, govern, administer, or oversee."). Thus, Yuill also requires acquisition authority under 49 U.S.C. 14303. Accordingly, Yuill will be directed to submit a filing joining the application and providing all the information required of an applicant under the Board's rules at 49 CFR part 1182. *See, e.g., Bus Co. Holdings Topco LP—Acquis. of Control of Assets—Chenango Valley Bus Lines, Inc.*, MCF 21117, slip op. at 5–6 (STB served Aug. 23, 2024). Yuill's filing may incorporate the existing application by reference to the extent appropriate, supplementing as necessary with any information specific to Yuill required under 49 CFR 1182.2.

Based on the Applicant's representations, the Board finds that the acquisition as proposed in the application is consistent with the public interest. The application will be tentatively approved and authorized,

includes affiliated carriers operating in British Columbia, Alberta, and Saskatchewan under the TRAXX brand" and that "[t]hese affiliates offer similar charter and tour services across Western Canada and the Pacific Northwest." (*Id.* at 2.)

⁴ Further information, including BTL's USDOT number, motor carrier number, and safety rating can be found in Exhibit A of the application.

⁵ According to the Applicant, Michael Rogers also wholly owns Sachelava Inc. d/b/a Show Me Seattle, a motor passenger carrier that provides transportation services for guided tours in the Seattle area. (Suppl. 2–3, July 14, 2025; *id.*, Ex. A.) These services include food tours, city sightseeing tours, nature excursions, cruise shore excursions, and private custom tours. (*Id.* at 3.)

⁶ The application states that the parties have entered into an asset purchase agreement but that they will not close the agreement until the Board authorizes the transaction. (Appl. 3.)

subject to Yuill submitting a satisfactory filing, as described above, that is consistent with the Board's public interest finding by September 5, 2025. If any opposing comments are timely filed, these findings will be deemed vacated and, unless a final decision can be made on the record as developed, a procedural schedule will be adopted to reconsider the application. *See* 49 CFR 1182.6. If no opposing comments are filed and the Board does not issue a decision finding Yuill's submission unsatisfactory by the expiration of the comment period, this notice, including authority for Yuill as an applicant, will take effect automatically and will be the final Board action in this proceeding.

This action is categorically excluded from environmental review under 49 CFR 1105.6(c).

Board decisions and notices are available at www.stb.gov.

It is ordered:

1. The proposed transaction is approved and authorized, subject to Yuill submitting a satisfactory filing to join the application by September 5, 2025, and the filing of opposing comments.

2. If opposing comments are timely filed, the findings made in this notice will be deemed vacated.

3. This notice will be effective October 7, 2025, unless the Board finds Yuill's submission unsatisfactory or opposing comments are filed by October 6, 2025. If any comments are filed, the Applicant and/or Yuill may reply by October 21, 2025.

4. A copy of this notice will be served on: (1) the U.S. Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590; (2) the U.S. Department of Justice, Antitrust Division, 10th Street & Pennsylvania Avenue NW, Washington, DC 20530; and (3) the U.S. Department of Transportation, Office of the General Counsel, 1200 New Jersey Avenue SE, Washington, DC 20590.

Decided: August 17, 2025.

By the Board, Board Members Fuchs, Hedlund, Primus, and Schultz.

Zantori Dickerson,
Clearance Clerk.

[FR Doc. 2025-16055 Filed 8-21-25; 8:45 am]

BILLING CODE 4915-01-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA-2025-0006]

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of information collection; request for comment.

SUMMARY: Under the Paperwork Reduction Act of 1995 (PRA) and its implementing regulations, this notice announces that FRA is forwarding the Information Collection Request (ICR) summarized below to the Office of Management and Budget (OMB) for review and comment. The ICR describes the information collection and its expected burden. On June 20, 2025, FRA published a notice providing a 60-day period for public comment on the ICR. FRA received no comments in response to the notice.

DATES: Interested persons are invited to submit comments on or before September 22, 2025.

ADDRESSES: Written comments and recommendations for the proposed ICR should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find the particular ICR by selecting "Currently under Review—Open for Public Comments" or by using the search function.

FOR FURTHER INFORMATION CONTACT: Ms. Arlette Mussington, Information Collection Clearance Officer, at email: arlette.mussington@dot.gov or telephone: (571) 609-1285 or Ms. Joanne Swafford, Information Collection Clearance Officer, at email: joanne.swafford@dot.gov or telephone: (757) 897-9908.

SUPPLEMENTARY INFORMATION: The PRA, 44 U.S.C. 3501-3520, and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. *See* 44 U.S.C. 3506, 3507; 5 CFR 1320.8 through 1320.12. On June 20, 2025, FRA published a 60-day notice in the **Federal Register** soliciting public comment on the ICR for which it is now seeking OMB approval. *See* 90 FR 26408. FRA has received no comments related to the proposed collection of information.

Before OMB decides whether to approve this proposed collection of information, it must provide 30 days'

notice for public comment. Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30-day notice is published. 44 U.S.C. 3507(b) and (c); 5 CFR 1320.12(d); *see also* 60 FR 44978, 44983, Aug. 29, 1995. The 30-day notice informs the regulated community of their opportunity to file relevant comments and affords the agency adequate time to consider public comments before it renders a decision. 60 FR 44983, Aug. 29, 1995. Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure having their full effect.

Comments are invited on the following ICR regarding: (1) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the information will have practical utility; (2) the accuracy of FRA's estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (3) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (4) ways to minimize the burden of information collection activities on the public, including the use of automated collection techniques or other forms of information technology.

The summary below describes the ICR that FRA will submit for OMB clearance as the PRA requires:

Title: Inquiry into Blocked Highway-Rail Grade Crossings Throughout the United States.

OMB Control Number: 2130-0630.

Abstract: In 2020, FRA created a dedicated website allowing the public and law enforcement personnel to use web-based forms to voluntarily submit information about blocked highway-rail grade crossings to FRA.¹ Under the currently approved ICR, users provide information regarding the location, date, time, duration, and immediate impacts of highway-rail grade crossings blocked by slow-moving or stationary trains. FRA uses the data collected to gain a more complete picture of where, when, and for how long blocked crossings occur, and what impacts result from those incidents.² In addition, FRA uses the information to respond to inquiries from members of Congress and their constituents. FRA also uses the

¹ Access to the web-based form used by the public is unrestricted.

² The data collection is not designed to provide a representative sample or create generalizable statistics. In addition, the data gathered from this collection is not suitable for use in budgetary requests or regulatory proposals.

information gathered to facilitate meetings, outreach, and other solutions for stakeholders to reduce or eliminate blocked crossing concerns.

Upon accessing these web-based forms, users are notified there are no Federal laws or regulations that specifically address the length of time a train may occupy a highway-rail grade crossing. Users are also notified that information submitted will not be forwarded to a railroad, State, or local agency, and will only be used for data collection purposes to determine the locations, times, and impacts of blocked crossings.

On November 15, 2021, the Infrastructure Investment and Jobs Act of 2021 (IIJA), Public Law 117–58, was enacted. In addition to mandating that FRA establish an online portal and corresponding database to receive information regarding blocked highway-rail grade crossings, as enacted, section 22404 of the IIJA “encourages each complainant to report the blocked crossing to the relevant railroad.” Subsequently, FRA modified the existing web-based forms by adding one question, “have you contacted the railroad?” Otherwise, the rest of the questions on the web-based forms remained the same.³

FRA takes the problem of blocked crossings very seriously, due to their potential impact on safety and on citizens’ quality of life. There are potential safety concerns with crossings that are blocked by trains. For instance, pedestrians may crawl under or through stationary trains. Also, emergency response vehicles and first responders may be delayed when responding to an incident or transporting persons to a hospital. In addition, drivers may take more risks, such as driving around lowered gates at a crossing or attempting to beat a train through a crossing without gates, to avoid a lengthy delay if they are aware that trains routinely block a crossing for extended periods of time. There are also potential economic impacts that affect businesses, such as stores or restaurants not being accessible to their customer base for an extended amount of time. Finally, highway-rail grade crossings that are blocked for extended time periods may create societal nuisances, such as roadway congestion, delayed mail service and deliveries, disrupted school and work arrival and dismissal, or missed appointments.

³ The average time per response will remain the same at 3 minutes per response because the modification made pursuant to the IIJA is *de minimis*.

Type of Request: Extension with change of a previously approved collection.

Affected Public: General public.

Form(s): FRA F 6180.175.

Respondent Universe: General public.

Frequency of Submission: On occasion.

Total Estimated Annual Responses: 26,723.

Total Estimated Annual Burden: 1,576.

Total Estimated Annual Burden Hour Dollar Cost Equivalent: \$89,948.37.

FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information that does not display a currently valid OMB control number.

Authority: 44 U.S.C. 3501–3520.

Issued in Washington, DC.

Christopher S. Van Nostrand,
Deputy Chief Counsel.

[FR Doc. 2025–16160 Filed 8–21–25; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2025–0004]

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of information collection; request for comment.

SUMMARY: Under the Paperwork Reduction Act of 1995 (PRA) and its implementing regulations, this notice announces that FRA is forwarding the Information Collection Request (ICR) summarized below to the Office of Management and Budget (OMB) for review and comment. The ICR describes the information collection and its expected burden. On June 20, 2025, FRA published a notice providing a 60-day period for public comment on the ICR. FRA received no comments in response to the notice.

DATES: Interested persons are invited to submit comments on or before September 22, 2025.

ADDRESSES: Written comments and recommendations for the proposed ICR should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find the particular ICR by selecting “Currently under Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT: Ms. Arlette Mussington, Information Collection Clearance Officer, at email: arlette.mussington@dot.gov or telephone: (571) 609–1285 or Ms. Joanne Swafford, Information Collection Clearance Officer, at email: joanne.swafford@dot.gov or telephone: (757) 897–9908.

SUPPLEMENTARY INFORMATION: The PRA, 44 U.S.C. 3501–3520, and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. See 44 U.S.C. 3506, 3507; 5 CFR 1320.8 through 1320.12. On June 20, 2025, FRA published a 60-day notice in the **Federal Register** soliciting public comment on the ICR for which it is now seeking OMB approval. See 90 FR 26411. FRA has received no comments related to the proposed collection of information.

Before OMB decides whether to approve this proposed collection of information, it must provide 30 days’ notice for public comment. Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30-day notice is published. 44 U.S.C. 3507(b) and (c); 5 CFR 1320.12(d); see also 60 FR 44978, 44983, Aug. 29, 1995. The 30-day notice informs the regulated community of their opportunity to file relevant comments and affords the agency adequate time to consider public comments before it renders a decision. 60 FR 44983, Aug. 29, 1995. Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure having their full effect.

Comments are invited on the following ICR regarding: (1) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the information will have practical utility; (2) the accuracy of FRA’s estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (3) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (4) ways to minimize the burden of information collection activities on the public, including the use of automated collection techniques or other forms of information technology.

The summary below describes the ICR that FRA will submit for OMB clearance as the PRA requires:

Title: Fatigue Risk Management Program for Certain Passenger and Freight Railroads.

OMB Control Number: 2130–0633.

Abstract: In 2022, FRA issued a final rule that revised 49 CFR part 270—System Safety Program (SSP) and part 271—Risk Reduction Program (RRP), to require railroads subject to those rules¹ to include a fatigue risk management program (FRMP) as one part of their railroad safety risk reduction programs.² A railroad must adopt and implement its FRMP through an FRMP plan that the railroad has submitted to FRA for review and approval.³ These FRMP requirements are found at part 270, subpart E—Fatigue Risk Management Programs and at part 271, subpart G—Fatigue Risk Management Programs. FRA will use the information collected to ensure that railroads are developing and implementing an FRMP that meets regulatory requirements.

FRA will also use the collected information to determine whether a railroad's FRMP is improving railroad safety through the reduction of fatigue experienced by its safety-related railroad employees.

The purpose of an FRMP is to improve railroad safety through structured, systematic, and proactive processes and procedures that a railroad develops and implements to identify and mitigate the effects of fatigue on its employees.⁴ A railroad must design its FRMP, in part, to reduce fatigue experienced by its safety-related railroad employees and to reduce the risk of railroad accidents, incidents, injuries, and fatalities where the fatigue of any of these employees is a contributing factor.⁵ As part of a railroad's SSP or RRP, each FRMP must be an ongoing program that supports continuous safety improvement.⁶ A railroad must include its FRMP in the annual internal assessment of its SSP or RRP, and FRA also includes FRMPs in

its external audits of a railroad's RRP or SSP to ensure that the railroad's FRMP processes and procedures comply with the FRMP regulation.⁷

Type of Request: Extension without change (with changes in estimates) of a currently approved collection.

Affected Public: Businesses.

Form(s): N/A.

Respondent Universe: 6 Class I railroads, 15 ISP railroads, and 35 passenger rail operations.

Frequency of Submission: On occasion.

Total Estimated Annual Responses: 12.

Total Estimated Annual Burden: 436.

Total Estimated Annual Burden Hour

Dollar Cost Equivalent: \$38,816.

FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information that does not display a currently valid OMB control number.

(Authority: 44 U.S.C. 3501–3520.)

Issued in Washington, DC.

Christopher S. Van Nostrand,

Deputy Chief Counsel.

[FR Doc. 2025–16161 Filed 8–21–25; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2010–0031]

Long Island Rail Road's Request To Amend Its Positive Train Control System

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of availability and request for comments.

SUMMARY: This document provides public notice that, on August 11, 2025, Long Island Rail Road (LIRR) submitted a request for amendment (RFA) to its FRA-certified positive train control (PTC) system. FRA is publishing this notice and inviting public comment on the railroad's RFA to its PTC system.

DATES: FRA will consider comments received by September 11, 2025. FRA may consider comments received after that date to the extent practicable and without delaying implementation of valuable or necessary modifications to a PTC system.

ADDRESSES:

Comments: Comments may be submitted by going to <https://www.regulations.gov> and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name and the applicable docket number. The relevant PTC docket number for this host railroad is Docket No. FRA–2010–0031. For convenience, all active PTC dockets are hyperlinked on FRA's website at <https://railroads.dot.gov/research-development/program-areas/train-control/ptc/railroads-ptc-dockets>. All comments received will be posted without change to <https://www.regulations.gov>; this includes any personal information.

FOR FURTHER INFORMATION CONTACT:

Gabe Neal, Staff Director, Signal, Train Control, and Crossings Division, telephone: 816–516–7168, email: Gabe.Neal@dot.gov.

SUPPLEMENTARY INFORMATION: In general, 49 U.S.C. 20157(h) requires FRA to certify that a host railroad's PTC system complies with 49 CFR part 236, subpart I, before the technology may be operated in revenue service. Before making certain changes to an FRA-certified PTC system or the associated FRA-approved PTC Safety Plan (PTCSP), a host railroad must submit, and obtain FRA's approval of, an RFA to its PTC system or PTCSP under 49 CFR 236.1021.

Under 49 CFR 236.1021(e), FRA's regulations provide that FRA will publish a notice in the **Federal Register** and invite public comment in accordance with 49 CFR part 211, if an RFA includes a request for approval of a material modification of a signal or train control system. Accordingly, this notice informs the public that, on August 11, 2025, LIRR submitted an RFA to its PTCSP for its Advanced Civil Speed Enforcement System II (ACES II), seeking FRA's approval to disable ACES II temporarily to facilitate the installation, testing, and commissioning of modifications to certain transponders, wayside interface units, and the back office map. That RFA is available in Docket No. FRA–2010–0031.

Interested parties are invited to comment on LIRR's RFA by submitting written comments or data. During FRA's review of this railroad's RFA, FRA will consider any comments or data submitted within the timeline specified in this notice and to the extent practicable, without delaying implementation of valuable or necessary modifications to a PTC system. *See* 49 CFR 236.1021; *see also* 49 CFR 236.1011(e). Under 49 CFR 236.1021, FRA maintains the authority to approve, approve with conditions, or deny a railroad's RFA at FRA's sole discretion.

¹ Part 270 applies to passenger rail operations (defined in 49 CFR 270.5 to mean "intercity, commuter, or other short-haul passenger rail service[s]"), and part 271 applies to Class I freight railroads, railroads that FRA determines demonstrate inadequate safety performance (ISP), and freight railroads that elect to voluntarily comply with part 271. *See* 49 CFR 270.3 and 271.3(a).

² 87 FR 35660–35675 (June 13, 2022). FRA issued the RRP, SSP, and FRMP final rules to implement a mandate in the Rail Safety Improvement Act of 2008 stating that FRA must require certain railroads to develop and implement a railroad safety risk reduction program that includes a fatigue management plan as one of its components. 49 U.S.C. 20156(d)(2) and (f).

³ §§ 270.409(a) and 271.609(a). A railroad must also consult with its directly affected employees and use good faith and best efforts to reach agreement with the employees on the contents of its FRMP plan. *Id.*

⁴ §§ 270.403(a) and 271.603.

⁵ §§ 270.403(b)(1) and 271.603(b)(1).

⁶ §§ 270.103(p)(1)(vii) and 271.101(a).

⁷ §§ 270.303, 270.305, 270.405, 271.401, 271.501, and 271.605.

Privacy Act Notice

In accordance with 49 CFR 211.3, FRA solicits comments from the public to better inform its decisions. DOT posts these comments, without edit, including any personal information the commenter provides, to <https://www.regulations.gov>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <https://www.transportation.gov/privacy>. See <https://www.regulations.gov/privacy-notice> for the privacy notice of [regulations.gov](https://www.regulations.gov). To facilitate comment tracking, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. If you wish to provide comments containing proprietary or confidential information, please contact FRA for alternate submission instructions.

Issued in Washington, DC.

John Karl Alexy,

*Associate Administrator for Railroad Safety,
Chief Safety Officer.*

[FR Doc. 2025-16130 Filed 8-21-25; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

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 updates to the identifying information of one or more persons currently included in OFAC's Specially Designated Nationals and Blocked Persons List (SDN List). OFAC is also publishing the names of one or more persons whose property and interests in property have been unblocked and who have been removed from the SDN List.

DATES: See **SUPPLEMENTARY INFORMATION** for relevant dates.

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, 202-622-2420; 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 Actions

On July 1, 2025, OFAC updated the SDN List entry for the following person, whose property and interests in property subject to U.S. jurisdiction continue to be blocked.

1. SHANGHAI WINSUN IMP AND EXP CO LTD, Room A, 22nd Floor, No. 2000 Pudong Avenue, Pilot Free Trade Zone, Pudong New Area, Shanghai 200135, China; Secondary sanctions risk: See Section 11 of Executive Order 14024.; Organization Established Date 15 Mar 2002; Registration Number 310115000664487 (China); Unified Social Credit Code (USCC) 91310000736692003K (China) [RUSSIA-EO14024] — TO — SHANGHAI WINSON IMP AND EXP CO LTD (a.k.a. SHANGHAI YUNCHEN IMPORT AND EXPORT CO LTD), Room 1907, Junfeng International Fortune Plaza, No. 1619 Dalian Road, Hongkou District, Shanghai, China; Room 605, Building 3, No. 188, Aona Road, China (Shanghai) Pilot Free Trade Zone, Shanghai, China; Secondary sanctions risk: See Section 11 of Executive Order 14024.; Organization Established Date 31 Jan 2018; Unified Social Credit Code (USCC) 91310115MA1K40X926 (China) [RUSSIA-EO14024].

On July 1, 2025, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following person are unblocked and they have been removed from the SDN List.

1. GOLD MILES LIMITED, 9B Shun Pont Commercial Building, 5 Thomson Road, Wanchai, Hong Kong, China; Suite 1601 Lake Central Tower, Marasi Drive, Business Bay, PO Box 417761, Dubai, United Arab Emirates; Secondary sanctions risk: See Section 11 of Executive Order 14024.; Organization Established Date 05 May 2011; Target Type Private Company; Registration Number 1596444 (Hong Kong) [RUSSIA-EO14024] (Linked To: HANAFIN, John Desmond).

On July 3, 2025, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are unblocked and they have been removed from the SDN List.

1. PUERTA PARRA, Gabriel (a.k.a. "DOCTOR PUERTA"), Carrera 30 No. 90-82, Bogota, Colombia; c/o INTERCONTINENTAL DE AVIACION, S.A.; c/o COMERCIALIZADORA ANDINA BRASILERA S.A., Bogota, Colombia; c/o INDUSTRIAL MINERA Y PECUARIA S.A., Bogota, Colombia; c/o LA FRONTERA UNION GALVEZ Y CIA S EN C, Bogota, Colombia; DOB 01 Oct 1942; POB San Carlos, Antioquia, Colombia; Cedula No. 8238830 (Colombia); Passport P020046 (Colombia) (individual) [SDNT].

2. INDUSTRIAL MINERA Y PECUARIA S.A. (a.k.a. IMPECUA S.A.), Carrera 30 No. 90-82B La Castellana, Bogota, Colombia; NIT # 830000855-1 (Colombia) [SDNT].

3. COMERCIALIZADORA ANDINA BRASILERA S.A. (a.k.a. CABRASA), Carrera 30 No. 90-82, Bogota, Colombia; NIT # 830003298-2 (Colombia) [SDNT].

4. LA FRONTERA UNION GALVEZ Y CIA S EN C (f.k.a. LA FRONTERA PUERTA GALVEZ LTDA.), Carrera 30 No. 90-82, Bogota, Colombia; NIT # 800050795-2 (Colombia) [SDNT].

On August 18, 2025, OFAC updated the SDN List entry for the following persons, whose property and interests in property subject to U.S. jurisdiction continue to be blocked.

BILLING CODE 4810-AL-P

1. PAKO INTERNATIONAL TRADING LIMITED, 8th Floor, China Hong Kong Tower, 8-12 Hennessy Road, Wan Chai, Hong Kong, China; Secondary sanctions risk: See Section 11 of Executive Order 14024.; Organization Established Date 21 Apr 2022; Company Number 3145570 (Hong Kong); Business Registration Number 73971656 (Hong Kong) [RUSSIA-EO14024]. — TO — PAKO INTERNATIONAL TRADING LIMITED, Hong Kong, China; Secondary sanctions risk: See Section 11 of Executive Order 14024.; Organization Established Date 21 Apr 2022; Company Number 3145570 (Hong Kong); Business Registration Number 73971656 (Hong Kong) [RUSSIA-EO14024].
2. KOHANA COMPANY LIMITED (a.k.a. KOHANA CO LTD), Room 1002, 10th Floor, Easey Commercial Building, 253-261, Hennessy Road, Wan Chai, Hong Kong, China; 19th Floor, New Taizhou Mansion, Taizhou, Zhejiang, China; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Established Date 2023; Identification Number IMO 6431603; Company Number 3306110 (Hong Kong) [SDGT] [IFSR] (Linked To: MINISTRY OF DEFENSE AND ARMED FORCES LOGISTICS). — TO — KOHANA COMPANY LIMITED (a.k.a. KOHANA CO LTD), Hong Kong, China; 19th Floor, New Taizhou Mansion, Taizhou, Zhejiang, China; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Established Date 2023; Identification Number IMO 6431603; Company Number 3306110 (Hong Kong) [SDGT] [IFSR] (Linked To: MINISTRY OF DEFENSE AND ARMED FORCES LOGISTICS).
3. CAREGIS TRADING HK LIMITED, Unit 89, 3/F, Yau Lee Centre, Hoi Yuen Road No. 45, Kwun Tong, Kowloon, Hong Kong, China; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Established Date 28 Mar 2023; Company Number 3257848 (Hong Kong); Business Registration Number 75103158 (Hong Kong) [SDGT] [IFSR] (Linked To: MINISTRY OF DEFENSE AND ARMED FORCES LOGISTICS). — TO — CAREGIS TRADING HK LIMITED, Hong Kong, China; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Established Date 28 Mar 2023; Company Number 3257848 (Hong Kong); Business Registration Number 75103158 (Hong Kong) [SDGT] [IFSR] (Linked To: MINISTRY OF DEFENSE AND ARMED FORCES LOGISTICS).

4. STAR ENERGY INTERNATIONAL LIMITED (Chinese Traditional: 星熠能源國際有限公司), Room D, 10/F, Tower A Billion Centre, 1 Wang Kwong Road, Kowloon Bay, Kowloon, Hong Kong, China; Room D5, 5/F, King Yip Factory Building, 59 King Yip Street, Kwun Tong, Kowloon, Hong Kong, China; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Established Date 01 Nov 2023; Company Number 3333594 (Hong Kong); Business Registration Number 75866174 (Hong Kong) [SDGT] [IFSR] (Linked To: SEPEHR ENERGY JAHAN NAMA PARS COMPANY). — TO — STAR ENERGY INTERNATIONAL LIMITED (Chinese Traditional: 星熠能源國際有限公司), Hong Kong, China; Room D5, 5/F, King Yip Factory Building, 59 King Yip Street, Kwun Tong, Kowloon, Hong Kong, China; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Established Date 01 Nov 2023; Company Number 3333594 (Hong Kong); Business Registration Number 75866174 (Hong Kong) [SDGT] [IFSR] (Linked To: SEPEHR ENERGY JAHAN NAMA PARS COMPANY).
5. AJING ATER, Kur (a.k.a. AJING ATER KUR, Kur; a.k.a. AJING, Kur), Juba, South Sudan; DOB 02 Jan 1962; POB Equatorial Guinea; nationality South Sudan; Gender Male; Passport B00001010 (South Sudan) expires 11 Aug 2022 (individual) [GLOMAG]. — TO — AJING ATER, Kur (a.k.a. AJING ATER KUR, Kur; a.k.a. AJING, Kur), Juba, South Sudan; DOB 02 Jan 1962; POB South Sudan; nationality South Sudan; Gender Male; Passport B00001010 (South Sudan) expires 11 Aug 2022 (individual) [GLOMAG].

On August 18, 2025, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following person are unblocked and they have been removed from the SDN List.

1. VARGAS GIRALDO, Claudia Mercedes, Colombia; DOB 04 Dec 1964; POB Medellin, Antioquia, Colombia; Gender Female; Cedula No. 42885957 (Colombia) (individual) [SDNTK] (Linked To: CLAMASAN S.A.S.; Linked To: GUISANES S.A.S.; Linked To: C.M.V. CARNES S.A.S.; Linked To: AGROPECUARIA MAIS SOCIEDAD POR ACCIONES SIMPLIFICADA).
(Authority: 31 CFR chapter V.)

Bradley T. Smith,

Director, Office of Foreign Assets Control.
[FR Doc. 2025-15951 Filed 8-21-25; 8:45 am]

BILLING CODE 4810-AL-C

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0804]

Agency Information Collection Activity Under OMB Review: Fiduciary Bond (38 CFR Part 13)

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden, and it includes the actual data collection instrument.

DATES: Comments and recommendations for the proposed information collection should be sent by September 22, 2025.

ADDRESSES: To submit comments and recommendations for the proposed information collection, please type the following link into your browser: www.reginfo.gov/public/do/PRAMain, select “Currently under Review—Open for Public Comments”, then search the list for the information collection by Title or “OMB Control No. 2900-0804.”

FOR FURTHER INFORMATION CONTACT: VA PRA information: Dorothy Glasgow, 202-461-1084, VAPRA@va.gov.

SUPPLEMENTARY INFORMATION:

Title: Fiduciary Bond.

OMB Control Number: 2900-0804 (38 CFR part 13). <https://www.reginfo.gov/public/do/PRAsearch>.

Type of Review: Revision of a currently approved collection.

Abstract: The VA, through its VBA, administers the Fiduciary Program. The Fiduciary Program provides oversight to VA beneficiaries who, because of injury, disease, the infirmities of advanced age, or minority, cannot manage their VA benefits. Congress authorized the VA to require a prospective fiduciary to obtain a surety bond as part of the certification process. The VA requires fiduciaries to submit proof of adequate bonding with annual accounting to facilitate its oversight responsibility as mandated.

The burden has increased since the previous approval due to the estimated average number of receivables over the past year.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period

soliciting comments on this collection of information was published at 90 FR 26097, June 18, 2025.

Affected Public: Individuals or Households.

Estimated Annual Burden: 167 hours.

Estimated Average Burden per Respondent: 1 minute.

Frequency of Response: One time.

Estimated Number of Respondents: 10,000.

(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. 2025–16149 Filed 8–21–25; 8:45 am]

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Part II

Small Business Administration

13 CFR Part 121

Small Business Size Standards: Monetary-Based Industry Size Standards;
Proposed Rule

SMALL BUSINESS ADMINISTRATION**13 CFR Part 121****RIN 3245-A112****Small Business Size Standards: Monetary-Based Industry Size Standards****AGENCY:** U.S. Small Business Administration.**ACTION:** Proposed rule.

SUMMARY: The U.S. Small Business Administration (SBA or the Agency) proposes to increase its monetary based small business size definitions (commonly referred to as “size standards”) for 263 industries (259 receipts based and four assets based). SBA proposes to retain receipts based size standards for 237 industries and 12 subindustries (“exceptions”) and remove one exception. SBA’s proposal relied on its recently revised “Size Standards Methodology” (Revised Methodology). SBA seeks comments on its proposed changes to size standards and data sources it evaluated to develop the proposed size standards. SBA also invites comments on its proposed policy of not lowering any size standards, except for excluding dominant firms from qualifying as small. In accordance with 5 U.S.C. 553(b)(4), a summary of this rule may be found at www.regulations.gov.

DATES: SBA must receive comments on this proposed rule on or before October 21, 2025.

ADDRESSES: Identify your comments by RIN 3245-A112 or Docket No. SBA-2025-0102 and submit them by one of the following methods: (1) Federal eRulemaking Portal: www.regulations.gov. Follow the instructions for submitting comments; or (2) Mail/Hand Delivery/Courier: Khem R. Sharma, Ph.D., Chief, Size Standards Division, 409 Third Street SW, Mail Code 6530, Washington, DC 20416.

SBA will post all comments on this proposed rule on www.regulations.gov. If you wish to submit confidential business information (CBI) as defined in the User Notice at www.regulations.gov, you must submit such information to U.S. Small Business Administration, Khem R. Sharma, Ph.D., Chief, Size Standards Division, 409 Third Street SW, Mail Code 6530, Washington, DC 20416, or send an email to sizestandards@sba.gov. Highlight the information that you consider to be CBI and explain why you believe SBA should hold this information as confidential. SBA will review your

information and determine whether it will make the information public.

FOR FURTHER INFORMATION CONTACT: Jorge Laboy-Bruno, Ph.D., Economist, Size Standards Division, (202) 205-6618 or sizestandards@sba.gov.

SUPPLEMENTARY INFORMATION: To determine eligibility for Federal small business assistance, SBA establishes small business size definitions (usually referred to as “size standards”) for private sector industries in the United States. SBA uses two primary measures of business size for size standards purposes: average annual receipts and average number of employees. SBA uses financial assets for certain financial industries and refining capacity, in addition to employees, for the petroleum refining industry to measure business size. In addition, SBA’s Small Business Investment Company (SBIC), Certified Development Company (CDC/504), and 7(a) Loan Programs use either the industry based size standards or the tangible net worth and net income based alternative size standard to determine eligibility for those programs.

In September 2010, Congress passed the Small Business Jobs Act (Pub. L. 111-240, 124 Stat. 2504 (September 27, 2010)) (Jobs Act) requiring SBA to review all size standards every five years and make necessary adjustments to reflect current industry and market conditions. Section 1831 of the National Defense Authorization Act for Fiscal Year 2017 (Pub. L. 114-328; December 23, 2016) (NDAA 2017) directed SBA to establish size standards for all agricultural enterprises in the same manner as for other industries and to include them in the five-year rolling review procedures established under section 1344(a) of the Jobs Act.

In accordance with the Jobs Act, SBA completed the first five-year review of all size standards (except size standards for agricultural enterprises) in 2016¹ and the second five-year review of size standards (including size standards for agricultural enterprises in accordance with NDAA 2017) in 2023,² and made appropriate adjustments to size

standards for a number of industries to reflect current industry and Federal market conditions. This rule focusing on monetary based size standards is one of two proposed rules as part of the third five-year review of size standards under the Jobs Act. The other proposed rule will focus on employee based size standards and be published in the near future.

The number of monetary based size standards reviewed and revised by NAICS sector during the first five-year comprehensive review of size standards under the Jobs Act were discussed in the receipts based size standards proposed rules SBA issued as part of the second five-year comprehensive review of size standards.³ During the second five-year review of size standards under the Jobs Act, SBA reviewed a total of 534 monetary based size standards and increased 264.

The analysis of available data at that time suggested that a total of 237 size standards might be decreased, but in response to ongoing economic impacts as a result of the COVID-19 pandemic, SBA decided to retain those size standards at the current levels.⁴ Table 1, Summary of Monetary Based Size Standards Reviewed in Second Five-Year Review (NAICS 2017), provides a summary of these revisions by NAICS sector.

Currently, there are 102 different size standards levels, covering 978 NAICS

³ See Small Business Size Standards: Agriculture, Forestry, Fishing and Hunting, Mining, Quarrying, and Oil and Gas Extraction, Utilities, Construction (85 FR 62239, October 2, 2020), Small Business Size Standards: Transportation and Warehousing, Information, Finance and Insurance, Real Estate and Rental and Leasing (85 FR 62372, October 2, 2020), Small Business Size Standards: Professional, Scientific and Technical Services, Management of Companies and Enterprises, Administrative and Support and Waste Management and Remediation Services (85 FR 72584, November 13, 2020), Small Business Size Standards: Education Services, Health Care and Social Assistance, Arts, Entertainment and Recreation, Accommodation and Food Services, Other Services (85 FR 76390, November 27, 2020), and Small Business Size Standards: Wholesale Trade and Retail Trade (86 FR 28012, May 25, 2021).

⁴ See Small Business Size Standards: Agriculture, Forestry, Fishing and Hunting, Mining, Quarrying, and Oil and Gas Extraction, Utilities, Construction (87 FR 18607, March 31, 2022), Small Business Size Standards: Transportation and Warehousing, Information, Finance and Insurance, Real Estate and Rental and Leasing (87 FR 18627, March 31, 2022), Small Business Size Standards: Professional, Scientific and Technical Services, Management of Companies and Enterprises, Administrative and Support and Waste Management and Remediation Services (87 FR 18665, March 31, 2022), Small Business Size Standards: Education Services, Health Care and Social Assistance, Arts, Entertainment and Recreation, Accommodation and Food Services, Other Services (87 FR 18646, March 31, 2022), and Small Business Size Standards: Wholesale Trade and Retail Trade (87 FR 35869, June 14, 2022).

¹ See “A REPORT ON THE FIRST FIVE-YEAR COMPREHENSIVE REVIEW OF SMALL BUSINESS SIZE STANDARDS UNDER THE SMALL BUSINESS JOBS ACT OF 2010” available at <https://www.sba.gov/sites/default/files/2023-09/Report%20on%20the%20First%205-Year%20Comprehensive%20Size%20Standards%20Review-508F.pdf>.

² See “A REPORT ON THE SECOND FIVE-YEAR COMPREHENSIVE REVIEW OF SMALL BUSINESS SIZE STANDARDS UNDER THE SMALL BUSINESS JOBS ACT OF 2010”, available at https://www.sba.gov/sites/default/files/2023-07/SBA%207s%20Report%20on%20the%20Second%205%20Year%20Review%20of%20Size%20Standards_Final.pdf.

industries and 18 subindustries (commonly known as “exceptions” in SBA’s table of size standards). Seventy-three of these size levels are based on average annual receipts covering 496

industries and 13 subindustries (“exceptions”), 27 are based on average number of employees covering 478 industries and five subindustries (“exceptions”), one is based on refining

capacity covering one industry, and one is based on average assets covering four industries.

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Table 1
Summary of Monetary Based Size Standards Reviewed in the Second Five-Year Review (NAICS 2017)

NAICS Sector	Sector Title	No. of Size Standards Reviewed	No. Size Standards Calculated			No. of Size Standards Proposed or Revised		
			Increased	Decreased	Unchanged	Increased	Decreased	Unchanged
11	Agriculture, Forestry, Fishing and Hunting	64	60	4	0	60	0	4
21	Mining, Quarrying, and Oil and Gas Extraction	4	3	1	0	3	0	1
22	Utilities	3	3	0	0	3	0	0
23	Construction	32	2	30	0	2	0	30
44-45	Retail Trade	66	35	28	3	35	0	31
48-49	Transportation and Warehousing	43	18	23	2	18	0	25
51	Information	19	8	9	2	8	0	11
52	Finance and Insurance	39	10	24	5	10	0	29
53	Real Estate and Rental and Leasing	25	9	13	3	9	0	16
54	Professional, Scientific and Technical Services	48	27	18	3	27	0	21
55	Management of Companies and Enterprises	2	2	0	0	2	0	0
56	Administrative and Support and Waste Management and Remediation Services	44	17	24	3	17	0	27
61	Education Services	18	14	4	0	14	0	4
62	Health Care and Social Assistance	39	18	18	3	18	0	21

NAICS Sector	Sector Title	No. of Size Standards Reviewed	No. Size Standards Calculated			No. of Size Standards Proposed or Revised		
			Increased	Decreased	Unchanged	Increased	Decreased	Unchanged
71	Arts, Entertainment and Recreation	25	11	11	3	11	0	14
72	Accommodation and Food Services	15	4	9	2	4	0	11
81	Other Services	48	23	21	4	23	0	25
	Total	534	264	237	33	264	0	270

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SBA also adjusts its monetary based size standards for inflation at least once every five years. An interim final rule on SBA's latest inflation adjustment to

size standards, effective December 19, 2022, was published in the **Federal Register** on November 17, 2022 (87 FR 69118), which SBA finalized on July 19, 2023, adopting the November 2022 interim rule (88 FR 46048). SBA also updates its size standards, every five years, to adopt the Office of Management and Budget's (OMB) quinquennial NAICS revisions to its table of small business size standards. Effective October 1, 2022, SBA adopted the OMB's 2022 NAICS revisions to its size standards (87 FR 59240, September 29, 2022).

This proposed rule is one of the two proposed rules that will review size standards of industries grouped by the type of size standards measures, *i.e.*, monetary based size standards and employee based size standards. Rather than review all size standards in one rule, SBA is reviewing size standards by grouping industries that use the same size measure (*i.e.*, employees or monetary measures). Once SBA completes its review of size standards for a group of industries sharing the same measure of size standards, it issues for public comments a proposed rule to revise size standards for those industries based on the latest available data and other factors deemed relevant by the SBA's Administrator.

Below is a discussion of SBA's recently revised "Size Standards Methodology" (Revised Methodology), issued on September 12, 2024, and available at www.sba.gov/size, for establishing, reviewing, or modifying receipts based size standards that SBA has applied to this proposed rule. SBA examines the structural characteristics of an industry as a basis to assess industry differences and the overall degree of competitiveness of an industry and of firms within the industry. Industry structure is typically examined by analyzing four primary factors—average firm size, degree of competition within an industry, start-up costs and entry barriers, and distribution of firms by size. To assess the ability of small businesses to compete for Federal contracting opportunities under the current size standards, as the fifth primary factor, SBA also examines, for each industry averaging \$20 million or more in average annual Federal contract dollars, the Federal contracting factor in terms of two disparity ratios. The first disparity ratio measures the small business share of total contracts relative to the small business share of the total population of firms that are willing, ready, and able to bid on and perform Federal contracts. The second disparity ratio represents the small business share of Federal contract dollars relative to the

small business share in total industry's receipts. When necessary, SBA also considers other secondary factors that are relevant to the industries and the interests of small businesses, including impacts of size standards changes on small businesses.

Size Standards Methodology

SBA has recently revised its Methodology for establishing, reviewing, or modifying size standards when necessary. See the notification in the September 12, 2024, edition of the **Federal Register** (89 FR 74109). The Revised Methodology is available on SBA's size standards web page at www.sba.gov/size. Prior to finalizing the Revised Methodology, SBA issued a notification in the December 11, 2023, edition of the **Federal Register** (88 FR 85852) to solicit comments from the public and notify stakeholders of the proposed changes to the Methodology. SBA considered all public comments in finalizing the Revised Methodology. For a summary of comments and SBA's responses, refer to the SBA's September 12, 2024, **Federal Register** notification.

The Revised Methodology represents two major changes from the previous methodology (2019 Methodology), which was issued on April 11, 2019 (84 FR 14587). The first change is to replace the 2019 Methodology to account for the Federal contracting factor with the disparity ratio approach. Under the 2019 Methodology, SBA defined the Federal contracting factor in terms of the difference between the small business share of total contract obligations and the small business share of industry receipts. If the small business share of an industry total receipts exceeded the small business share of total contract obligations by ten percentage points or more, all else being the same, SBA increased that industry's current size standard by certain amount depending on the amount of that difference. If that difference was less than ten percentage points, SBA considered that the current size standard was sufficient with respect to the Federal contracting factor.⁵

Under the disparity ratio approach, SBA computes a disparity ratio as a ratio (instead of the difference) between the small business share of contract obligations and the small business share of industry receipts. SBA also computes a second disparity ratio as a ratio between small business share of the number of contracts and the share of

⁵ For a more detailed explanation of this approach, please see SBA's 2019 Methodology, available at <https://www.sba.gov/document/support-2019-size-standards-methodology-white-paper>.

small firms in the total population of firms that are willing, ready, and able to bid on and perform Federal contracts. If an industry's disparity ratio is less than 0.8, SBA would assume that small businesses are either materially underrepresented (*i.e.*, the disparity ratio is 0.5 or greater and less than 0.8) or substantially underrepresented (*i.e.*, the disparity ratio is less than 0.5) in the Federal market under that industry's current size standard and would increase the current size standard as per Table 3 (below). If an industry's disparity ratio is 0.8 or higher, small businesses are considered overrepresented (*i.e.*, the disparity ratio is 0.8 or higher and less than 1.2) or substantially overrepresented (*i.e.*, the disparity ratio is 1.2 or higher) in the Federal market in that industry under the current size standard, and that industry's size standard is maintained at the current level.

The second change is to replace the 20th percentile and 80th percentile values of industry factors for evaluating size standards at subindustry levels ("exceptions") from those calculated based on the Economic Census data in the 2019 Methodology with those calculated using the Federal Procurement Data System/System for Award Management (FPDS/SAM) data under the revised Methodology. This will ensure consistency between the 20th percentile and 80th percentile values of industry factors and industry factors for individual exceptions.

SBA does not apply all aspects of its Methodology to all proposed rules because not all features are relevant for every industry covered by each proposed rule. For example, since all industries covered by this proposed rule have receipts based size standards, the Methodology described in this proposed rule applies only to establishing, reviewing, or modifying receipts based size standards. SBA's entire Methodology is available on its website at www.sba.gov/size and on www.regulations.gov.

Industry Analysis

Congress granted SBA's Administrator discretion to establish detailed small business size standards. 15 U.S.C. 632(a)(2). Specifically, section 3(a)(3) of the Small Business Act (15 U.S.C. 632(a)(3)) requires that ". . . the [SBA] Administrator shall ensure that the size standard varies from industry to industry to the extent necessary to reflect the differing characteristics of the various industries and consider other factors deemed to be relevant by the Administrator." Accordingly, the economic structure of an industry is the

primary basis for establishing, reviewing, or modifying small business size standards. In addition, SBA considers current economic conditions, its mission and program objectives, the Administration's current policies, impacts on small businesses under current size and proposed or revised size standards, suggestions from industry groups and Federal agencies, and public comments on the proposed rules. SBA also examines whether a size standard based on industry and other relevant data successfully excludes businesses that are dominant in the industry.

The goal of SBA's size standards review is to determine whether its existing small business size standards reflect the current industry structure and Federal market conditions and revise them when the latest available data suggests that revisions are warranted. Under the current Methodology, SBA uses the "percentile" approach to examine the industry structure.⁶ Under the percentile approach, for each industry factor, an industry is ranked and compared with the 20th percentile and 80th percentile values of that factor among the industries sharing the same measure of size standards (*i.e.*, receipts or employees). Combining that result with the 20th percentile and 80th percentile values of size standards among the industries with the same measure of size standards, SBA computes a size standard supported by each industry factor for each industry. A more detailed description of the percentile method is provided in the SBA's Revised Methodology, available at www.sba.gov/size and on www.regulations.gov.

The primary factors that SBA evaluates to examine industry structure include average firm size, startup costs and entry barriers, industry competition, and distribution of firms by size. SBA also evaluates, as an additional primary factor, small business success in receiving Federal contracting assistance under the current size standards. These are, generally, the five most important factors SBA examines when establishing, reviewing, or revising a size standard for an industry. However, SBA will also consider and evaluate other secondary factors that it believes are relevant to a

particular industry (such as technological changes, growth trends, SBA financial assistance, other program factors). SBA also considers possible impacts of size standard revisions on eligibility for Federal small business assistance, current economic conditions, the Administration's policies, and suggestions from industry groups and Federal agencies. Public comments on proposed rules also provide important additional information. SBA thoroughly reviews all public comments before making a final decision on its proposed revisions to size standards. Below are brief descriptions of each of the five primary factors that SBA has evaluated for each industry being reviewed in this proposed rule. A more detailed description of this analysis is provided in the SBA's Methodology, available at www.sba.gov/size and on www.regulations.gov.

1. *Average firm size.* SBA computes two measures of average firm size: simple average and weighted average. For industries with receipts based size standards, the simple average is the total receipts of the industry divided by the total number of firms in the industry. The weighted average firm size is the sum of weighted simple averages in different receipts size classes, where weights are the shares of total industry receipts for respective size classes. The simple average weighs all firms within an industry equally regardless of their size. The weighted average overcomes that limitation by giving more weight to larger firms. The size standard supported by average firm size is obtained by averaging size standards supported by simple average firm size and weighted average firm size.

If the average firm size of an industry is higher than the average firm size for most other industries, this would generally support a size standard higher than the size standards for other industries. Conversely, if the industry's average firm size is lower than that of most other industries, it would provide a basis to assign a lower size standard as compared to size standards for most other industries.

2. *Startup costs and entry barriers.* Startup costs reflect a firm's initial size in an industry. New entrants to an industry must have sufficient capital and other assets to start and maintain a viable business. If firms entering an industry under review have greater capital requirements than firms in most other industries, all other factors remaining the same, this would be a basis for a higher size standard. Conversely, if the industry has smaller capital needs compared to most other

⁶ As part of revision to its size standards methodology in conjunction with the second 5-year review of size standards under the Jobs Act, SBA replaced the previous "anchor" size standards approach to analyzing industry structure with the "percentile" approach. The anchor approach is described in the SBA's 2009 Methodology, available at <https://www.sba.gov/document/support-2009-size-standards-methodology-white-paper>.

industries, a lower size standard would be considered appropriate.

Given the lack of actual data on startup costs and entry barriers by industry, SBA uses average assets as a proxy for startup costs and entry barriers. To calculate average assets, SBA begins with the sales to total assets ratio for an industry from the Risk Management Association's Annual Statement Studies, available at www.rmahq.org/estatement-studies. SBA then applies these ratios to the average receipts of firms in that industry obtained from the Economic Census tabulation. An industry with average assets that are significantly higher than most other industries is likely to have higher startup costs; this in turn will support a higher size standard. Conversely, an industry with average assets that are similar to or lower than most other industries is likely to have lower startup costs; this will support either lowering or maintaining the size standard.

3. *Industry competition.* Industry competition is generally measured by the share of total industry receipts generated by the largest firms in an industry. SBA generally evaluates the share of industry receipts generated by the four largest firms in each industry. This is referred to as the "four-firm concentration ratio," a commonly used economic measure of market competition. Using the four-firm concentration ratio, SBA compares the degree of concentration within an industry to the degree of concentration of the other industries with the same measure of size standards. If a significantly higher share of economic activity within an industry is concentrated among the four largest firms compared to most other industries, all else being equal, SBA would set a size standard that is relatively higher than for most other industries. Conversely, if the market share of the four largest firms in an industry is appreciably lower than the similar share for most other industries, the industry will be assigned a size standard that is lower than those for most other industries.

4. *Distribution of firms by size.* SBA examines the shares of industry total receipts accounted for by firms of different receipts and employment sizes in an industry. This is an additional factor SBA considers in assessing competition within an industry besides the four-firm concentration ratio. If the preponderance of an industry's economic activity is attributable to smaller firms, this generally indicates that small businesses are competitive in that industry, which would support

adopting a smaller size standard. A higher size standard would be supported for an industry in which the distribution of firms indicates that most of the economic activity is concentrated among the largest firms.

Concentration is a measure of inequality of distribution. To determine the degree of inequality of distribution in an industry, SBA computes the Gini coefficient, using the Lorenz curve. The Lorenz curve presents the cumulative percentages of units (firms) along the horizontal axis and the cumulative percentages of receipts (or other measures of size) along the vertical axis. (For further detail, see the SBA's Methodology on its website at www.sba.gov/size or www.regulations.gov.) Gini coefficient values vary from zero to one. If receipts are distributed equally among all the firms in an industry, the value of the Gini coefficient will equal zero. If an industry's total receipts are attributed to a single firm, the Gini coefficient will equal one.

SBA compares the degree of inequality of distribution for an industry under review with other industries with the same type of size standards. If an industry shows a higher degree of inequality of distribution (hence a higher Gini coefficient value) compared to most other industries in the group this would, all else being equal, warrant a size standard that is higher than the size standards assigned to most other industries. Conversely, an industry with lower degree of inequality (*i.e.*, a lower Gini coefficient value) than most others will be assigned a lower size standard relative to others.

5. *Federal contracting.* Besides the industry factors discussed above, for industries averaging \$20 million dollars or more in total Federal contract dollars annually, SBA considers a Federal contracting factor as one of the five primary factors when establishing, reviewing, or revising size standards. SBA examines the success small businesses are having in winning Federal contracts under the current size standard as well as the possible impact a size standard change may have on Federal small business contracting opportunities. The Small Business Act requires the Federal government to ensure that small businesses receive a "fair share" of Federal contracts. The legislative history also discusses the importance of size standards in Federal contracting.

The Federal contracting factor captures the extent to which small businesses are getting a "fair share" of Federal contracts under the current size standards. Under the current

Methodology, a "fair share" is assessed in terms of two measures. One is the proportion of total contracts awarded to small businesses in relation to the proportion of small businesses in the total population of "ready, willing, and able" firms that are available to bid on or perform Federal contracts. The second one is the small business share of Federal contract obligations in an industry relative to the small business share of that industry's total receipts. Under the current Methodology, SBA accounts for these measuring using two disparity ratios, as described below.

As discussed in greater detail in the Revised Methodology available at www.sba.gov/size, a disparity ratio is defined as the ratio between the utilization ratio and the availability ratio. Representing the two measures to assess the extent to which small businesses are receiving a "fair share" of Federal procurements described above, SBA computes a disparity ratio using two methods. Under the first method (Disparity Ratio—Method 1), the utilization ratio is defined in terms of the small business share of total Federal contracts and the availability ratio is defined in terms of the proportion of small firms in the total population of "ready, willing, and able" firms that are available to bid on or perform Federal contracts. Under the second method (Disparity Ratio—Method 2), the utilization ratio is defined in terms of the small business share total contract obligations and the availability ratio is defined in terms of the small business share of total industry's receipts.⁷

If the disparity ratio is equal to 1.0, then there is no disparity (or there is parity) and small businesses are said to have been awarded Federal contracts in the same proportion as their representation in the industry. If the disparity ratio for an industry is 0.8 or higher ("close to or at parity" or "substantially above parity"), small businesses are said to be represented well in the Federal market, SBA considers that the current size standard for that industry as adequate. Small

⁷ This is a refinement to the 2019 Methodology, where SBA compared the small business share of total contract dollars in each industry with small business share of that industry's total receipts. If the small business share of an industry total receipts exceeded the small business share of total contract dollars by ten percentage points or more, SBA determined that small businesses were underrepresented in the Federal marketplace under the current size standard and a justification existed to increase that industry's current size standard. If that difference was less than ten percentage points, SBA considered that small businesses under the current size standard were represented well in the Federal market and the current size standard was considered adequate with respect to the Federal contracting factor.

businesses are said to be “materially underrepresented” in industries in which the disparity ratio is between 0.5 and 0.8 and “substantially underrepresented” in industries in which the disparity ratio is less than 0.5. If the disparity ratio for an industry is less than 0.8 (“materially below parity” or “substantially below parity”), SBA considers the current size standard for that industry as inadequate, thereby warranting an upward adjustment of the current size standard.

Besides the impact on Federal contracting, SBA also examines impacts on SBA’s loan programs both under the current and revised size standards.

Sources of Industry and Program Data

SBA’s primary source of industry data used in this proposed rule for evaluating industry characteristics and developing proposed size standards is a special tabulation of the Economic Census from the U.S. Census Bureau (www.census.gov/econ/census). The tabulation based on the 2017 Economic Census is the latest available. The special tabulation provides industry data on the number of firms, number of establishments, number of employees, annual payroll, and annual receipts of companies by Industry (6-digit level), Industry Group (4-digit level), Subsector (3-digit level), and Sector (2-digit level). These data are arrayed by various classes of firms’ size based on the overall number of employees and receipts of the entire enterprise (all establishments and affiliated firms) from all industries. The special tabulation also contains information for different levels of NAICS categories on average and median firm size in terms of both receipts and employment, total receipts generated by the four and eight largest firms, the Herfindahl-Hirschman Index (HHI) for the 50 largest firms, the Gini coefficient, and size distributions of firms by various receipts and employment size groupings.

In some cases, where data were not available due to disclosure prohibitions in the Census Bureau’s tabulation, SBA either estimated missing values using available relevant data or examined data at a higher level of industry aggregation, such as at the NAICS 2-digit (Sector), 3-digit (Subsector), or 4-digit (Industry Group) level. In some instances, SBA’s analysis was based only on those factors for which data were available or estimates of missing values were possible.

To evaluate industries that are not covered by the Economic Census, SBA used a similar special tabulation of the latest County Business Patterns (CBP) published by the U.S. Census Bureau

(www.census.gov/programs-surveys/cbp.html). Similarly, to evaluate industries in NAICS Sector 11 that are also not covered by the Economic Census and CBP, SBA evaluated a similar special tabulation based on the 2017 Census of Agriculture (www.nass.usda.gov) from the National Agricultural Statistics Service (NASS). Similarly, to evaluate certain financial industries that have assets based size standards SBA examined the data from the Statistics on Depository Institutions (SDI) database and (https://www7.fdic.gov/sdi/download_large_list_outside.asp) of the Federal Depository Insurance Corporation (FDIC) data and data from National Credit Union Administration (NCUA) (<https://ncua.gov/analysis/credit-union-corporate-call-report-data/quarterly-data>).

To calculate average assets, SBA used sales to total assets ratios from the Risk Management Association’s (RMA) Annual Statement Studies, 2021–2023 (www.rmahq.org/estatement-studies/). To evaluate the Federal contracting factor (*i.e.*, disparity ratios) and exceptions and to determine impacts of size standards changes on small business access to Federal contracting, SBA examined the data on Federal prime contract awards from the FPDS (www.fpds.gov) for fiscal years 2021–2023. To assess the impact on financial assistance to small businesses, SBA examined its internal data on 7(a), CDC/504, micro, and economic injury disaster (EID) loan programs for fiscal years 2021–2023. SBA also evaluated the data from the SAM (www.sam.gov) to determine disparity ratios, industry factors for some exceptions, and impacts of size standards changes.

Data sources and estimation procedures SBA uses in its size standards analysis are documented in greater detail in the SBA’s Revised Methodology, which is available at www.sba.gov/size and on www.regulations.gov.

Dominance in Field of Operation

Section 3(a) of the Small Business Act (15 U.S.C. 632(a)) defines a small business concern as one that is: (1) independently owned and operated; (2) not dominant in its field of operation; and (3) within a specific small business definition or size standard established by SBA Administrator. SBA considers as part of its evaluation whether a business concern at a proposed or revised size standard would be dominant in its field of operation. For this, SBA generally examines the industry’s market share of firms at the proposed or revised size standard as

well as the distribution of firms by size. Market share and size distribution may indicate whether a firm can exercise a major controlling influence on a national basis in an industry where a significant number of business concerns are engaged. If a contemplated size standard is found to include a dominant firm, SBA will consider a lower size standard to exclude the dominant firm from being defined as small.

Selection of Size Standards

In the 2009 Methodology that SBA applied to the first five-year comprehensive review of size standards under the Jobs Act, SBA adopted a fixed number of size standards levels as part of its effort to simplify size standards. In response to public comments to the 2009 Methodology, and the 2013 amendment to the Small Business Act (section 3(a)(8)) under section 1661 of the National Defense Authorization Act for Fiscal Year 2013 (NDAA 2013) (Pub. L. 112–239, January 2, 2013), in the 2019 Methodology, SBA relaxed the limitation on the number of small business size standards. Specifically, section 1661 of NDAA 2013 states “SBA cannot limit the number of size standards, and shall assign the appropriate size standard to each industry identified by NAICS.”

As in the 2019 Methodology, in the Revised Methodology, SBA calculates a separate size standard for each 6-digit NAICS industry. However, to account for errors and limitations associated with various data SBA evaluates in the size standards analysis, SBA rounds the calculated size standard value for a receipts based size standard to the nearest \$500,000, except for agricultural industries in Subsectors 111 and 112 for which the calculated size standards will be rounded to the nearest \$250,000. This rounding procedure is applied both in calculating a size standard for each of the five primary factors and in calculating the overall size standard for the industry.

As a policy decision, SBA continues to maintain the minimum and maximum levels for both receipts based and employee based size standards. Accordingly, SBA will not generally propose or adopt a size standard that is either below the minimum level or above the maximum, even though the calculations yield values below the minimum or above the maximum. The minimum size standard reflects the size an established small business should be to have adequate capabilities and resources to be able to compete for and perform Federal contracts (but does not account for small businesses that are newly formed or just starting

operations). On the other hand, the maximum size standard represents the size above which businesses, if qualified as small, would outcompete much smaller businesses when accessing Federal assistance.

With respect to receipts based size standards, SBA has established \$8 million and \$47 million, respectively, as the minimum and maximum size standard levels (except for most agricultural industries in NAICS Subsectors 111 and 112). These levels reflect the current minimum of \$8 million and the current maximum of \$47 million. The industry data suggests that the \$8 million minimum and \$47 million maximum size standards would be too high for agricultural industries. Accordingly, SBA has established \$2.25 million as the minimum size standard and \$5.5 million as the maximum size standard for industries in Subsector 111 (Crop Production) and Subsector 112 (Animal Production and Aquaculture).

Evaluation of Industry Factors

As mentioned earlier, to assess the appropriateness of the current size standards, SBA evaluates the structure of each industry in terms of four economic characteristics or factors, namely average firm size, average assets

size as a proxy for startup costs and entry barriers, the four-firm concentration ratio as a measure of industry competition, and size distribution of firms using the Gini coefficient. For each size standard type (*i.e.*, receipts based or employee based), SBA ranks industries both in terms of each of the four industry factors and in terms of the existing size standard and computes the 20th percentile and 80th percentile values for both. SBA then evaluates each industry by comparing its value for each industry factor to the 20th percentile and 80th percentile values for the corresponding factor for industries under a particular type of size standard.

If the characteristics of an industry under review within a particular size standard type are similar to the average characteristics of industries within the same size standard type in the 20th percentile, SBA will consider adopting as an appropriate size standard for that industry the 20th percentile value of size standards for those industries. For each size standard type, if the industry's characteristics are similar to the average characteristics of industries in the 80th percentile, SBA will assign a size standard that corresponds to the 80th percentile in the size standard rankings

of industries. A separate size standard is established for each factor based on the amount of differences between the factor value for an industry under a particular size standard type and 20th percentile and 80th percentile values for the corresponding factor for all industries in the same type.

Specifically, the actual level of the new size standard for each industry factor is derived by a linear interpolation using the 20th percentile and 80th percentile values of that factor and corresponding percentiles of size standards. Each calculated size standard is bounded between the minimum and maximum size standards levels, as discussed before. As noted earlier, the calculated value for a receipts based size standard for each industry factor is rounded to the nearest \$500,000, except for industries in Subsectors 111 and 112 for which a calculated size standard is rounded to the nearest \$250,000.

Table 2, 20th and 80th Percentiles of Industry Factors for Receipts Based Size Standards, shows the 20th percentile and 80th percentile values for average firm size (simple and weighted), average assets size, four-firm concentration ratio, and Gini coefficient for industries with receipts based size standards.

Table 2
20th and 80th Percentiles of Industry Factors for Receipts Based Size Standards

Industries/Percentiles	Simple Average Receipts Size (\$ million)	Weighted Average Receipts Size (\$ million)	Average Assets Size (\$ million)	Four-Firm Concentration Ratio (%)	Gini Coefficient
Industries, excluding Subsectors 111 and 112					
20 th percentile	\$1.09	\$26.82	\$0.49	8.0	0.697
80 th percentile	\$8.34	\$1,155.04	\$6.28	41.9	0.835
Industries in Subsectors 111 and 112					
20 th percentile	\$0.09	\$1.41	\$0.08	2.1	0.591
80 th percentile	\$0.91	\$16.94	\$0.81	14.9	0.921

Estimation of Size Standards Based on Industry Factors

An estimated size standard supported by each industry factor is derived by comparing its value for a specific industry to the 20th percentile and 80th percentile values for that factor. If an industry's value for a particular factor is near the 20th percentile value in the distribution, the supported size standard will be one that is close to the 20th percentile value of size standards for industries in the size standards group, which is \$13.5 million. If a factor

for an industry is close to the 80th percentile value of that factor, it would support a size standard that is close to the 80th percentile value in the distribution of size standards, which is \$40 million. For a factor that is within, above, or below the 20–80th percentile range, the size standard is calculated using linear interpolation based on the 20th percentile and 80th percentile values for that factor and the 20th percentile and 80th percentile values of size standards.

For example, if an industry's simple average receipts are \$1.9 million, that would support a size standard of \$16.5 million. According to Table 2, the 20th percentile and 80th percentile values of average receipts are \$1.09 million and \$8.34 million, respectively. The \$1.9 million is 11.2 percent between the 20th percentile value (\$1.09 million) and the 80th percentile value (\$8.34 million) of simple average receipts ($(\$1.9 \text{ million} - \$1.09 \text{ million}) \div (\$8.34 \text{ million} - \$1.09 \text{ million}) = 0.112$ or 11.2%). Applying this percentage to the

difference between the 20th percentile value (\$13.5 million) and 80th percentile (\$40 million) value of size standards and then adding the result to the 20th percentile size standard value (\$13.5 million) yields a calculated size standard value of \$16.46 million $(\{ \$40 \text{ million} - \$13.5 \text{ million} \} * 0.112) + \$13.5 \text{ million} = \$16.46 \text{ million})$. The final step is to round the calculated \$16.46 million size standard to the nearest \$500,000, which in this example yields \$16.5 million. This procedure was applied to calculate size standards supported by other industry factors.

Detailed formulas involved in these calculations are presented in the SBA's Revised Methodology, which is available on its website at www.sba.gov/size and on www.regulations.gov.

Derivation of Size Standards Based on Federal Contracting Factor

As discussed above, besides industry structure, SBA also evaluates Federal

contracting data to assess the success of small businesses in getting Federal contracts under the existing size standards. For each industry with \$20 million or more in annual Federal contract dollars, SBA computes two disparity ratios to account for the Federal contracting factor. The first disparity ratio (Disparity Ratio—Method (1) captures the extent to which small businesses are receiving a “fair share” of contracts relative to total number of Federal contracts in an industry. The second disparity ratio (Disparity Ratio—Method (2) measures the extent to which small businesses are receiving a “fair share” of Federal contract obligations relative to total obligations in an industry. All other factors being equal, if the disparity ratio is less than 0.8, either materially or substantially below parity, a justification would exist for considering a size standard higher than the current size standard.

Conversely, if the disparity ratio is 0.8 or higher, close to or at parity or substantially above parity, this will support the current size standard.

SBA increases the existing size standards by certain percentages when the disparity ratio is materially below parity (*i.e.*, ≥ 0.5 to < 0.8) or substantially below parity (*i.e.*, < 0.5). The amount of increases to size standards based on disparity ratios is contingent upon (1) whether the ratio is materially or substantially below parity, and (2) the level of current size standards. These proposed percentage increases for receipts-based size standards are given in Table 3, Proposed Adjustments to Receipts Based Size Standards Based on Disparity Ratio. As explained previously, adjusted receipts based size standards are rounded to the nearest \$500,000 (or nearest \$250,000 for receipts based size standards in Subsectors 111 and 112).

Table 3
Proposed Adjustments to Receipts Based Size Standards Based on Disparity Ratio

Size Standards	Disparity Ratio		
	≥ 0.8	≥ 0.5 to < 0.8	≥ 0 to < 0.5
Receipts based standards			
< \$20 million	No change	Increase 30%	Increase 60%
\$20 million to < \$35 million	No change	Increase 20%	Increase 40%
\$35 million to < \$47 million*	No change	Increase 15%	Increase 25%

Adjusted receipts based standards will be capped at \$47 million (\$5.5 million for industries in Subsectors 111 and 112).

For example, if an industry with the current size standard of \$19.5 million had disparity ratios of 0.6174 (*i.e.*, materially below parity) and 0.3006 (*i.e.*, substantially below parity) for Method 1 and Method 2, respectively. According to the above rule in Table 3, the new size standard for the first disparity ratio (Method 1) for that industry would be set by multiplying the current \$19.5 million standard by 1.3 (*i.e.*, 30% increase) and then by rounding the result to the nearest \$500,000, yielding a size standard of \$25.5 million. Similarly, the new size standard for the second disparity ratio would be set by multiplying the current \$19.5 million standard by 1.6 (*i.e.*, 60% increase) and then by rounding the result to the nearest \$500,000, yielding a size standard of \$31 million. By averaging the size standards supported by the two

disparity ratios and then by rounding the result to the nearest \$500,000 would yield a size standard \$28.5 million for the Federal contracting factor.

Of the 513 industries or subindustries (“exceptions”) reviewed in this proposed rule, SBA evaluated the disparity ratios for 207 industries/subindustries that had \$20 million or more in average annual Federal contract dollars during fiscal years 2021–2023. Based on Method 1, the disparity ratio value was 0.8 or higher for 69 industries/subindustries, between 0.5 and 0.8 for 67 industries/subindustries, and less than 0.5 for 63 industries/subindustries. According to Method 2, the disparity ratio value was 0.8 or higher for 129 industries/subindustries, between 0.5 and 0.8 for 21 industries/subindustries, and less than 0.5 for 54 industries/subindustries. These results

by NAICS sector are shown in Table 4, Number of Industries with Receipts Based Size Standards by Values of Disparity Ratios (NAICS 2022). Due to the lack of relevant data, SBA could not compute the disparity ratio(s) for a few industries. Based on the disparity ratio results, the Federal contracting factor resulted in increases to size standards for 122 industries/subindustries and no change to size standards for 81 industries/subindustries.

Derivation of Overall Industry Size Standard

The SBA's Revised Methodology presented above results in five separate size standards based on evaluation of the five primary factors (*i.e.*, four industry factors and one Federal contracting factor). SBA typically derives an industry's overall size

standard by assigning equal weights to size standards supported by each of these five factors. However, if necessary, SBA's Revised Methodology would allow assigning different weights to

some of these factors for certain industries in response to its policy decisions and other considerations. For detailed calculations, see the SBA's Revised Methodology, available on its

website at www.sba.gov/size and on www.regulations.gov.

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Table 4
Number of Industries with Receipts Based Size Standards by Values of Disparity Ratios (NAICS 2022)

NAICS Sector	NAICS Sector Title	No. of Industries or Subindustries Reviewed	No. of Industries or Subindustries with \$20 Million or More in Federal Contracts	Disparity Ratio – Method 1		Disparity Ratio – Method 2	
				>= 0.8	>= 0.5 to < 0.8	>= 0.8	>= 0.5 to < 0.8
11	Agriculture, Forestry, Fishing and Hunting	64	6	5	1	5	1
21	Mining, Quarrying, and Oil and Gas Extraction	4	1		1	1	
22	Utilities	3	2				2
23	Construction	33	25	17	4	19	4
44-45*	Retail Trade	55	---	---	---	---	---
48-49	Transportation and Warehousing	43	21	6	7	13	1
51	Information	16	7	1		6	1
52	Finance and Insurance	33	15		3	4	10
53	Real Estate and Rental and Leasing	28	18	2	10	6	14
54	Professional, Scientific and Technical Services	48	33	8	17	8	16
55	Management of Companies and Enterprises	2	0	---	---	---	---
56	Administrative and Support and Waste Management and Remediation Services	44	28	17	7	4	20
61	Education Services	18	12	1	7	4	7
62	Health Care and Social Assistance	39	24	8	6	10	10
71	Arts, Entertainment and Recreation	25	2		1	1	2
72	Accommodation and Food Services	15	3	1	2	---	3
81	Other Services	43	10	3	1	6	3
	Total	513	207	69	67	63	21

* The disparity ratios are not calculated for industries within Sector 44-45 as those industries do not apply to Federal contracting.

Calculated Size Standards Based on Industry and Federal Contracting Factors

Table 5, Size Standards Supported by Each Factor for Each Industry (Receipts), below, shows the results of analyses of industry and Federal contracting factors for each industry and subindustry (exception) covered by this proposed rule. NAICS industries in columns 2, 3, 4, 5, 6, 7, 8, and 9 show two numbers. The upper number is the value for the industry or Federal contracting factor shown on the top of

the column and the lower number is the size standard supported by that factor. Column 10 shows a calculated new size standard for each industry. This is the average of the size standards supported by each factor. The size standard for average firm size is an average of size standards supported by simple average firm size and weighted average firm size. Similarly, the size standard for the Federal contracting factor is an average of size standards supported by two disparity ratios (Methods 1 and 2). The calculated size standards for each factor

and overall size standards are rounded to the nearest \$500,000 for non-agriculture industries and rounded to the nearest \$250,000 for agriculture industries. Analytical details involved in the averaging procedure are described in SBA's Revised Methodology, which is available on its website at www.sba.gov/size and on www.regulations.gov. For comparison with the calculated new size standards, the current size standards are in column 11 of Table 5.

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Table 5
Receipts Based Size Standards Supported by Each Factor for Each Industry (\$ Million)
Upper Value = Calculated Factor, Lower Value = Size Standard Supported

(1)	(2)	(3) Simple Average Firm Size (\$ Million)	(4) Weighted Average Firm Size (\$ Million)	(5) Average Assets Size (\$ Million)	(6) Four- Firm Ratio %	(7) Gini Coefficient	(8) Disparity Ratio (Method 1)	(9) Disparity Ratio (Method 2)	(10) Calculated Size Standard (\$ Million)	(11) Current Size Standard (\$ Million)
111110 Soybean Farming	Factor	\$0.19	\$1.04	\$0.12	0.3	0.676				
	Size Std.	\$2.75	\$2.50	\$2.50	\$2.25	\$3.00			\$2.75	\$2.25
111120 Oilseed (except Soybean) Farming	Factor	\$0.30	\$1.05	\$0.17	6.5	0.577				
	Size Std.	\$3.00	\$2.50	\$2.75	\$3.00	\$2.50			\$2.75	\$2.25
111130 Dry Pea and Bean Farming	Factor	\$0.25	\$0.96	\$0.15	5.6	0.600				
	Size Std.	\$2.75	\$2.50	\$2.75	\$3.00	\$2.50			\$2.75	\$2.75
111140 Wheat Farming	Factor	\$0.17	\$0.58	\$0.10	0.5	0.608				
	Size Std.	\$2.75	\$2.50	\$2.50	\$2.25	\$2.50			\$2.50	\$2.25
111150 Corn Farming	Factor	\$0.35	\$1.36	\$0.36	0.3	0.581				
	Size Std.	\$3.00	\$2.50	\$3.00	\$2.25	\$2.50			\$2.75	\$2.50
111160 Rice Farming	Factor	\$0.71	\$1.81	\$0.42	2.1	0.484				
	Size Std.	\$3.50	\$2.50	\$3.25	\$2.50	\$2.25			\$2.75	\$2.50
111190 Other Grain Farming (includes NAICS 111191 and 111199)	Factor	\$0.48	\$1.45	\$0.28	0.3	0.502				
	Size Std.	\$3.25	\$2.50	\$3.00	\$2.25	\$2.25			\$2.75	\$2.25
111211 Potato Farming	Factor	\$1.79	\$12.61	\$1.12	5.5	0.754				
	Size Std.	\$5.50	\$3.50	\$4.75	\$3.00	\$3.25			\$4.00	\$4.25
111219 Other Vegetable (except Potato) and Melon Farming	Factor	\$0.36	\$23.10	\$0.18	5.7	0.946				
	Size Std.	\$3.00	\$4.50	\$2.75	\$3.00	\$4.00			\$3.50	\$3.75
111310 Orange Groves	Factor	\$0.35	\$8.00	\$0.41	8.5	0.831				
	Size Std.	\$3.00	\$3.25	\$3.25	\$3.25	\$3.50			\$3.25	\$4.00
111320 Citrus (except Orange) Groves	Factor	\$0.47	\$15.50	\$0.54	16.2	0.886				
	Size Std.	\$3.25	\$3.75	\$3.50	\$4.25	\$3.75			\$3.75	\$4.25
111331 Apple Orchards	Factor	\$0.35	\$24.27	\$0.40	14.6	0.917				
	Size Std.	\$3.00	\$4.75	\$3.25	\$4.00	\$4.00			\$3.75	\$4.50
111332	Factor	\$0.34	\$10.85	\$0.44	4.0	0.877				

(1) NAICS Code/ NAICS Industry Title	(2) Type	(3) Simple Average Firm Size (\$ Million)	(4) Weighted Average Firm Size (\$ Million)	(5) Average Assets Size (\$ Million)	(6) Four- Firm Ratio %	(7) Gini Coefficient	(8) Disparity Ratio (Method 1)	(9) Disparity Ratio (Method 2)	(10) Calculated Size Standard (\$ Million)	(11) Current Size Standard (\$ Million)
Grape Vineyards	Size Std.	\$3.00	\$3.50	\$3.25	\$2.75	\$3.75			\$3.25	\$4.00
111333	Factor	\$1.45	\$26.92	\$1.61	18.2	0.923				
Strawberry Farming	Size Std.	\$5.00	\$5.00	\$5.50	\$4.50	\$4.00			\$4.75	\$5.50
111334	Factor	\$0.12	\$11.08	\$0.14	14.9	0.910				
Berry (except Strawberry) Farming	Size Std.	\$2.50	\$3.50	\$2.50	\$4.00	\$4.00			\$3.50	\$3.75
111335	Factor	\$0.35	\$17.97	\$0.50	7.4	0.897				
Tree Nut Farming	Size Std.	\$3.00	\$4.00	\$3.25	\$3.00	\$4.00			\$3.50	\$3.75
111336	Factor	\$0.35	\$19.24	\$0.39	32.1	0.966				
Fruit and Tree Nut Combination Farming	Size Std.	\$3.00	\$4.25	\$3.25	\$5.50	\$4.25			\$4.25	\$5.00
111339	Factor	\$0.15	\$12.27	\$0.17	10.9	0.899				
Other Noncitrus Fruit Farming	Size Std.	\$2.50	\$3.50	\$2.75	\$3.50	\$4.00			\$3.25	\$3.50
111410	Factor	\$0.50	\$23.26	\$0.31	14.8	0.946				
Food Crops Grown Under Cover (includes NAICS 111411 and 111419)	Size Std.	\$3.25	\$4.50	\$3.00	\$4.00	\$4.00			\$3.75	\$4.50
111421	Factor	\$0.31	\$8.67	\$0.20	2.8	0.889				
Nursery and Tree Production	Size Std.	\$3.00	\$3.25	\$2.75	\$2.50	\$3.75			\$3.00	\$3.25
111422	Factor	\$0.41	\$15.91	\$0.26	8.3	0.884				
Floriculture Production	Size Std.	\$3.00	\$4.00	\$2.75	\$3.25	\$3.75			\$3.25	\$3.75
111910	Factor	\$0.38	\$1.58	\$0.31	2.6	0.605				
Tobacco Farming	Size Std.	\$3.00	\$2.50	\$3.00	\$2.50	\$2.50			\$2.75	\$2.50
111920	Factor	\$0.68	\$6.14	\$0.66	3.8	0.512				
Cotton Farming	Size Std.	\$3.50	\$3.00	\$3.75	\$2.75	\$2.25			\$3.00	\$3.25
111930	Factor	\$2.07	\$29.70	\$1.73	37.1	0.679				
Sugarcane Farming	Size Std.	\$5.50	\$5.25	\$5.50	\$5.50	\$3.00			\$5.00	\$5.00
111940	Factor	\$0.02	\$1.21	\$0.02	1.1	0.826				
Hay Farming	Size Std.	\$2.50	\$2.50	\$2.50	\$2.25	\$3.50			\$2.75	\$2.50
111990	Factor	\$0.04	\$4.40	\$0.04	2.2	0.971				
All Other Crop Farming (includes NAICS 111991, 111992 and 111998)	Size Std.	\$2.50	\$2.75	\$2.50	\$2.50	\$4.25			\$3.00	\$2.50
112111	Factor	\$0.05	\$2.93	\$0.06	0.9	0.854				

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Beef Cattle Ranching and Farming	Size Std.	\$2.50	\$2.75	\$2.50	\$2.25	\$3.75			\$2.75	\$2.50
112112	Factor	\$2.92	\$65.25	\$1.82	4.2	0.893				
Cattle Feedlots	Size Std.	10.50	\$8.00	\$8.50	\$8.00	\$8.00			\$8.50	22.00
112120	Factor	\$1.12	\$11.13	\$1.46	1.2	0.710				
Dairy Cattle and Milk Production	Size Std.	\$4.50	\$3.50	\$5.25	\$2.50	\$3.00			\$3.75	\$3.75
112200	Factor	\$1.18	\$12.11	\$0.95	2.8	0.800				
Hog and Pig Farming	Size Std.	\$4.50	\$3.50	\$4.25	\$2.50	\$3.50			\$3.50	\$4.00
112310	Factor	\$0.45	\$19.29	\$0.36	6.1	0.914				
Chicken Egg Production	Size Std.	\$8.00	\$8.00	\$8.00	\$8.00	\$8.00			\$8.00	19.00
112320	Factor	\$1.99	\$7.30	\$1.61	2.9	0.406				
Broilers and Other Meat Type Chicken Production	Size Std.	\$5.50	\$3.00	\$5.50	\$2.50	\$2.25			\$3.75	\$3.50
112330	Factor	\$2.37	\$7.82	\$1.92	3.3	0.516				
Turkey Production	Size Std.	\$5.50	\$3.00	\$5.50	\$2.75	\$2.25			\$3.75	\$3.75
112340	Factor	\$12.89	\$20.26	\$10.45	5.7	0.419				
Poultry Hatcheries	Size Std.	\$5.50	\$4.25	\$5.50	\$3.00	\$2.25			\$4.00	\$4.00
112390	Factor	\$0.13	\$7.40	\$0.11	15.1	0.939				
Other Poultry Production	Size Std.	\$2.50	\$3.00	\$2.50	\$4.00	\$4.00			\$3.25	\$3.75
112410	Factor	\$0.01	\$5.58	\$0.01	17.3	0.919				
Sheep Farming	Size Std.	\$2.25	\$3.00	\$2.25	\$4.25	\$4.00			\$3.25	\$3.50
112420	Factor	\$0.01	\$0.21	\$0.00	3.4	0.850				
Goat Farming	Size Std.	\$2.25	\$2.50	\$2.25	\$2.75	\$3.75			\$2.75	\$2.50
112500	Factor	\$0.45	\$8.32	\$0.37	9.0	0.809				
Aquaculture (includes NAICS 112511, 112512 and 112519)	Size Std.	\$3.25	\$3.25	\$3.00	\$3.25	\$3.50			\$3.25	\$3.75
112910	Factor	\$0.03	\$1.29	\$0.03	8.7	0.912				
Apiculture	Size Std.	\$2.50	\$2.50	\$2.50	\$3.25	\$4.00			\$3.00	\$3.25
112920	Factor	\$0.01	\$4.40	\$0.01	8.8	0.941				
Horses and Other Equine Production	Size Std.	\$2.25	\$2.75	\$2.25	\$3.25	\$4.00			\$3.00	\$2.75
112930	Factor	\$0.18	\$2.84	\$0.15	22.5	0.851				

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Fur-Bearing Animal and Rabbit Production	Size Std.	\$2.75	\$2.75	\$2.75	\$5.00	\$3.75			\$3.50	\$3.75
112990	Factor	\$0.05	\$6.31	\$0.04	6.4	0.967	0.502	0.189		
All Other Animal Production	Size Std.	\$2.50	\$3.00	\$2.50	\$3.00	\$4.25	\$3.50	\$4.50	\$3.25	\$2.75
113110	Factor	\$2.36	\$119.97	\$1.28	41.6	0.777				
Timber Tract Operations	Size Std.	\$18.0	\$15.5	\$17.0	\$40.0	\$29.0			\$26.0	\$19.0
113210	Factor	\$1.12	\$10.93	\$0.50	42.3	0.725				
Forest Nurseries and Gathering of Forest Products	Size Std.	\$13.5	\$13.0	\$13.5	\$40.5	\$19.0			\$21.5	\$20.5
114111	Factor	\$1.45	\$52.62	\$1.36	31.3	0.759				
Finfish Fishing	Size Std.	\$15.0	\$14.0	\$17.5	\$31.5	\$25.5			\$22.5	\$25.0
114112	Factor	\$0.61	\$17.80	\$0.56	22.9	0.620				
Shellfish Fishing	Size Std.	\$11.5	\$13.5	\$14.0	\$25.0	\$8.0			\$15.0	\$14.0
114119	Factor	\$1.10	\$20.98	\$1.00	61.7	0.758				
Other Marine Fishing	Size Std.	\$13.5	\$13.5	\$16.0	\$47.0	\$25.0			\$25.5	\$11.5
114210	Factor	\$0.66	\$5.06	\$0.60	19.9	0.665				
Hunting and Trapping	Size Std.	\$12.0	\$13.0	\$14.0	\$23.0	\$8.0			\$14.5	\$8.5
115111	Factor	\$4.70	\$10.17	\$2.93	9.0	0.537				
Cotton Ginning	Size Std.	\$26.5	\$13.0	\$24.5	\$14.5	\$8.0			\$17.0	\$16.0
115112	Factor	\$1.43	\$11.83	\$0.80	7.9	0.674	0.953	1.329		
Soil Preparation, Planting, and Cultivating	Size Std.	\$14.5	\$13.0	\$15.0	\$13.5	\$9.0	\$9.5	\$9.5	\$12.0	\$9.5
115113	Factor	\$2.07	\$38.65	\$1.29	32.1	0.740				
Crop Harvesting, Primarily by Machine	Size Std.	\$17.0	\$14.0	\$17.0	\$32.5	\$21.5			\$21.5	\$13.5
115114	Factor	\$8.30	\$163.50	\$6.23	24.5	0.753				
Postharvest Crop Activities (except Cotton Ginning)	Size Std.	\$40.0	\$16.5	\$39.5	\$26.5	\$24.0			\$29.5	\$34.0
115115	Factor	\$2.82	\$24.95	\$1.76	20.0	0.735				
Farm Labor Contractors and Crew Leaders	Size Std.	\$20.0	\$13.5	\$19.5	\$23.0	\$21.0			\$20.0	\$19.0
115116	Factor	\$1.90	\$29.28	\$1.02	25.6	0.783				
Farm Management Services	Size Std.	\$16.5	\$13.5	\$16.0	\$27.5	\$30.0			\$22.0	\$15.5
115210	Factor	\$0.60	\$25.63	\$0.26	14.8	0.708	0.930	1.250		

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Support Activities for Animal Production	Size Std.	\$11.5	\$13.5	\$12.5	\$19.0	\$15.5	\$11.0	\$11.0	\$14.0	\$11.0
115310	Factor	\$1.14	\$10.37	\$0.56	9.7	0.701	1.009	1.121		
Support Activities for Forestry	Size Std.	\$13.5	\$13.0	\$14.0	\$15.0	\$14.5	\$11.5	\$11.5	\$13.5	\$11.5
213112	Factor	\$7.71	\$2,701.65	\$6.08	32.0	0.855	0.554	2.389		
Support Activities for Oil and Gas Operations	Size Std.	\$37.5	\$47.0	\$39.0	\$32.5	\$44.0	\$47.0	\$47.0	\$41.0	\$47.0
213113	Factor	\$5.74	\$32.91	\$3.91	26.2	0.742				
Support Activities for Coal Mining	Size Std.	\$30.5	\$13.5	\$29.0	\$27.5	\$22.0			\$25.0	\$27.5
213114	Factor	\$8.16	\$121.58	\$5.57	54.7	0.841				
Support Activities for Metal Mining	Size Std.	\$39.5	\$15.5	\$36.5	\$47.0	\$41.0			\$38.0	\$41.0
213115	Factor	\$4.11	\$58.25	\$2.80	45.5	0.743				
Support Activities for Nonmetallic Minerals (except Fuels) Mining	Size Std.	\$24.5	\$14.0	\$24.0	\$43.0	\$22.0			\$27.0	\$20.5
221310	Factor	\$3.55	\$1,141.17	\$7.61	47.1	0.836	0.346	0.371		
Water Supply and Irrigation Systems	Size Std.	\$22.5	\$39.5	\$46.0	\$44.0	\$40.5	\$47.0	\$47.0	\$41.5	\$41.0
221320	Factor	\$4.50	\$139.09	\$2.54	51.8	0.824	0.487	0.488		
Sewage Treatment Facilities	Size Std.	\$26.0	\$16.0	\$23.0	\$47.0	\$38.0	\$44.0	\$44.0	\$34.5	\$35.0
221330	Factor	\$29.81	\$127.95	\$16.87	55.0	0.719				
Steam and Air-Conditioning Supply	Size Std.	\$47.0	\$16.0	\$47.0	\$47.0	\$17.5			\$36.0	\$30.0
236115	Factor	\$1.41	\$207.92	\$0.76	8.2	0.760	0.286	0.402		
New Single-Family Housing Construction (except For-Sale Builders)	Size Std.	\$14.5	\$18.0	\$14.5	\$13.5	\$25.5	\$47.0	\$47.0	\$23.5	\$45.0
236116	Factor	\$14.96	\$311.90	\$5.54	10.0	0.840	0.466	0.650		
New Multifamily Housing Construction (except For-Sale Builders)	Size Std.	\$47.0	\$20.0	\$36.5	\$15.0	\$41.0	\$47.0	\$47.0	\$34.5	\$45.0
236117	Factor	\$9.05	\$3,085.93	\$5.90	24.6	0.855	0.947	3.671		
New Housing For-Sale Builders	Size Std.	\$42.5	\$47.0	\$38.0	\$26.5	\$44.0	\$45.0	\$45.0	\$39.5	\$45.0
236118	Factor	\$0.76	\$23.53	\$0.23	2.4	0.723	0.323	0.420		
Residential Remodelers	Size Std.	\$12.5	\$13.5	\$12.5	\$9.0	\$18.5	\$47.0	\$47.0	\$20.0	\$45.0
236210	Factor	\$8.53	\$288.28	\$3.32	15.4	0.814	1.018	0.874		
Industrial Building Construction	Size Std.	\$40.5	\$19.5	\$26.5	\$19.5	\$36.0	\$45.0	\$45.0	\$31.5	\$45.0
236220	Factor	\$11.43	\$936.34	\$4.03	5.8	0.814	1.064	1.488		

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Commercial and Institutional Building Construction	Size Std.	\$47.0	\$35.0	\$29.5	\$12.0	\$36.0	\$45.0	\$45.0	\$32.5	\$45.0
237110 Water and Sewer Line and Related Structures Construction	Factor	\$4.17	\$65.00	\$2.27	4.0	0.764	1.073	0.954		
237120 Oil and Gas Pipeline and Related Structures Construction	Size Std.	\$24.5	\$14.5	\$21.5	\$10.5	\$26.5	\$45.0	\$45.0	\$24.5	\$45.0
237130 Power and Communication Line and Related Structures Construction	Factor	\$26.49	\$1,129.89	\$13.94	22.2	0.829	0.798	1.675		
	Size Std.	\$47.0	\$39.5	\$47.0	\$24.5	\$39.0	\$47.0	\$45.0	\$40.0	\$45.0
237210 Land Subdivision	Factor	\$12.75	\$975.57	\$6.37	19.0	0.837	0.888	2.513		
237310 Highway, Street, and Bridge Construction	Size Std.	\$47.0	\$36.0	\$40.5	\$22.0	\$40.5	\$45.0	\$45.0	\$38.0	\$45.0
237990 Other Heavy and Civil Engineering Construction	Factor	\$1.96	\$67.99	\$3.92	12.9	0.805				
	Size Std.	\$16.5	\$14.5	\$29.0	\$17.5	\$34.5			\$24.0	\$34.0
238110 Poured Concrete Foundation and Structure Contractors	Factor	\$14.26	\$506.82	\$7.92	8.9	0.789	1.055	1.888		
238120 Structural Steel and Precast Concrete Contractors	Size Std.	\$47.0	\$25.0	\$47.0	\$14.0	\$31.5	\$45.0	\$45.0	\$34.5	\$45.0
	Factor	\$5.67	\$234.54	\$3.15	14.5	0.811	0.867	0.764		
238130 Framing Contractors	Size Std.	\$30.0	\$18.5	\$25.5	\$18.5	\$35.5	\$45.0	\$47.0	\$30.0	\$45.0
238140 Masonry Contractors	Factor	\$2.56	\$63.51	\$1.04	3.7	0.770	1.099	1.732		
238150 Glass and Glazing Contractors	Size Std.	\$19.0	\$14.5	\$16.0	\$10.0	\$27.5	\$19.0	\$19.0	\$18.0	\$19.0
238160 Roofing Contractors	Factor	\$4.41	\$57.07	\$2.21	8.0	0.739	0.828	0.566		
238170 Siding Contractors	Size Std.	\$25.5	\$14.0	\$21.5	\$13.5	\$21.5	\$19.0	\$24.5	\$19.5	\$19.0
	Factor	\$1.41	\$27.49	\$0.42	4.5	0.775				
	Size Std.	\$14.5	\$13.5	\$13.0	\$11.0	\$28.5			\$16.5	\$19.0
	Factor	\$1.29	\$20.73	\$0.57	3.0	0.758	0.838	1.325		
	Size Std.	\$14.0	\$13.5	\$14.0	\$9.5	\$25.0	\$19.0	\$19.0	\$16.5	\$19.0
	Factor	\$2.50	\$34.52	\$1.09	6.5	0.734				
	Size Std.	\$18.5	\$13.5	\$16.0	\$12.5	\$20.5			\$16.5	\$19.0
	Factor	\$2.13	\$42.39	\$0.74	4.5	0.748	0.958	1.321		
	Size Std.	\$17.5	\$14.0	\$14.5	\$11.0	\$23.5	\$19.0	\$19.0	\$17.0	\$19.0
	Factor	\$0.85	\$18.45	\$0.34	6.9	0.738				
	Size Std.	\$12.5	\$13.5	\$13.0	\$12.5	\$21.5			\$15.0	\$19.0

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238190 Other Foundation, Structure, and Building Exterior Contractors	Factor	\$1.68	\$33.39	\$0.67	8.8	0.757	0.963	1.493		
	Size Std.	\$15.5	\$13.5	\$14.5	\$14.0	\$25.0	\$19.0	\$19.0	\$17.5	\$19.0
238210 Electrical Contractors and Other Wiring Installation Contractors	Factor	\$2.38	\$182.59	\$0.95	4.6	0.789	0.844	1.139		
	Size Std.	\$18.0	\$17.0	\$15.5	\$11.0	\$31.0	\$19.0	\$19.0	\$19.0	\$19.0
238220 Plumbing, Heating, and Air-Conditioning Contractors	Factor	\$2.03	\$169.99	\$0.72	4.2	0.768	0.952	1.541		
	Size Std.	\$17.0	\$17.0	\$14.5	\$10.5	\$27.0	\$19.0	\$19.0	\$17.5	\$19.0
238290 Other Building Equipment Contractors	Factor	\$5.35	\$721.85	\$2.23	27.6	0.803	0.726	1.787		
	Size Std.	\$29.0	\$30.0	\$21.5	\$29.0	\$34.0	\$26.5	\$22.0	\$27.5	\$22.0
238310 Drywall and Insulation Contractors	Factor	\$2.53	\$99.30	\$0.95	7.2	0.788				
	Size Std.	\$19.0	\$15.0	\$15.5	\$13.0	\$31.0			\$19.0	\$19.0
238320 Painting and Wall Covering Contractors	Factor	\$0.72	\$24.30	\$0.24	4.7	0.740	0.676	0.981		
	Size Std.	\$12.0	\$13.5	\$12.5	\$11.0	\$22.0	\$24.5	\$19.0	\$16.0	\$19.0
238330 Flooring Contractors	Factor	\$1.15	\$32.84	\$0.40	5.1	0.792	0.954	1.448		
	Size Std.	\$13.5	\$13.5	\$13.0	\$11.0	\$31.5	\$19.0	\$19.0	\$17.5	\$19.0
238340 Tile and Terrazzo Contractors	Factor	\$0.95	\$11.83	\$0.38	3.7	0.747				
	Size Std.	\$13.0	\$13.0	\$13.0	\$10.0	\$23.0			\$15.0	\$19.0
238350 Finish Carpentry Contractors	Factor	\$0.94	\$29.01	\$0.29	4.9	0.754				
	Size Std.	\$13.0	\$13.5	\$12.5	\$11.0	\$24.5			\$15.5	\$19.0
238390 Other Building Finishing Contractors	Factor	\$1.61	\$16.72	\$0.56	4.3	0.732	0.499	0.763		
	Size Std.	\$15.5	\$13.5	\$14.0	\$10.5	\$20.5	\$30.5	\$24.5	\$17.5	\$19.0
238910 Site Preparation Contractors	Factor	\$2.78	\$49.34	\$1.55	2.0	0.768	1.025	1.533		
	Size Std.	\$19.5	\$14.0	\$18.5	\$9.0	\$27.0	\$19.0	\$19.0	\$18.0	\$19.0
238990 All Other Specialty Trade Contractors	Factor	\$1.53	\$291.18	\$0.63	9.9	0.740	0.958	1.283		
	Size Std.	\$15.0	\$19.5	\$14.0	\$15.0	\$21.5	\$19.0	\$19.0	\$17.5	\$19.0
441120 Used Car Dealers	Factor	\$4.26	\$2,891.53	\$1.09	21.9	0.742				
	Size Std.	\$25.0	\$47.0	\$16.5	\$24.5	\$22.0			\$25.0	\$30.5
441210 Recreational Vehicle Dealers	Factor	\$11.97	\$705.98	\$4.49	24.0	0.750				
	Size Std.	\$47.0	\$29.5	\$32.0	\$26.0	\$23.5			\$30.0	\$40.0

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441222 Boat Dealers	Factor	\$4.33	\$123.18	\$1.73	15.0	0.694				
	Size Std.	\$25.5	\$16.0	\$19.0	\$19.0	\$13.0			\$18.0	\$40.0
441227 Motorcycle, ATV, and All Other Motor Vehicle Dealers	Factor	\$5.16	\$82.48	\$1.94	6.2	0.657				
	Size Std.	\$28.5	\$15.0	\$20.0	\$12.0	\$8.0			\$15.5	\$40.0
441330 Automotive Parts and Accessories Retailers	Factor	\$3.99	\$4,104.76	\$1.73	35.5	0.781				
	Size Std.	\$24.0	\$47.0	\$19.0	\$35.0	\$29.5			\$30.0	\$28.5
441340 Tire Dealers	Factor	\$3.67	\$1,202.30	\$1.21	23.6	0.761				
	Size Std.	\$23.0	\$41.0	\$17.0	\$25.5	\$25.5			\$25.0	\$25.5
444110 Home Centers	Factor	\$107.71	\$66,807.38	\$40.39	96.3	0.892				
	Size Std.	\$47.0	\$47.0	\$47.0	\$47.0	\$47.0			\$47.0	\$47.0
444120 Paint and Wallpaper Retailers	Factor	\$7.12	\$4,489.43	\$2.81	75.1	0.844				
	Size Std.	\$35.5	\$47.0	\$24.0	\$47.0	\$41.5			\$38.5	\$34.0
444140 Hardware Retailers	Factor	\$3.10	\$1,045.28	\$1.43	23.4	0.699				
	Size Std.	\$21.0	\$37.5	\$18.0	\$25.5	\$14.0			\$22.0	\$16.5
444180 Other Building Material Dealers	Factor	\$5.06	\$282.35	\$1.85	6.7	0.729				
	Size Std.	\$28.0	\$19.5	\$19.5	\$12.5	\$19.5			\$19.0	\$25.0
444230 Outdoor Power Equipment Retailers	Factor	\$2.79	\$26.20	\$1.23	6.1	0.642				
	Size Std.	\$19.5	\$13.5	\$17.0	\$12.0	\$8.0			\$13.5	\$9.5
444240 Nursery, Garden Center, and Farm Supply Retailers	Factor	\$3.76	\$1,611.32	\$1.46	23.0	0.744				
	Size Std.	\$23.0	\$47.0	\$18.0	\$25.0	\$22.5			\$25.0	\$21.5
445110 Supermarkets and Other Grocery Retailers (except Convenience Retailers)	Factor	\$15.21	\$30,829.82	\$3.31	36.1	0.864				
	Size Std.	\$47.0	\$47.0	\$26.5	\$35.5	\$45.5			\$38.5	\$40.0
445131 Convenience Retailers	Factor	\$1.17	\$88.19	\$0.20	7.6	0.573				
	Size Std.	\$14.0	\$15.0	\$12.0	\$13.0	\$8.0			\$12.0	\$36.5
445132 Vending Machine Operators	Factor	\$2.27	\$629.02	\$0.64	41.8	0.816				
	Size Std.	\$18.0	\$27.5	\$14.0	\$40.0	\$36.5			\$28.5	\$21.0
445230 Fruit and Vegetable Retailers	Factor	\$1.62	\$20.72	\$0.45	10.7	0.694				
	Size Std.	\$15.5	\$13.5	\$13.5	\$15.5	\$13.0			\$14.0	\$9.0

(1) NAICS Code/ NAICS Industry Title	(2) Type	(3) Simple Average Firm Size (\$ Million)	(4) Weighted Average Firm Size (\$ Million)	(5) Average Assets Size (\$ Million)	(6) Four- Firm Ratio %	(7) Gini Coefficient	(8) Disparity Ratio (Method 1)	(9) Disparity Ratio (Method 2)	(10) Calculated Size Standard (\$ Million)	(11) Current Size Standard (\$ Million)
445240 Meat Retailers	Factor	\$1.74	\$14.12	\$0.39	4.1	0.582				
	Size Std.	\$16.0	\$13.0	\$13.0	\$10.5	\$8.0			\$11.5	\$9.0
445250 Fish and Seafood Retailers	Factor	\$1.50	\$7.92	\$0.49	5.5	0.614				
	Size Std.	\$15.0	\$13.0	\$13.5	\$11.5	\$8.0			\$12.0	\$9.0
445291 Baked Goods Retailers	Factor	\$0.78	\$75.10	\$0.33	29.7	0.676				
	Size Std.	\$12.5	\$14.5	\$13.0	\$30.5	\$9.5			\$16.5	\$16.0
445292 Confectionery and Nut Retailers	Factor	\$1.08	\$88.27	\$0.39	34.9	0.747				
	Size Std.	\$13.5	\$15.0	\$13.0	\$34.5	\$23.0			\$21.5	\$19.5
445298 All Other Specialty Food Retailers	Factor	\$1.39	\$16.10	\$0.46	4.6	0.656				
	Size Std.	\$14.5	\$13.0	\$13.5	\$11.0	\$8.0			\$11.5	\$10.0
445320 Beer, Wine, and Liquor Retailers	Factor	\$1.78	\$287.88	\$0.57	10.8	0.602				
	Size Std.	\$16.0	\$19.5	\$14.0	\$15.5	\$8.0			\$14.0	\$10.0
449110 Furniture Retailers	Factor	\$5.02	\$1,014.76	\$2.12	16.5	0.790				
	Size Std.	\$28.0	\$36.5	\$21.0	\$20.0	\$31.5			\$26.5	\$25.0
449121 Floor Covering Retailers	Factor	\$2.81	\$154.31	\$0.96	10.6	0.656				
	Size Std.	\$20.0	\$16.5	\$15.5	\$15.5	\$8.0			\$14.5	\$9.0
449122 Window Treatment Retailers	Factor	\$1.40	\$20.80	\$0.53	12.0	0.619				
	Size Std.	\$14.5	\$13.5	\$13.5	\$16.5	\$8.0			\$13.0	\$11.5
449129 All Other Home Furnishings Retailers	Factor	\$4.29	\$3,523.39	\$1.89	43.9	0.842				
	Size Std.	\$25.0	\$47.0	\$20.0	\$41.5	\$41.5			\$35.0	\$33.5
449210 Electronics and Appliance Retailers	Factor	\$5.89	\$14,377.74	\$2.18	39.7	0.841				
	Size Std.	\$31.0	\$47.0	\$21.0	\$38.5	\$41.0			\$35.0	\$40.0
455110 Department Stores	Factor	\$175.70	\$11,238.70	\$67.58	46.7	0.587				
	Size Std.	\$47.0	\$47.0	\$47.0	\$44.0	\$8.0			\$36.5	\$40.0
455211 Warehouse Clubs and Supercenters	Factor	\$1,943.42	\$244,321.46	\$711.01	81.3	0.951				
	Size Std.	\$47.0	\$47.0	\$47.0	\$47.0	\$47.0			\$47.0	\$47.0
455219 All Other General Merchandise Retailers	Factor	\$5.08	\$13,788.67	\$1.93	47.2	0.877				
	Size Std.	\$28.0	\$47.0	\$20.0	\$44.0	\$47.0			\$37.0	\$40.0

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
NAICS Code/ NAICS Industry Title	Type	Simple Average Firm Size (\$ Million)	Weighted Average Firm Size (\$ Million)	Average Assets Size (\$ Million)	Four- Firm Ratio %	Gini Coefficient	Disparity Ratio (Method 1)	Disparity Ratio (Method 2)	Calculated Size Standard (\$ Million)	Current Size Standard (\$ Million)
456110 Pharmacies and Drug Retailers	Factor	\$13.18	\$49,844.26	\$2.89	57.8	0.804				
	Size Std.	\$47.0	\$47.0	\$24.5	\$47.0	\$34.0			\$38.0	\$37.5
456120 Cosmetics, Beauty Supplies, and Perfume Retailers	Factor	\$3.34	\$2,379.64	\$1.43	42.8	0.825				
	Size Std.	\$21.5	\$47.0	\$18.0	\$40.5	\$38.0			\$33.0	\$34.0
456130 Optical Goods Retailers	Factor	\$2.85	\$1,493.35	\$0.82	41.1	0.782				
	Size Std.	\$20.0	\$47.0	\$15.0	\$39.5	\$30.0			\$29.5	\$29.5
456191 Food (Health) Supplement Retailers	Factor	\$1.63	\$501.54	\$0.68	28.2	0.729				
	Size Std.	\$15.5	\$24.5	\$14.5	\$29.5	\$19.5			\$21.0	\$22.5
456199 All Other Health and Personal Care Retailers	Factor	\$2.35	\$46.28	\$0.98	6.0	0.707				
	Size Std.	\$18.0	\$14.0	\$16.0	\$12.0	\$15.5			\$15.0	\$9.5
457110 Gasoline Stations with Convenience Stores	Factor	\$6.61	\$4,702.36	\$1.54	18.2	0.736				
	Size Std.	\$33.5	\$47.0	\$18.5	\$21.5	\$21.0			\$25.5	\$36.5
457120 Other Gasoline Stations	Factor	\$9.80	\$7,107.24	\$2.12	47.1	0.788				
	Size Std.	\$45.5	\$47.0	\$21.0	\$44.0	\$31.0			\$35.5	\$33.5
458110 Clothing and Clothing Accessories Retailers	Factor	\$5.18	\$5,776.97	\$2.39	25.3	0.859				
	Size Std.	\$28.5	\$47.0	\$22.0	\$27.0	\$44.5			\$33.0	\$47.0
458210 Shoe Retailers	Factor	\$6.76	\$1,668.93	\$3.12	29.8	0.848				
	Size Std.	\$34.0	\$47.0	\$25.5	\$30.5	\$42.5			\$35.0	\$34.0
458310 Jewelry Retailers	Factor	\$2.31	\$958.74	\$1.36	21.0	0.761				
	Size Std.	\$18.0	\$35.5	\$17.5	\$23.5	\$26.0			\$23.5	\$20.5
458320 Luggage and Leather Goods Retailers	Factor	\$7.74	\$1,336.12	\$4.47	59.7	0.864				
	Size Std.	\$38.0	\$44.5	\$31.5	\$47.0	\$45.5			\$41.5	\$38.0
459110 Sporting Goods Retailers	Factor	\$3.21	\$2,519.76	\$1.30	32.8	0.786				
	Size Std.	\$21.5	\$47.0	\$17.0	\$33.0	\$30.5			\$29.0	\$26.5
459120 Hobby, Toy, and Game Retailers	Factor	\$3.98	\$3,332.79	\$1.41	61.0	0.849				
	Size Std.	\$24.0	\$47.0	\$17.5	\$47.0	\$42.5			\$35.5	\$35.0
459130 Sewing, Needlework, and Piece Goods Retailers	Factor	\$1.37	\$1,359.13	\$0.59	34.8	0.767				
	Size Std.	\$14.5	\$45.0	\$14.0	\$34.5	\$27.0			\$26.5	\$34.0

(1)	(2)	(3) Simple Average Firm Size (\$ Million)	(4) Weighted Average Firm Size (\$ Million)	(5) Average Assets Size (\$ Million)	(6) Four- Firm Ratio %	(7) Gini Coefficient	(8) Disparity Ratio (Method 1)	(9) Disparity Ratio (Method 2)	(10) Calculated Size Standard (\$ Million)	(11) Current Size Standard (\$ Million)
459140 Musical Instrument and Supplies Retailers	Factor	\$2.10	\$523.31	\$1.43	29.2	0.745				
	Size Std.	\$17.0	\$25.0	\$18.0	\$30.0	\$22.5			\$23.0	\$22.5
459210 Book Retailers and News Dealers	Factor	\$3.25	\$1,566.83	\$1.25	51.6	0.841				
	Size Std.	\$21.5	\$47.0	\$17.0	\$47.0	\$41.5			\$35.0	\$36.0
459310 Florists	Factor	\$0.55	\$1.62	\$0.20	0.9	0.528				
	Size Std.	\$11.5	\$13.0	\$12.0	\$8.0	\$8.0			\$10.0	\$9.0
459410 Office Supplies and Stationery Retailers	Factor	\$5.55	\$3,976.28	\$2.11	41.9	0.851				
	Size Std.	\$30.0	\$47.0	\$21.0	\$40.0	\$43.0			\$35.5	\$40.0
459420 Gift, Novelty, and Souvenir Retailers	Factor	\$1.25	\$328.37	\$0.55	19.3	0.740				
	Size Std.	\$14.0	\$20.5	\$14.0	\$22.5	\$22.0			\$19.0	\$13.5
459510 Used Merchandise Retailers	Factor	\$1.46	\$83.99	\$0.78	7.8	0.754				
	Size Std.	\$15.0	\$15.0	\$15.0	\$13.5	\$24.5			\$17.0	\$14.0
459910 Pet and Pet Supplies Retailers	Factor	\$4.22	\$3,844.85	\$1.38	48.2	0.817				
	Size Std.	\$25.0	\$47.0	\$17.5	\$45.0	\$36.5			\$34.0	\$32.0
459920 Art Dealers	Factor	\$2.29	\$283.90	\$0.86	24.3	0.808				
	Size Std.	\$18.0	\$19.5	\$15.0	\$26.0	\$35.0			\$24.0	\$16.5
459930 Manufactured (Mobile) Home Dealers	Factor	\$4.19	\$525.28	\$2.33	37.9	0.732				
	Size Std.	\$25.0	\$25.0	\$22.0	\$37.0	\$20.0			\$26.0	\$19.0
459991 Tobacco, Electronic Cigarette, and Other Smoking Supplies Retailers	Factor	\$1.29	\$13.36	\$0.43	2.5	0.630				
	Size Std.	\$14.0	\$13.0	\$13.5	\$9.0	\$8.0			\$11.0	\$11.5
459999 All Other Miscellaneous Retailers	Factor	\$3.07	\$24,369.44	\$1.05		0.827				
	Size Std.	\$20.5	\$47.0	\$16.0		\$38.5			\$29.5	\$11.5
481219 Other Nonscheduled Air Transportation	Factor	\$4.31	\$84.97	\$3.40	32.9	0.805	1.051	2.367		
	Size Std.	\$25.5	\$15.0	\$27.0	\$33.0	\$34.0	\$25.0	\$25.0	\$28.0	\$25.0
484110 General Freight Trucking, Local	Factor	\$1.09	\$15.26	\$0.43	2.0	0.722				
	Size Std.	\$13.5	\$13.0	\$13.0	\$9.0	\$18.0			\$13.5	\$34.0
484121 General Freight Trucking, Long-Distance, Truckload	Factor	\$3.52	\$996.63	\$1.71	15.4	0.832				
	Size Std.	\$22.5	\$36.5	\$19.0	\$19.5	\$39.5			\$27.0	\$34.0

(1) NAICS Code/ NAICS Industry Title	(2) Type	(3) Simple Average Firm Size (\$ Million)	(4) Weighted Average Firm Size (\$ Million)	(5) Average Assets Size (\$ Million)	(6) Four- Firm Ratio %	(7) Gini Coefficient	(8) Disparity Ratio (Method 1)	(9) Disparity Ratio (Method 2)	(10) Calculated Size Standard (\$ Million)	(11) Current Size Standard (\$ Million)
484122 General Freight Trucking, Long-Distance, Less Than Truckload	Factor	\$10.47	\$2,643.81	\$5.42	40.3	0.879				
	Size Std.	\$47.0	\$47.0	\$36.0	\$38.5	\$47.0			\$42.0	\$43.0
484210 Used Household and Office Goods Moving	Factor	\$2.04	\$269.46	\$0.69	23.2	0.778	0.834	1.251		
	Size Std.	\$17.0	\$19.0	\$14.5	\$25.5	\$29.0	\$34.0	\$34.0	\$24.0	\$34.0
484220 Specialized Freight (except Used Goods) Trucking, Local	Factor	\$1.45	\$18.92	\$0.68	1.9	0.722	0.993	0.835		
	Size Std.	\$15.0	\$13.5	\$14.5	\$8.5	\$18.5	\$34.0	\$34.0	\$18.0	\$34.0
484230 Specialized Freight (except Used Goods) Trucking, Long-Distance	Factor	\$4.43	\$277.61	\$2.42	13.0	0.822	0.541	1.553		
	Size Std.	\$25.5	\$19.5	\$22.5	\$17.5	\$37.5	\$41.0	\$34.0	\$27.5	\$34.0
485111 Mixed Mode Transit Systems	Factor	\$2.27	\$34.58	\$1.36	86.3	0.809				
	Size Std.	\$18.0	\$13.5	\$17.5	\$47.0	\$35.0			\$29.0	\$29.0
485112 Commuter Rail Systems	Factor	\$90.24	\$309.99	\$54.15	96.5	0.859				
	Size Std.	\$47.0	\$20.0	\$47.0	\$47.0	\$44.5			\$43.0	\$47.0
485113 Bus and Other Motor Vehicle Transit Systems	Factor	\$11.15	\$402.25	\$6.69	54.8	0.856	0.794	3.782		
	Size Std.	\$47.0	\$22.5	\$42.0	\$47.0	\$44.0	\$39.0	\$32.5	\$41.0	\$32.5
485119 Other Urban Transit Systems	Factor	\$6.32	\$41.77	\$3.79	59.0	0.789				
	Size Std.	\$32.5	\$14.0	\$28.5	\$47.0	\$31.5			\$32.5	\$37.5
485210 Interurban and Rural Bus Transportation	Factor	\$5.07	\$317.10	\$3.04	57.9	0.835				
	Size Std.	\$28.0	\$20.5	\$25.0	\$47.0	\$40.0			\$34.0	\$32.0
485310 Taxi and Ridesharing Services	Factor	\$3.34	\$4,615.78	\$2.00	77.2	0.869				
	Size Std.	\$21.5	\$47.0	\$20.5	\$47.0	\$46.5			\$37.0	\$19.0
485320 Limousine Service	Factor	\$0.90	\$28.48	\$0.53	12.6	0.757				
	Size Std.	\$13.0	\$13.5	\$13.5	\$17.0	\$25.0			\$17.5	\$19.0
485410 School and Employee Bus Transportation	Factor	\$4.22	\$528.03	\$3.33	34.5	0.824	0.589	2.400		
	Size Std.	\$25.0	\$25.5	\$26.5	\$34.0	\$38.0	\$36.0	\$30.0	\$31.5	\$30.0
485510 Charter Bus Industry	Factor	\$3.09	\$30.27	\$3.31	14.2	0.715				
	Size Std.	\$21.0	\$13.5	\$26.5	\$18.5	\$17.0			\$20.0	\$19.0
485991 Special Needs Transportation	Factor	\$1.76	\$71.13	\$0.96	19.2	0.752	0.918	1.736		
	Size Std.	\$16.0	\$14.5	\$15.5	\$22.5	\$24.0	\$19.0	\$19.0	\$19.5	\$19.0

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
NAICS Code/ NAICS Industry Title	Type	Simple Average Firm Size (\$ Million)	Weighted Average Firm Size (\$ Million)	Average Assets Size (\$ Million)	Four- Firm Ratio %	Gini Coefficient	Disparity Ratio (Method 1)	Disparity Ratio (Method 2)	Calculated Size Standard (\$ Million)	Current Size Standard (\$ Million)
485999 All Other Transit and Ground Passenger Transportation	Factor	\$1.17	\$26.82	\$0.54	18.3	0.779	0.841	1.333		
	Size Std.	\$14.0	\$13.5	\$13.5	\$21.5	\$29.0	\$19.0	\$19.0	\$19.5	\$19.0
486210 Pipeline Transportation of Natural Gas	Factor	\$217.41	\$2,311.30	\$135.88	50.4	0.852				
	Size Std.	\$47.0	\$47.0	\$47.0	\$46.5	\$43.5			\$46.0	\$41.5
486990 All Other Pipeline Transportation	Factor	\$24.81	\$249.23	\$14.59	95.5	0.824				
	Size Std.	\$47.0	\$18.5	\$47.0	\$47.0	\$38.0			\$41.5	\$46.0
487110 Scenic and Sightseeing Transportation, Land	Factor	\$1.78	\$23.82	\$0.80	22.6	0.762				
	Size Std.	\$16.0	\$13.5	\$15.0	\$25.0	\$26.0			\$20.5	\$20.5
487210 Scenic and Sightseeing Transportation, Water	Factor	\$1.21	\$27.67	\$0.54	17.7	0.746				
	Size Std.	\$14.0	\$13.5	\$13.5	\$21.0	\$23.0			\$18.0	\$14.0
487990 Scenic and Sightseeing Transportation, Other	Factor	\$3.26	\$52.08	\$1.46	46.6	0.780				
	Size Std.	\$21.5	\$14.0	\$18.0	\$43.5	\$29.5			\$27.5	\$25.0
488111 Air Traffic Control	Factor	\$15.06	\$61.14	\$15.58	90.9	0.738	0.885	0.377		
	Size Std.	\$47.0	\$14.5	\$47.0	\$47.0	\$21.5	\$40.0	\$47.0	\$38.0	\$40.0
488119 Other Airport Operations	Factor	\$7.82	\$266.10	\$9.77	29.4	0.814	0.404	1.716		
	Size Std.	\$38.0	\$19.0	\$47.0	\$30.0	\$36.0	\$47.0	\$40.0	\$37.0	\$40.0
488190 Other Support Activities for Air Transportation	Factor	\$5.38	\$242.11	\$3.36	15.7	0.830	0.786	0.319		
	Size Std.	\$29.0	\$18.5	\$26.5	\$19.5	\$39.0	\$46.0	\$47.0	\$31.0	\$40.0
488210 Support Activities for Rail Transportation	Factor	\$10.63	\$154.87	\$6.38	24.7	0.813				
	Size Std.	\$47.0	\$16.5	\$40.5	\$26.5	\$36.0			\$34.0	\$34.0
488310 Port and Harbor Operations	Factor	\$11.81	\$214.67	\$11.07	45.9	0.822	0.448	3.661		
	Size Std.	\$47.0	\$18.0	\$47.0	\$43.0	\$37.5	\$47.0	\$47.0	\$41.5	\$47.0
488320 Marine Cargo Handling	Factor	\$36.04	\$740.70	\$36.04	46.6	0.838	0.184	0.498		
	Size Std.	\$47.0	\$30.5	\$47.0	\$43.5	\$40.5	\$47.0	\$47.0	\$43.5	\$47.0
488330 Navigational Services to Shipping	Factor	\$5.00	\$72.99	\$5.36	17.8	0.817	0.766	1.001		
	Size Std.	\$28.0	\$14.5	\$36.0	\$21.0	\$36.5	\$47.0	\$47.0	\$32.5	\$47.0
488390 Other Support Activities for Water Transportation	Factor	\$2.39	\$30.04	\$2.39	20.8	0.771	0.325	0.604		
	Size Std.	\$18.0	\$13.5	\$22.0	\$23.5	\$27.5	\$47.0	\$47.0	\$27.0	\$47.0

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488410 Motor Vehicle Towing	Factor	\$0.81	\$3.81	\$0.43	2.2	0.608				
	Size Std.	\$12.5	\$13.0	\$13.0	\$9.0	\$8.0			\$11.0	\$9.0
488490 Other Support Activities for Road Transportation	Factor	\$1.99	\$113.72	\$1.00	28.2	0.802				
	Size Std.	\$17.0	\$15.5	\$16.0	\$29.5	\$34.0			\$24.0	\$18.0
488510 Freight Transportation Arrangement	Factor	\$4.30	\$403.15	\$1.12	12.2	0.794	0.085	0.011		
	Size Std.	\$25.0	\$22.5	\$16.5	\$17.0	\$32.0	\$28.0	\$28.0	\$23.5	\$20.0
488991 Packing and Crating	Factor	\$1.40	\$17.70	\$0.56	12.5	0.717				
	Size Std.	\$14.5	\$13.5	\$14.0	\$17.0	\$17.5			\$15.5	\$34.0
488999 All Other Support Activities for Transportation	Factor	\$7.85	\$32.43	\$3.57	78.8	0.722	0.126	0.012		
	Size Std.	\$38.0	\$13.5	\$27.5	\$47.0	\$18.5	\$35.0	\$35.0	\$31.0	\$25.0
491110 Postal Service	Factor						0.370			
	Size Std.						\$14.5		\$14.5	\$9.0
492210 Local Messengers and Local Delivery	Factor	\$1.47	\$75.83	\$0.42	20.1	0.742				
	Size Std.	\$15.0	\$14.5	\$13.0	\$23.0	\$22.0			\$18.5	\$34.0
493110 General Warehousing and Storage	Factor	\$4.11	\$320.65	\$2.42	17.7	0.831	0.726	1.427		
	Size Std.	\$24.5	\$20.5	\$22.5	\$21.0	\$39.5	\$41.0	\$34.0	\$28.5	\$34.0
493120 Refrigerated Warehousing and Storage	Factor	\$8.87	\$340.63	\$8.58	42.3	0.802	0.669	0.147		
	Size Std.	\$42.0	\$21.0	\$47.0	\$40.5	\$34.0	\$42.0	\$45.5	\$39.5	\$36.5
493130 Farm Product Warehousing and Storage	Factor	\$2.13	\$12.29	\$1.16	16.5	0.718				
	Size Std.	\$17.5	\$13.0	\$16.5	\$20.0	\$17.5			\$17.5	\$34.0
493190 Other Warehousing and Storage	Factor	\$5.17	\$485.91	\$3.88	41.3	0.859	0.257	1.053		
	Size Std.	\$28.5	\$24.5	\$29.0	\$39.5	\$44.5	\$45.5	\$36.5	\$36.0	\$36.5
512110 Motion Picture and Video Production	Factor	\$4.77	\$3,924.89	\$2.60	43.7	0.863	0.857	4.508		
	Size Std.	\$27.0	\$47.0	\$23.0	\$41.5	\$45.5	\$40.0	\$40.0	\$37.5	\$40.0
512120 Motion Picture and Video Distribution	Factor	\$4.19	\$49.31	\$2.67	29.9	0.780				
	Size Std.	\$25.0	\$14.0	\$23.5	\$30.5	\$29.5			\$26.0	\$39.0
512131 Motion Picture Theaters (except Drive-Ins)	Factor	\$8.34	\$1,698.31	\$9.62	57.4	0.845				
	Size Std.	\$40.0	\$47.0	\$47.0	\$47.0	\$42.0			\$45.0	\$47.0

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512132 Drive-In Motion Picture Theaters	Factor	\$0.75	\$7.78	\$0.48	40.9	0.660				
	Size Std.	\$12.0	\$13.0	\$13.5	\$39.0	\$8.0			\$18.5	\$12.5
512191 Teleproduction and Other Postproduction Services	Factor	\$2.05	\$145.88	\$1.31	30.5	0.826				
	Size Std.	\$17.0	\$16.5	\$17.5	\$31.0	\$38.5			\$26.0	\$39.0
512199 Other Motion Picture and Video Industries	Factor	\$1.34	\$13.01	\$0.86	39.6	0.741				
	Size Std.	\$14.5	\$13.0	\$15.0	\$38.0	\$22.0			\$22.5	\$28.5
512240 Sound Recording Studios	Factor	\$0.51	\$8.12	\$0.34	12.0	0.689				
	Size Std.	\$11.5	\$13.0	\$13.0	\$16.5	\$12.0			\$13.5	\$11.0
512290 Other Sound Recording Industries	Factor	\$1.45	\$65.25	\$0.96	50.7	0.790				
	Size Std.	\$15.0	\$14.5	\$15.5	\$47.0	\$31.5			\$27.5	\$22.5
513210 Software Publishers	Factor	\$27.63	\$12,803.65	\$28.58	32.4	0.877	0.432	1.795		
	Size Std.	\$47.0	\$47.0	\$47.0	\$32.5	\$47.0	\$47.0	\$47.0	\$44.0	\$47.0
516110 Radio Broadcasting Stations	Factor	\$4.29	\$1,049.37	\$4.51	45.8	0.836				
	Size Std.	\$25.0	\$37.5	\$32.0	\$43.0	\$40.0			\$36.5	\$47.0
516120 Television Broadcasting Stations	Factor	\$81.04	\$5,591.23	\$101.29	OFL	0.886				
	Size Std.	\$47.0	\$47.0	\$47.0	OFL	\$47.0			\$47.0	\$47.0
516210 Media Streaming Distribution Services, Social Networks, and Other Media Networks and Content Providers	Factor	\$66.45	\$12,289.75	\$62.30	27.5	0.891	0.252	7.880		
	Size Std.	\$47.0	\$47.0	\$47.0	\$28.5	\$47.0	\$47.0	\$47.0	\$43.5	\$47.0
517410 Satellite Telecommunications	Factor	\$16.08	\$615.94	\$9.46	50.6	0.865	0.080	0.661		
	Size Std.	\$47.0	\$27.5	\$47.0	\$47.0	\$46.0	\$47.0	\$47.0	\$45.0	\$44.0
517810 All Other Telecommunications	Factor	\$12.81	\$1,990.43	\$6.86	56.0	0.875	0.319	1.171		
	Size Std.	\$47.0	\$47.0	\$42.5	\$47.0	\$47.0	\$47.0	\$40.0	\$45.5	\$40.0
518210 Computing Infrastructure Providers, Data Processing, Web Hosting, and Related Services	Factor	\$14.50	\$2,208.11	\$8.53	17.2	0.858	0.475	1.988		
	Size Std.	\$47.0	\$47.0	\$47.0	\$20.5	\$44.5	\$47.0	\$40.0	\$40.5	\$40.0
519210 Libraries and Archives	Factor	\$1.15	\$94.19	\$0.56	34.7	0.792	0.333	0.930		
	Size Std.	\$13.5	\$15.0	\$14.0	\$34.5	\$32.0	\$29.5	\$21.0	\$24.0	\$21.0
522220	Factor	\$48.35	\$4,969.26	\$161.17	31.9	0.888				

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Sales Financing	Size Std.	\$47.0	\$47.0	\$47.0	\$32.0	\$47.0			\$43.5	\$47.0
522291 Consumer Lending	Factor	\$12.11	\$2,577.61	\$40.37	50.7	0.876				
	Size Std.	\$47.0	\$47.0	\$47.0	\$47.0	\$47.0			\$47.0	\$47.0
522292 Real Estate Credit	Factor	\$27.49	\$5,772.85	\$54.99	33.6	0.868				
	Size Std.	\$47.0	\$47.0	\$47.0	\$33.5	\$46.5			\$43.5	\$47.0
522299 International, Secondary Market, and All Other Nondepository Credit Intermediation	Factor	\$41.26	\$75,051.01	\$206.29	43.7	0.891				
	Size Std.	\$47.0	\$47.0	\$47.0	\$41.5	\$47.0			\$45.5	\$47.0
522310 Mortgage and Nonmortgage Loan Brokers	Factor	\$1.50	\$228.34	\$2.50	25.4	0.775				
	Size Std.	\$15.0	\$18.0	\$22.5	\$27.0	\$28.5			\$23.5	\$15.0
522320 Financial Transactions Processing, Reserve, and Clearinghouse Activities	Factor	\$25.73	\$3,705.55	\$22.06	35.7	0.888	0.274	4.447		
	Size Std.	\$47.0	\$47.0	\$47.0	\$35.0	\$47.0	\$47.0	\$47.0	\$44.5	\$47.0
522390 Other Activities Related to Credit Intermediation	Factor	\$5.10	\$465.88	\$8.06	22.5	0.866	0.222	0.169		
	Size Std.	\$28.0	\$24.0	\$47.0	\$25.0	\$46.0	\$40.0	\$40.0	\$37.0	\$28.5
523150 Investment Banking and Securities Intermediation	Factor	\$24.94	\$6,509.93	\$16.62	20.0	0.888	0.700	0.198		
	Size Std.	\$47.0	\$47.0	\$47.0	\$23.0	\$47.0	\$47.0	\$47.0	\$42.0	\$47.0
523160 Commodity Contracts Intermediation	Factor	\$8.69	\$371.85	\$4.20	20.8	0.859				
	Size Std.	\$41.5	\$21.5	\$30.5	\$23.5	\$45.0			\$32.5	\$47.0
523210 Securities and Commodity Exchanges	Factor	\$909.77	\$3,016.44	\$514.96	98.8	0.717				
	Size Std.	\$47.0	\$47.0	\$47.0	\$47.0	\$17.0			\$39.5	\$47.0
523910 Miscellaneous Intermediation	Factor	\$3.61	\$417.29	\$9.02	18.1	0.831	0.075	1.372		
	Size Std.	\$22.5	\$22.5	\$47.0	\$21.5	\$39.5	\$47.0	\$47.0	\$35.5	\$47.0
523940 Portfolio Management and Investment Advice	Factor	\$6.86	\$2,378.43	\$4.20	10.7	0.863	0.480	1.143		
	Size Std.	\$34.5	\$47.0	\$30.5	\$15.5	\$45.5	\$47.0	\$47.0	\$36.0	\$47.0
523991 Trust, Fiduciary, and Custody Activities	Factor	\$8.57	\$1,519.67	\$7.14	51.7	0.875				
	Size Std.	\$41.0	\$47.0	\$44.0	\$47.0	\$47.0			\$45.5	\$47.0
523999 Miscellaneous Financial Investment Activities	Factor	\$8.78	\$980.00	\$17.56	62.7	0.880	0.282	0.033		
	Size Std.	\$41.5	\$36.0	\$47.0	\$47.0	\$47.0	\$47.0	\$47.0	\$45.5	\$47.0
524113	Factor	\$837.71	\$17,303.50	\$761.55	26.8	0.888				

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Direct Life Insurance Carriers	Size Std.	\$47.0	\$47.0	\$47.0	\$28.0	\$47.0			\$42.5	\$47.0
524114 Direct Health and Medical Insurance Carriers	Factor	\$1,167.72	\$36,868.15	\$547.37	33.8	0.873	0.058	3.048		
	Size Std.	\$47.0	\$47.0	\$47.0	\$33.5	\$47.0	\$47.0	\$47.0	\$44.5	\$47.0
524127 Direct Title Insurance Carriers	Factor	\$19.21	\$3,055.05	\$48.02	83.6	0.886				
	Size Std.	\$47.0	\$47.0	\$47.0	\$47.0	\$47.0			\$47.0	\$47.0
524128 Other Direct Insurance (except Life, Health, and Medical) Carriers	Factor	\$45.19	\$1,504.63	\$112.97	50.7	0.884				
	Size Std.	\$47.0	\$47.0	\$47.0	\$47.0	\$47.0			\$47.0	\$47.0
524130 Reinsurance Carriers	Factor	\$482.89	\$6,966.63	\$371.45	56.6	0.853				
	Size Std.	\$47.0	\$47.0	\$47.0	\$47.0	\$43.5			\$46.0	\$47.0
524210 Insurance Agencies and Brokerages	Factor	\$1.11	\$535.23	\$0.69	9.9	0.747	0.029	0.050		
	Size Std.	\$13.5	\$25.5	\$14.5	\$15.0	\$23.0	\$24.0	\$24.0	\$19.0	\$15.0
524291 Claims Adjusting	Factor	\$2.41	\$180.11	\$0.94	25.4	0.827				
	Size Std.	\$18.5	\$17.0	\$15.5	\$27.0	\$38.5			\$25.0	\$25.0
524292 Pharmacy Benefit Management and Other Third Party Administration of Insurance and Pension Funds	Factor	\$64.00	\$32,481.05	\$31.47	78.0	0.887	0.611	6.467		
	Size Std.	\$47.0	\$47.0	\$47.0	\$47.0	\$47.0	\$47.0	\$45.5	\$47.0	\$45.5
524298 All Other Insurance Related Activities	Factor	\$3.48	\$416.50	\$2.32	41.2	0.849	0.628	1.259		
	Size Std.	\$22.0	\$22.5	\$22.0	\$39.5	\$43.0	\$36.5	\$30.5	\$32.0	\$30.5
525110 Pension Funds	Factor	.	.			.				
	Size Std.	.	.			.			.	\$40.0
525120 Health and Welfare Funds	Factor	.	.			.	0.051			
	Size Std.	.	.			.	\$47.0		\$47.0	\$40.0
525190 Other Insurance Funds	Factor	.	.			.				
	Size Std.	.	.			.			.	\$40.0
525910 Open-End Investment Funds	Factor	\$2.60	\$29.55	\$17.33	49.7	0.810				
	Size Std.	\$19.0	\$13.5	\$47.0	\$46.0	\$35.5			\$36.5	\$40.0
525920 Trusts, Estates, and Agency Accounts	Factor	.	.			.				
	Size Std.	.	.			.			.	\$40.0

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525990 Other Financial Vehicles	Factor	\$1.76	\$32.11	\$8.78	23.5	0.814				
531110 Lessors of Residential Buildings and Dwellings	Size Std.	\$16.0	\$13.5	\$47.0	\$25.5	\$36.0			\$31.0	\$40.0
531120 Lessors of Nonresidential Buildings (except Min Warehouses)	Factor	\$2.26	\$452.72	\$11.30	9.2	0.783	0.719	1.456		
531130 Lessors of Miniwarehouses and Self-Storage Units	Size Std.	\$18.0	\$23.5	\$47.0	\$14.5	\$30.0	\$41.0	\$34.0	\$30.0	\$34.0
531190 Lessors of Other Real Estate Property	Factor	\$3.92	\$726.67	\$39.16	9.8	0.831	0.403	1.920		
531210 Offices of Real Estate Agents and Brokers	Size Std.	\$24.0	\$30.0	\$47.0	\$15.0	\$39.5	\$47.0	\$34.0	\$34.0	\$34.0
531311 Residential Property Managers	Factor	\$1.36	\$862.56	\$6.80	44.8	0.742				
531312 Nonresidential Property Managers	Size Std.	\$14.5	\$33.0	\$42.5	\$42.5	\$22.0			\$33.0	\$34.0
531320 Offices of Real Estate Appraisers	Factor	\$1.06	\$86.55	\$6.37	16.7	0.693	0.372	0.159		
531390 Other Activities Related to Real Estate	Size Std.	\$13.5	\$15.0	\$40.5	\$20.5	\$12.5	\$47.0	\$47.0	\$27.0	\$34.0
532111 Passenger Car Rental	Factor	\$1.06	\$608.22	\$0.51	12.4	0.764				
532112 Passenger Car Leasing	Size Std.	\$13.5	\$27.0	\$13.5	\$17.0	\$26.5			\$19.5	\$15.0
532120 Truck, Utility Trailer, and RV (Recreational Vehicle) Rental and Leasing	Factor	\$1.28	\$100.64	\$1.48	6.9	0.758	0.549			
532210 Consumer Electronics and Appliances Rental	Size Std.	\$14.0	\$15.0	\$18.0	\$12.5	\$25.0	\$16.5		\$17.5	\$12.5
	Factor	\$1.76	\$775.59	\$8.82	29.8	0.783	0.480	0.090		
	Size Std.	\$16.0	\$31.0	\$47.0	\$30.5	\$30.0	\$31.0	\$31.0	\$32.5	\$19.5
	Factor	\$0.52	\$81.45	\$0.44	17.3	0.705				
	Size Std.	\$11.5	\$15.0	\$13.5	\$21.0	\$15.0			\$16.0	\$9.5
	Factor	\$1.10	\$138.81	\$5.48	14.9	0.776	0.292	1.033		
	Size Std.	\$13.5	\$16.0	\$36.5	\$19.0	\$28.5	\$31.0	\$19.5	\$25.0	\$19.5
	Factor	\$15.53	\$9,167.91	\$17.26	89.5	0.889	0.117	0.762		
	Size Std.	\$47.0	\$47.0	\$47.0	\$47.0	\$47.0	\$47.0	\$47.0	\$47.0	\$47.0
	Factor	\$27.11	\$1,751.63	\$73.95	68.0	0.880	0.603	6.077		
	Size Std.	\$47.0	\$47.0	\$47.0	\$47.0	\$47.0	\$47.0	\$47.0	\$47.0	\$47.0
	Factor	\$13.50	\$2,022.97	\$22.50	54.7	0.872	0.922	5.455		
	Size Std.	\$47.0	\$47.0	\$47.0	\$47.0	\$47.0	\$47.0	\$47.0	\$47.0	\$47.0
	Factor	\$13.14	\$2,349.37	\$8.21	80.1	0.873				
	Size Std.	\$47.0	\$47.0	\$47.0	\$47.0	\$47.0			\$47.0	\$47.0

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532281 Formal Wear and Costume Rental	Factor	\$1.16	\$40.70	\$0.76	39.3	0.772				
	Size Std.	\$13.5	\$14.0	\$14.5	\$38.0	\$28.0			\$23.5	\$25.0
532282 Video Tape and Disc Rental	Factor	\$2.46	\$821.17	\$1.60	87.0	0.864				
	Size Std.	\$18.5	\$32.0	\$18.5	\$47.0	\$45.5			\$34.0	\$35.0
532283 Home Health Equipment Rental	Factor	\$6.77	\$411.41	\$4.41	53.4	0.796	0.644	1.900		
	Size Std.	\$34.5	\$22.5	\$31.5	\$47.0	\$32.5	\$47.0	\$41.0	\$36.5	\$41.0
532284 Recreational Goods Rental	Factor	\$0.63	\$11.55	\$0.45	16.3	0.679				
	Size Std.	\$12.0	\$13.0	\$13.5	\$20.0	\$10.0			\$14.0	\$9.0
532289 All Other Consumer Goods Rental	Factor	\$1.38	\$21.76	\$0.94	9.0	0.720				
	Size Std.	\$14.5	\$13.5	\$15.5	\$14.5	\$18.0			\$15.5	\$12.5
532310 General Rental Centers	Factor	\$1.42	\$10.82	\$1.33	7.3	0.658				
	Size Std.	\$14.5	\$13.0	\$17.5	\$13.0	\$8.0			\$13.0	\$9.0
532411 Commercial Air, Rail, and Water Transportation Equipment Rental and Leasing	Factor	\$23.13	\$2,161.38	\$53.37	62.4	0.881	0.161	8.109		
	Size Std.	\$47.0	\$47.0	\$47.0	\$47.0	\$47.0	\$47.0	\$45.5	\$47.0	\$45.5
532412 Construction, Mining, and Forestry Machinery and Equipment Rental and Leasing	Factor	\$9.75	\$1,722.75	\$11.69	39.0	0.828	0.940	2.751		
	Size Std.	\$45.0	\$47.0	\$47.0	\$37.5	\$38.5	\$40.0	\$40.0	\$42.0	\$40.0
532420 Office Machinery and Equipment Rental and Leasing	Factor	\$6.76	\$149.82	\$8.45	37.9	0.833	0.670	2.831		
	Size Std.	\$34.0	\$16.5	\$47.0	\$37.0	\$39.5	\$46.0	\$40.0	\$38.5	\$40.0
532490 Other Commercial and Industrial Machinery and Equipment Rental and Leasing	Factor	\$6.28	\$739.77	\$6.98	24.2	0.824	0.607	1.738		
	Size Std.	\$32.5	\$30.0	\$43.0	\$26.0	\$38.0	\$46.0	\$40.0	\$36.5	\$40.0
533110 Lessors of Nonfinancial Intangible Assets (except Copyrighted Works)	Factor	\$18.73	\$1,537.49	\$31.22	26.8	0.875				
	Size Std.	\$47.0	\$47.0	\$47.0	\$28.0	\$47.0			\$42.5	\$47.0
541110 Offices of Lawyers	Factor	\$1.73	\$291.10	\$0.49	3.1	0.776	0.367	0.254		
	Size Std.	\$16.0	\$19.5	\$13.5	\$9.5	\$28.5	\$25.0	\$25.0	\$19.0	\$15.5
541191 Title Abstract and Settlement Offices	Factor	\$1.40	\$107.86	\$0.68	17.4	0.749				
	Size Std.	\$14.5	\$15.5	\$14.5	\$21.0	\$23.5			\$18.5	\$19.5
541199	Factor	\$1.25	\$207.12	\$0.42	31.1	0.795	0.268	0.184		

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All Other Legal Services	Size Std.	\$14.0	\$17.5	\$13.0	\$31.5	\$32.5	\$28.5	\$28.5	\$24.5	\$20.5
541211 Offices of Certified Public Accountants	Factor	\$1.95	\$5,172.39	\$0.80	42.8	0.806	0.550	0.298		
541213 Tax Preparation Services	Size Std.	\$16.5	\$47.0	\$15.0	\$40.5	\$34.5	\$32.0	\$37.0	\$31.5	\$26.5
541214 Payroll Services	Factor	\$0.42	\$1,307.82	\$0.20	47.3	0.728				
541219 Other Accounting Services	Size Std.	\$11.0	\$43.5	\$12.0	\$44.0	\$19.5			\$26.0	\$25.0
541310 Architectural Services	Factor	\$5.10	\$2,893.12	\$4.25	49.8	0.837				
541320 Landscape Architectural Services	Size Std.	\$28.0	\$47.0	\$30.5	\$46.0	\$40.5			\$38.5	\$39.0
541330 Engineering Services	Factor	\$0.51	\$81.84	\$0.20	9.8	0.733	0.802	0.505		
541340 Drafting Services	Size Std.	\$11.5	\$15.0	\$12.0	\$15.0	\$20.5	\$25.0	\$30.0	\$17.5	\$25.0
541350 Building Inspection Services	Factor	\$1.81	\$67.52	\$0.73	5.8	0.749	0.957	0.647		
541360 Geophysical Surveying and Mapping Services	Size Std.	\$16.0	\$14.5	\$14.5	\$12.0	\$23.5	\$12.5	\$16.5	\$16.0	\$12.5
541370 Surveying and Mapping (except Geophysical) Services	Factor	\$0.84	\$7.02	\$0.34	4.8	0.660	0.967	0.704		
541380 Testing Laboratories and Services	Size Std.	\$12.5	\$13.0	\$13.0	\$11.0	\$8.0	\$9.0	\$11.5	\$11.0	\$9.0
541410 Interior Design Services	Factor	\$5.15	\$1,360.32	\$2.42	12.0	0.834	0.651	0.929		
	Size Std.	\$28.5	\$45.0	\$22.5	\$16.5	\$40.0	\$30.5	\$25.5	\$29.0	\$25.5
	Factor	\$0.45	\$4.85	\$0.21	8.1	0.677				
	Size Std.	\$11.0	\$13.0	\$12.0	\$13.5	\$9.5			\$12.0	\$9.0
541350 Building Inspection Services	Factor	\$0.43	\$7.40	\$0.20	7.5	0.685	0.826	0.104		
541360 Geophysical Surveying and Mapping Services	Size Std.	\$11.0	\$13.0	\$12.0	\$13.0	\$11.0	\$11.5	\$18.5	\$12.5	\$11.5
541370 Surveying and Mapping (except Geophysical) Services	Factor	\$2.07	\$96.07	\$0.97	40.1	0.824	0.601	0.489		
541380 Testing Laboratories and Services	Size Std.	\$17.0	\$15.0	\$15.5	\$38.5	\$38.0	\$34.0	\$40.0	\$29.0	\$28.5
541410 Interior Design Services	Factor	\$0.96	\$91.78	\$0.47	15.7	0.720	1.063	0.425		
541420	Size Std.	\$13.0	\$15.0	\$13.5	\$19.5	\$18.0	\$19.0	\$30.5	\$18.0	\$19.0
	Factor	\$3.90	\$210.28	\$2.44	16.0	0.786	0.617	0.612		
	Size Std.	\$24.0	\$18.0	\$22.5	\$20.0	\$30.5	\$24.5	\$24.5	\$23.5	\$19.0
	Factor	\$0.94	\$15.71	\$0.35	5.3	0.661				
	Size Std.	\$13.0	\$13.0	\$13.0	\$11.5	\$8.0			\$11.5	\$9.0
541420	Factor	\$1.42	\$34.89	\$0.61	18.7	0.766				

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Industrial Design Services	Size Std.	\$14.5	\$13.5	\$14.0	\$22.0	\$27.0			\$19.5	\$17.0
541430	Factor	\$0.55	\$8.55	\$0.28	3.5	0.700	1.012	1.063		
Graphic Design Services	Size Std.	\$11.5	\$13.0	\$12.5	\$10.0	\$14.0	\$9.0	\$9.0	\$11.5	\$9.0
541490	Factor	\$0.83	\$18.22	\$0.38	15.0	0.741				
Other Specialized Design Services	Size Std.	\$12.5	\$13.5	\$13.0	\$19.0	\$22.0			\$17.0	\$13.5
541511	Factor	\$3.13	\$1,629.83	\$1.22	15.0	0.836	0.760	1.280		
Custom Computer Programming Services	Size Std.	\$21.0	\$47.0	\$17.0	\$19.0	\$40.0	\$41.0	\$34.0	\$29.5	\$34.0
541512	Factor	\$4.65	\$3,627.65	\$1.64	21.4	0.861	0.611	1.222		
Computer Systems Design Services	Size Std.	\$26.5	\$47.0	\$19.0	\$24.0	\$45.0	\$41.0	\$34.0	\$32.5	\$34.0
541513	Factor	\$3.72	\$362.16	\$1.26	21.3	0.827	0.709	1.102		
Computer Facilities Management Services	Size Std.	\$23.0	\$21.5	\$17.0	\$24.0	\$38.5	\$42.5	\$37.0	\$28.5	\$37.0
541519	Factor	\$2.70	\$448.35	\$1.00	24.3	0.844	0.826	1.680		
Other Computer Related Services	Size Std.	\$19.5	\$23.5	\$16.0	\$26.0	\$42.0	\$34.0	\$34.0	\$28.0	\$34.0
541611	Factor	\$1.79	\$2,095.81	\$0.71	22.2	0.828	0.717	1.162		
Administrative Management and General Management Consulting Services	Size Std.	\$16.0	\$47.0	\$14.5	\$24.5	\$38.5	\$29.5	\$24.5	\$27.0	\$24.5
541612	Factor	\$2.61	\$598.11	\$0.76	32.8	0.839	0.715	1.225		
Human Resources Consulting Services	Size Std.	\$19.0	\$27.0	\$14.5	\$33.0	\$41.0	\$35.0	\$29.0	\$28.5	\$29.0
541613	Factor	\$1.19	\$128.80	\$0.47	8.3	0.782	0.598	0.743		
Marketing Consulting Services	Size Std.	\$14.0	\$16.0	\$13.5	\$13.5	\$30.0	\$24.5	\$24.5	\$19.5	\$19.0
541614	Factor	\$2.19	\$65.77	\$0.81	8.8	0.810	0.018	1.155		
Process, Physical Distribution, and Logistics Consulting Services	Size Std.	\$17.5	\$14.5	\$15.0	\$14.0	\$35.5	\$28.0	\$20.0	\$21.0	\$20.0
541618	Factor	\$0.64	\$38.50	\$0.25	11.7	0.734	0.557	0.320		
Other Management Consulting Services	Size Std.	\$12.0	\$14.0	\$12.5	\$16.5	\$20.5	\$24.5	\$30.5	\$18.0	\$19.0
541620	Factor	\$1.83	\$49.10	\$0.87	7.1	0.777	0.867	1.134		
Environmental Consulting Services	Size Std.	\$16.0	\$14.0	\$15.5	\$13.0	\$29.0	\$19.0	\$19.0	\$18.5	\$19.0
541690	Factor	\$1.18	\$113.67	\$0.46	8.3	0.781	0.617	0.657		
Other Scientific and Technical Consulting Services	Size Std.	\$14.0	\$15.5	\$13.5	\$13.5	\$29.5	\$24.5	\$24.5	\$19.0	\$19.0
541720	Factor	\$4.13	\$256.74	\$2.34	32.4	0.838	0.428	0.293		

(1) NAICS Code/ NAICS Industry Title	(2) Type	(3) Simple Average Firm Size (\$ Million)	(4) Weighted Average Firm Size (\$ Million)	(5) Average Assets Size (\$ Million)	(6) Four- Firm Ratio %	(7) Gini Coefficient	(8) Disparity Ratio (Method 1)	(9) Disparity Ratio (Method 2)	(10) Calculated Size Standard (\$ Million)	(11) Current Size Standard (\$ Million)
Research and Development in the Social Sciences and Humanities	Size Std.	\$24.5	\$19.0	\$22.0	\$32.5	\$40.5	\$39.0	\$39.0	\$31.0	\$28.0
541810 Advertising Agencies	Factor	\$3.76	\$1,164.16	\$1.36	29.9	0.823	0.639	0.460		
	Size Std.	\$23.5	\$40.0	\$17.5	\$30.5	\$37.5	\$30.5	\$35.5	\$30.0	\$25.5
541820 Public Relations Agencies	Factor	\$1.59	\$146.45	\$0.58	18.6	0.766	0.798	1.451		
	Size Std.	\$15.5	\$16.5	\$14.0	\$22.0	\$27.0	\$24.5	\$19.0	\$20.0	\$19.0
541830 Media Buying Agencies	Factor	\$11.07	\$453.52	\$4.43	41.9	0.849				
	Size Std.	\$47.0	\$23.5	\$31.5	\$40.0	\$43.0			\$37.5	\$32.5
541840 Media Representatives	Factor	\$2.84	\$165.46	\$1.14	35.0	0.830				
	Size Std.	\$20.0	\$17.0	\$16.5	\$34.5	\$39.0			\$27.0	\$21.0
541850 Indoor and Outdoor Display Advertising	Factor	\$3.85	\$708.73	\$2.82	54.0	0.841				
	Size Std.	\$23.5	\$29.5	\$24.0	\$47.0	\$41.0			\$34.5	\$34.5
541860 Direct Mail Advertising	Factor	\$4.18	\$118.75	\$2.09	16.8	0.783				
	Size Std.	\$25.0	\$15.5	\$21.0	\$20.5	\$30.0			\$23.0	\$22.0
541870 Advertising Material Distribution Services	Factor	\$5.80	\$770.35	\$2.32	60.3	0.865				
	Size Std.	\$30.5	\$31.0	\$22.0	\$47.0	\$46.0			\$36.5	\$28.5
541890 Other Services Related to Advertising	Factor	\$2.18	\$109.76	\$0.95	14.3	0.779				
	Size Std.	\$17.5	\$15.5	\$15.5	\$18.5	\$29.5			\$20.0	\$19.0
541910 Marketing Research and Public Opinion Polling	Factor	\$4.63	\$627.75	\$1.67	25.5	0.829	0.408	1.734		
	Size Std.	\$26.5	\$27.5	\$19.0	\$27.0	\$39.0	\$31.5	\$22.5	\$28.0	\$22.5
541921 Photography Studios, Portrait	Factor	\$0.50	\$461.20	\$0.19	38.4	0.750				
	Size Std.	\$11.5	\$23.5	\$12.0	\$37.5	\$23.5			\$22.5	\$16.0
541922 Commercial Photography	Factor	\$0.51	\$7.09	\$0.20	8.5	0.678				
	Size Std.	\$11.5	\$13.0	\$12.0	\$14.0	\$9.5			\$12.0	\$9.0
541930 Translation and Interpretation Services	Factor	\$1.79	\$131.90	\$0.67	29.7	0.832	0.649	0.971		
	Size Std.	\$16.0	\$16.0	\$14.5	\$30.5	\$39.5	\$27.0	\$22.5	\$25.0	\$22.5
541940 Veterinary Services	Factor	\$1.47	\$343.50	\$0.48	13.3	0.579	0.350	0.384		
	Size Std.	\$15.0	\$21.0	\$13.5	\$17.5	\$8.0	\$16.0	\$16.0	\$14.5	\$10.0
541990	Factor	\$0.97	\$63.26	\$0.38	9.0	0.769	0.617	0.301		

(1)	(2)	(3) Simple Average Firm Size (\$ Million)	(4) Weighted Average Firm Size (\$ Million)	(5) Average Assets Size (\$ Million)	(6) Four- Firm Ratio %	(7) Gini Coefficient	(8) Disparity Ratio (Method 1)	(9) Disparity Ratio (Method 2)	(10) Calculated Size Standard (\$ Million)	(11) Current Size Standard (\$ Million)
NAICS Code/ NAICS Industry Title	Type									
All Other Professional, Scientific, and Technical Services	Size Std.	\$13.0	\$14.5	\$13.0	\$14.5	\$27.5	\$25.5	\$31.0	\$19.5	\$19.5
551111 Offices of Bank Holding Companies	Factor	\$6.47	\$59.44	\$4.13	8.4	0.729				
	Size Std.	\$33.0	\$14.5	\$30.0	\$14.0	\$19.5			\$22.0	\$38.5
551112 Offices of Other Holding Companies	Factor	\$8.58	\$71.80	\$17.15	1.9	0.792				
	Size Std.	\$41.0	\$14.5	\$47.0	\$8.5	\$31.5			\$29.0	\$45.5
561110 Office Administrative Services	Factor	\$1.89	\$29.39	\$0.98	2.0	0.763	0.970	1.742		
	Size Std.	\$16.5	\$13.5	\$15.5	\$9.0	\$26.0	\$12.5	\$12.5	\$15.5	\$12.5
561210 Facilities Support Services	Factor	\$13.41	\$639.42	\$4.73	22.6	0.837	0.938	0.676		
	Size Std.	\$47.0	\$28.0	\$33.0	\$25.0	\$40.5	\$47.0	\$47.0	\$36.5	\$47.0
561311 Employment Placement Agencies	Factor	\$2.30	\$135.34	\$0.59	17.2	0.789				
	Size Std.	\$18.0	\$16.0	\$14.0	\$20.5	\$31.0			\$20.5	\$34.0
561312 Executive Search Services	Factor	\$1.21	\$89.95	\$0.34	20.7	0.745				
	Size Std.	\$14.0	\$15.0	\$13.0	\$23.5	\$23.0			\$18.5	\$34.0
561320 Temporary Help Services	Factor	\$12.47	\$1,835.46	\$3.40	15.7	0.829	0.900	2.534		
	Size Std.	\$47.0	\$47.0	\$27.0	\$19.5	\$39.0	\$34.0	\$34.0	\$33.5	\$34.0
561330 Professional Employer Organizations	Factor	\$61.62	\$16,921.17	\$16.22	55.0	0.875				
	Size Std.	\$47.0	\$47.0	\$47.0	\$47.0	\$47.0			\$47.0	\$41.5
561410 Document Preparation Services	Factor	\$0.92	\$52.59	\$0.39	20.4	0.791	0.980	1.690		
	Size Std.	\$13.0	\$14.0	\$13.0	\$23.0	\$31.5	\$19.0	\$19.0	\$20.0	\$19.0
561421 Telephone Answering Services	Factor	\$2.09	\$50.47	\$0.87	25.4	0.762	0.464	1.275		
	Size Std.	\$17.0	\$14.0	\$15.0	\$27.0	\$26.0	\$30.5	\$19.0	\$21.5	\$19.0
561422 Telemarketing Bureaus and Other Contact Centers	Factor	\$7.05	\$308.39	\$2.94	20.0	0.825	0.642	0.223		
	Size Std.	\$35.5	\$20.0	\$24.5	\$23.0	\$38.0	\$30.5	\$35.5	\$29.5	\$25.5
561431 Private Mail Centers	Factor	\$0.65	\$69.39	\$0.28	21.1	0.552				
	Size Std.	\$12.0	\$14.5	\$12.5	\$23.5	\$8.0			\$14.5	\$19.0
561439 Other Business Service Centers (including Copy Shops)	Factor	\$2.91	\$661.57	\$1.25	53.0	0.822				
	Size Std.	\$20.0	\$28.5	\$17.0	\$47.0	\$37.5			\$31.5	\$26.5
561440	Factor	\$4.70	\$284.64	\$2.71	22.1	0.806	0.241	0.371		

(1)	(2)	(3) Simple Average Firm Size (\$ Million)	(4) Weighted Average Firm Size (\$ Million)	(5) Average Assets Size (\$ Million)	(6) Four- Firm Ratio %	(7) Gini Coefficient	(8) Disparity Ratio (Method 1)	(9) Disparity Ratio (Method 2)	(10) Calculated Size Standard (\$ Million)	(11) Current Size Standard (\$ Million)
NAICS Code/ NAICS Industry Title	Type									
Collection Agencies	Size Std.	\$26.5	\$19.5	\$23.5	\$24.5	\$34.5	\$31.0	\$31.0	\$27.5	\$19.5
561450	Factor	\$33.07	\$1,210.46	\$14.17	62.9	0.881	0.604	0.199		
Credit Bureaus	Size Std.	\$47.0	\$41.5	\$47.0	\$47.0	\$47.0	\$47.0	\$47.0	\$46.5	\$41.0
561491	Factor	\$1.41	\$11.18	\$0.58	15.8	0.670				
Repossession Services	Size Std.	\$14.5	\$13.0	\$14.0	\$19.5	\$8.5			\$14.0	\$19.0
561492	Factor	\$0.79	\$78.28	\$0.33	29.1	0.773	0.949	1.494		
Court Reporting and Stenotype Services	Size Std.	\$12.5	\$14.5	\$13.0	\$30.0	\$28.0	\$19.0	\$19.0	\$20.5	\$19.0
561499	Factor	\$2.78	\$168.44	\$1.35	22.6	0.825	0.444	0.477		
All Other Business Support Services	Size Std.	\$19.5	\$17.0	\$17.5	\$25.0	\$38.0	\$30.0	\$30.0	\$26.0	\$21.5
561510	Factor	\$2.97	\$2,527.93	\$1.78	47.9	0.839	0.641	1.282		
Travel Agencies	Size Std.	\$20.5	\$47.0	\$19.5	\$44.5	\$41.0	\$30.0	\$25.0	\$33.5	\$25.0
561520	Factor	\$3.13	\$110.74	\$1.84	19.7	0.763				
Tour Operators	Size Std.	\$21.0	\$15.5	\$19.5	\$22.5	\$26.5			\$22.0	\$25.0
561591	Factor	\$2.43	\$25.75	\$1.35	15.1	0.754				
Convention and Visitors Bureaus	Size Std.	\$18.5	\$13.5	\$17.5	\$19.0	\$24.5			\$19.5	\$25.0
561599	Factor	\$9.99	\$400.71	\$5.87	24.1	0.832	0.638	1.868		
All Other Travel Arrangement and Reservation Services	Size Std.	\$46.0	\$22.5	\$38.0	\$26.0	\$39.5	\$39.0	\$32.5	\$35.0	\$32.5
561611	Factor	\$1.50	\$105.51	\$0.43	20.8	0.822	0.858	0.727		
Investigation and Personal Background Check Services	Size Std.	\$15.0	\$15.5	\$13.0	\$23.5	\$37.5	\$25.0	\$30.0	\$23.5	\$25.0
561612	Factor	\$4.41	\$1,598.90	\$1.14	40.7	0.845	0.252	0.872		
Security Guards and Patrol Services	Size Std.	\$25.5	\$47.0	\$16.5	\$39.0	\$42.0	\$40.5	\$29.0	\$34.0	\$29.0
561613	Factor	\$32.73	\$688.95	\$9.35	91.2	0.876				
Armored Car Services	Size Std.	\$47.0	\$29.0	\$47.0	\$47.0	\$47.0			\$45.0	\$43.0
561621	Factor	\$3.87	\$1,155.04	\$2.07	33.9	0.811	0.612	1.062		
Security Systems Services (except Locksmiths)	Size Std.	\$23.5	\$40.0	\$21.0	\$33.5	\$35.5	\$30.0	\$25.0	\$30.0	\$25.0
561622	Factor	\$0.53	\$4.95	\$0.28	7.2	0.605				
Locksmiths	Size Std.	\$11.5	\$13.0	\$12.5	\$13.0	\$8.0			\$11.5	\$25.0
561710	Factor	\$1.06	\$334.82	\$0.35	26.7	0.743	0.865	1.484		

(1) NAICS Code/ NAICS Industry Title	(2) Type	(3) Simple Average Firm Size (\$ Million)	(4) Weighted Average Firm Size (\$ Million)	(5) Average Assets Size (\$ Million)	(6) Four- Firm Ratio %	(7) Gini Coefficient	(8) Disparity Ratio (Method 1)	(9) Disparity Ratio (Method 2)	(10) Calculated Size Standard (\$ Million)	(11) Current Size Standard (\$ Million)
Exterminating and Pest Control Services	Size Std.	\$13.5	\$20.5	\$13.0	\$28.0	\$22.5	\$17.5	\$17.5	\$19.5	\$17.5
561720 Janitorial Services	Factor	\$0.89	\$207.83	\$0.29	9.5	0.786	0.908	1.528		
	Size Std.	\$13.0	\$18.0	\$12.5	\$14.5	\$30.5	\$22.0	\$22.0	\$19.0	\$22.0
561730 Landscaping Services	Factor	\$0.75	\$209.13	\$0.30	9.4	0.697	0.989	1.310		
	Size Std.	\$12.5	\$18.0	\$12.5	\$14.5	\$13.5	\$9.5	\$9.5	\$13.0	\$9.5
561740 Carpet and Upholstery Cleaning Services	Factor	\$0.47	\$15.40	\$0.19	9.2	0.665				
	Size Std.	\$11.0	\$13.0	\$12.0	\$14.5	\$8.0			\$11.5	\$8.5
561790 Other Services to Buildings and Dwellings	Factor	\$0.58	\$16.43	\$0.21	6.0	0.648	0.984	1.078		
	Size Std.	\$11.5	\$13.5	\$12.0	\$12.0	\$8.0	\$9.0	\$9.0	\$10.5	\$9.0
561910 Packaging and Labeling Services	Factor	\$5.03	\$94.94	\$2.40	17.7	0.784				
	Size Std.	\$28.0	\$15.0	\$22.0	\$21.0	\$30.0			\$23.5	\$19.5
561920 Convention and Trade Show Organizers	Factor	\$3.25	\$295.20	\$1.68	21.1	0.809	0.844	1.444		
	Size Std.	\$21.5	\$20.0	\$19.0	\$23.5	\$35.0	\$20.0	\$20.0	\$23.5	\$20.0
561990 All Other Support Services	Factor	\$1.90	\$132.87	\$1.08	11.6	0.785	0.638	0.370		
	Size Std.	\$16.5	\$16.0	\$16.0	\$16.5	\$30.5	\$21.5	\$26.5	\$20.5	\$16.5
562111 Solid Waste Collection	Factor	\$7.26	\$3,180.55	\$4.63	43.7	0.828	0.847	2.611		
	Size Std.	\$36.0	\$47.0	\$32.5	\$41.5	\$38.5	\$47.0	\$47.0	\$40.0	\$47.0
562112 Hazardous Waste Collection	Factor	\$6.93	\$56.62	\$4.33	25.1	0.754	0.932	1.641		
	Size Std.	\$35.0	\$14.0	\$31.0	\$27.0	\$24.5	\$47.0	\$47.0	\$31.0	\$47.0
562119 Other Waste Collection	Factor	\$2.58	\$101.89	\$1.38	39.7	0.771	0.788	1.674		
	Size Std.	\$19.0	\$15.5	\$17.5	\$38.5	\$28.0	\$47.0	\$47.0	\$29.5	\$47.0
562211 Hazardous Waste Treatment and Disposal	Factor	\$20.94	\$854.17	\$16.11	51.7	0.857	0.987	0.465		
	Size Std.	\$47.0	\$33.0	\$47.0	\$47.0	\$44.5	\$47.0	\$47.0	\$45.0	\$47.0
562212 Solid Waste Landfill	Factor	\$11.38	\$919.90	\$11.77	61.5	0.835				
	Size Std.	\$47.0	\$34.5	\$47.0	\$47.0	\$40.0			\$44.0	\$47.0
562213 Solid Waste Combustors and Incinerators	Factor	\$33.54	\$338.88	\$25.16	75.7	0.802				
	Size Std.	\$47.0	\$21.0	\$47.0	\$47.0	\$33.5			\$40.5	\$47.0
562219	Factor	\$3.62	\$26.95	\$2.72	27.2	0.736				

(1) NAICS Code/ NAICS Industry Title	(2) Type	(3) Simple Average Firm Size (\$ Million)	(4) Weighted Average Firm Size (\$ Million)	(5) Average Assets Size (\$ Million)	(6) Four- Firm Ratio %	(7) Gini Coefficient	(8) Disparity Ratio (Method 1)	(9) Disparity Ratio (Method 2)	(10) Calculated Size Standard (\$ Million)	(11) Current Size Standard (\$ Million)
Other Nonhazardous Waste Treatment and Disposal	Size Std.	\$23.0	\$13.5	\$23.5	\$28.5	\$21.0			\$23.0	\$47.0
562910 Remediation Services	Factor	\$4.14	\$101.22	\$2.30	11.3	0.767	1.077	0.822		
	Size Std.	\$24.5	\$15.0	\$22.0	\$16.0	\$27.0	\$25.0	\$25.0	\$22.0	\$25.0
562920 Materials Recovery Facilities	Factor	\$5.91	\$215.41	\$3.05	25.1	0.740				
	Size Std.	\$31.0	\$18.0	\$25.0	\$27.0	\$22.0			\$24.5	\$25.0
562991 Septic Tank and Related Services	Factor	\$1.14	\$22.59	\$0.69	11.4	0.655	1.282	1.371		
	Size Std.	\$13.5	\$13.5	\$14.5	\$16.0	\$8.0	\$9.0	\$9.0	\$12.0	\$9.0
562998 All Other Miscellaneous Waste Management Services	Factor	\$1.90	\$29.73	\$1.05	16.7	0.703	1.072	1.233		
	Size Std.	\$16.5	\$13.5	\$16.0	\$20.5	\$14.5	\$16.5	\$16.5	\$16.5	\$16.5
611110 Elementary and Secondary Schools	Factor	\$4.16	\$32.56	\$7.34	1.9	0.679	0.171	0.018		
	Size Std.	\$24.5	\$13.5	\$45.0	\$8.5	\$10.0	\$28.0	\$28.0	\$22.0	\$20.0
611210 Junior Colleges	Factor	\$13.27	\$101.35	\$26.53	18.1	0.747				
	Size Std.	\$47.0	\$15.5	\$47.0	\$21.5	\$23.0			\$31.0	\$32.5
611310 Colleges, Universities, and Professional Schools	Factor	\$105.05	\$2,161.96	\$242.43	10.5	0.808	0.037	0.664		
	Size Std.	\$47.0	\$47.0	\$47.0	\$15.5	\$35.0	\$47.0	\$41.5	\$38.0	\$34.5
611410 Business and Secretarial Schools	Factor	\$2.42	\$19.69	\$1.69	51.9	0.733				
	Size Std.	\$18.5	\$13.5	\$19.0	\$47.0	\$20.5			\$25.5	\$20.5
611420 Computer Training	Factor	\$1.83	\$57.17	\$1.28	26.4	0.797	0.607	1.152		
	Size Std.	\$16.0	\$14.0	\$17.0	\$28.0	\$33.0	\$21.0	\$16.0	\$22.5	\$16.0
611430 Professional and Management Development Training	Factor	\$1.47	\$31.66	\$1.07	7.3	0.764	0.662	0.879		
	Size Std.	\$15.0	\$13.5	\$16.0	\$13.0	\$26.5	\$19.5	\$15.0	\$17.5	\$15.0
611511 Cosmetology and Barber Schools	Factor	\$1.24	\$16.91	\$0.95	14.8	0.655				
	Size Std.	\$14.0	\$13.5	\$15.5	\$19.0	\$8.0			\$14.0	\$13.0
611512 Flight Training	Factor	\$4.14	\$382.94	\$3.03	56.6	0.834	0.541	1.177		
	Size Std.	\$24.5	\$22.0	\$25.0	\$47.0	\$40.0	\$41.0	\$34.0	\$34.5	\$34.0
611513 Apprenticeship Training	Factor	\$1.52	\$11.38	\$1.11	10.7	0.683	0.382	0.362		
	Size Std.	\$15.0	\$13.0	\$16.5	\$15.5	\$10.5	\$18.5	\$18.5	\$15.0	\$11.5

(1) NAICS Code/ NAICS Industry Title	(2) Type	(3) Simple Average Firm Size (\$ Million)	(4) Weighted Average Firm Size (\$ Million)	(5) Average Assets Size (\$ Million)	(6) Four- Firm Ratio %	(7) Gini Coefficient	(8) Disparity Ratio (Method 1)	(9) Disparity Ratio (Method 2)	(10) Calculated Size Standard (\$ Million)	(11) Current Size Standard (\$ Million)
611519 Other Technical and Trade Schools	Factor	\$1.81	\$58.91	\$1.29	13.7	0.780	0.609	0.785		
	Size Std.	\$16.0	\$14.5	\$17.0	\$18.0	\$29.5	\$25.0	\$25.0	\$21.0	\$21.0
611610 Fine Arts Schools	Factor	\$0.37	\$2.60	\$0.28	2.2	0.590				
	Size Std.	\$11.0	\$13.0	\$12.5	\$9.0	\$8.0			\$10.5	\$9.0
611620 Sports and Recreation Instruction	Factor	\$0.49	\$37.13	\$0.30	11.4	0.636				
	Size Std.	\$11.5	\$13.5	\$12.5	\$16.0	\$8.0			\$12.5	\$9.0
611630 Language Schools	Factor	\$1.06	\$42.15	\$0.59	30.4	0.778	0.539	1.440		
	Size Std.	\$13.5	\$14.0	\$14.0	\$31.0	\$29.0	\$24.5	\$20.5	\$22.0	\$20.5
611691 Exam Preparation and Tutoring	Factor	\$0.64	\$43.43	\$0.36	14.4	0.732	0.483	0.336		
	Size Std.	\$12.0	\$14.0	\$13.0	\$18.5	\$20.0	\$20.0	\$20.0	\$17.0	\$12.5
611692 Automobile Driving Schools	Factor	\$0.36	\$4.64	\$0.20	12.0	0.637				
	Size Std.	\$11.0	\$13.0	\$12.0	\$16.5	\$8.0			\$12.0	\$10.0
611699 All Other Miscellaneous Schools and Instruction	Factor	\$0.61	\$27.73	\$0.48	14.8	0.714	0.855	0.868		
	Size Std.	\$11.5	\$13.5	\$13.5	\$19.0	\$17.0	\$16.5	\$16.5	\$15.5	\$16.5
611710 Educational Support Services	Factor	\$2.05	\$462.48	\$1.99	28.8	0.830	0.629	1.215		
	Size Std.	\$17.0	\$23.5	\$20.5	\$30.0	\$39.0	\$29.0	\$24.0	\$27.5	\$24.0
621111 Offices of Physicians (except Mental Health Specialists)	Factor	\$2.91	\$489.61	\$0.60	3.5	0.772	0.971	0.117		
	Size Std.	\$20.0	\$24.5	\$14.0	\$10.0	\$28.0	\$16.0	\$25.5	\$19.0	\$16.0
621112 Offices of Physicians, Mental Health Specialists	Factor	\$0.56	\$7.66	\$0.14	4.6	0.609	0.932	0.370		
	Size Std.	\$11.5	\$13.0	\$12.0	\$11.0	\$8.0	\$13.5	\$21.5	\$12.0	\$13.5
621210 Offices of Dentists	Factor	\$1.00	\$36.56	\$0.44	2.6	0.506	0.824	0.850		
	Size Std.	\$13.0	\$13.5	\$13.5	\$9.5	\$8.0	\$9.0	\$9.0	\$10.5	\$9.0
621310 Offices of Chiropractors	Factor	\$0.35	\$1.32	\$0.11	0.9	0.470				
	Size Std.	\$11.0	\$13.0	\$12.0	\$8.0	\$8.0			\$10.0	\$9.0
621320 Offices of Optometrists	Factor	\$0.79	\$9.58	\$0.26	3.4	0.531				
	Size Std.	\$12.5	\$13.0	\$12.5	\$10.0	\$8.0			\$11.0	\$9.0
621330 Offices of Mental Health Practitioners (except Physicians)	Factor	\$0.37	\$5.19	\$0.10	2.9	0.659				
	Size Std.	\$11.0	\$13.0	\$11.5	\$9.5	\$8.0			\$10.5	\$9.0

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621340 Offices of Physical, Occupational and Speech Therapists, and Audiologists	Factor	\$1.17	\$136.33	\$0.32	10.2	0.742	0.910	0.580		
	Size Std.	\$14.0	\$16.0	\$12.5	\$15.0	\$22.0	\$12.5	\$16.5	\$16.0	\$12.5
621391 Offices of Podiatrists	Factor	\$0.63	\$3.63	\$0.12	3.7	0.526				
	Size Std.	\$12.0	\$13.0	\$12.0	\$10.0	\$8.0			\$10.5	\$9.0
621399 Offices of All Other Miscellaneous Health Practitioners	Factor	\$0.54	\$189.27	\$0.15	21.0	0.701	0.923	1.297		
	Size Std.	\$11.5	\$17.5	\$12.0	\$23.5	\$14.0	\$10.0	\$10.0	\$15.0	\$10.0
621410 Family Planning Centers	Factor	\$2.05	\$43.06	\$0.87	16.7	0.805				
	Size Std.	\$17.0	\$14.0	\$15.0	\$20.5	\$34.0			\$21.5	\$19.0
621420 Outpatient Mental Health and Substance Abuse Centers	Factor	\$3.29	\$32.76	\$2.15	4.3	0.747	0.651	1.005		
	Size Std.	\$21.5	\$13.5	\$21.0	\$10.5	\$23.0	\$24.5	\$19.0	\$19.0	\$19.0
621491 HMO Medical Centers	Factor	\$2,022.63	\$8,171.96	\$854.63	88.9	0.715				
	Size Std.	\$47.0	\$47.0	\$47.0	\$47.0	\$17.0			\$39.5	\$44.5
621492 Kidney Dialysis Centers	Factor	\$57.93	\$8,181.45	\$33.42	87.7	0.881	5.959	0.150		
	Size Std.	\$47.0	\$47.0	\$47.0	\$47.0	\$47.0	\$47.0	\$47.0	\$47.0	\$47.0
621493 Freestanding Ambulatory Surgical and Emergency Centers	Factor	\$6.98	\$475.90	\$3.61	22.9	0.729				
	Size Std.	\$35.0	\$24.0	\$28.0	\$25.0	\$19.5			\$25.5	\$19.0
621498 All Other Outpatient Care Centers	Factor	\$8.65	\$189.81	\$5.29	6.2	0.799	0.334	0.621		
	Size Std.	\$41.0	\$17.5	\$35.5	\$12.0	\$33.0	\$35.5	\$30.5	\$28.5	\$25.5
621511 Medical Laboratories	Factor	\$10.55	\$2,927.11	\$5.28	44.8	0.842	0.162	0.368		
	Size Std.	\$47.0	\$47.0	\$35.5	\$42.5	\$41.5	\$47.0	\$47.0	\$42.5	\$41.5
621512 Diagnostic Imaging Centers	Factor	\$4.30	\$111.94	\$2.15	10.5	0.790	0.795	2.310		
	Size Std.	\$25.0	\$15.5	\$21.0	\$15.5	\$31.5	\$24.5	\$19.0	\$22.0	\$19.0
621610 Home Health Care Services	Factor	\$3.54	\$433.68	\$1.36	10.3	0.804	0.588	1.830		
	Size Std.	\$22.5	\$23.0	\$17.5	\$15.5	\$34.0	\$24.5	\$19.0	\$22.5	\$19.0
621910 Ambulance Services	Factor	\$5.12	\$609.74	\$3.20	33.4	0.789	0.723	1.026		
	Size Std.	\$28.0	\$27.0	\$26.0	\$33.5	\$31.5	\$27.0	\$22.5	\$28.5	\$22.5
621991 Blood and Organ Banks	Factor	\$35.77	\$520.24	\$20.63	33.4	0.811	0.033	0.148		
	Size Std.	\$47.0	\$25.0	\$47.0	\$33.5	\$35.5	\$47.0	\$47.0	\$40.0	\$40.0

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621999 All Other Miscellaneous Ambulatory Health Care Services	Factor	\$3.27	\$102.28	\$1.69	12.2	0.816	0.876	0.987		
	Size Std.	\$21.5	\$15.5	\$19.0	\$17.0	\$36.5	\$20.5	\$20.5	\$22.5	\$20.5
622110 General Medical and Surgical Hospitals	Factor	\$397.01	\$4,659.02	\$410.70	8.3	0.755	0.496	30.578		
	Size Std.	\$47.0	\$47.0	\$47.0	\$13.5	\$24.5	\$47.0	\$47.0	\$36.0	\$47.0
622210 Psychiatric and Substance Abuse Hospitals	Factor	\$56.41	\$608.02	\$41.28	19.6	0.577				
	Size Std.	\$47.0	\$27.0	\$47.0	\$22.5	\$8.0			\$28.5	\$47.0
622310 Specialty (except Psychiatric and Substance Abuse) Hospitals	Factor	\$149.04	\$1,444.24	\$109.05	28.4	0.741				
	Size Std.	\$47.0	\$47.0	\$47.0	\$29.5	\$22.0			\$36.5	\$47.0
623110 Nursing Care Facilities (Skilled Nursing Facilities)	Factor	\$12.88	\$434.88	\$11.04	8.9	0.688	0.558	1.092		
	Size Std.	\$47.0	\$23.0	\$47.0	\$14.0	\$11.5	\$41.0	\$34.0	\$29.0	\$34.0
623210 Residential Intellectual and Developmental Disability Facilities	Factor	\$4.04	\$106.90	\$3.03	9.3	0.757				
	Size Std.	\$24.5	\$15.5	\$25.0	\$14.5	\$25.0			\$21.0	\$19.0
623220 Residential Mental Health and Substance Abuse Facilities	Factor	\$3.86	\$47.28	\$3.13	7.7	0.713	0.107	0.091		
	Size Std.	\$23.5	\$14.0	\$25.5	\$13.5	\$16.5	\$30.5	\$30.5	\$21.0	\$19.0
623311 Continuing Care Retirement Communities	Factor	\$9.12	\$150.93	\$22.80	9.8	0.744				
	Size Std.	\$43.0	\$16.5	\$47.0	\$15.0	\$22.5			\$28.5	\$34.0
623312 Assisted Living Facilities for the Elderly	Factor	\$2.10	\$468.22	\$4.20	20.1	0.777				
	Size Std.	\$17.0	\$24.0	\$30.5	\$23.0	\$29.0			\$26.0	\$23.5
623990 Other Residential Care Facilities	Factor	\$2.49	\$26.66	\$2.41	7.3	0.731	0.090	0.140		
	Size Std.	\$18.5	\$13.5	\$22.5	\$13.0	\$20.0	\$25.5	\$25.5	\$19.5	\$16.0
624110 Child and Youth Services	Factor	\$1.85	\$31.70	\$1.54	4.4	0.760	0.301	0.021		
	Size Std.	\$16.5	\$13.5	\$18.5	\$10.5	\$25.5	\$25.0	\$25.0	\$19.0	\$15.5
624120 Services for the Elderly and Persons with Disabilities	Factor	\$1.99	\$61.81	\$1.46	3.7	0.752				
	Size Std.	\$17.0	\$14.5	\$18.0	\$10.0	\$24.0			\$17.0	\$15.0
624190 Other Individual and Family Services	Factor	\$1.64	\$202.70	\$1.30	10.3	0.781	0.762	0.263		
	Size Std.	\$15.5	\$17.5	\$17.0	\$15.5	\$29.5	\$21.0	\$25.5	\$20.5	\$16.0
624210	Factor	\$3.36	\$54.01	\$2.14	5.7	0.821				

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Community Food Services	Size Std.	\$22.0	\$14.0	\$21.0	\$11.5	\$37.5			\$22.0	\$19.5
624221 Temporary Shelters	Factor	\$1.73	\$17.86	\$2.36	7.5	0.650	0.178	0.311		
624229 Other Community Housing Services	Size Std.	\$16.0	\$13.5	\$22.0	\$13.0	\$8.0	\$21.5	\$21.5	\$16.0	\$13.5
624230 Emergency and Other Relief Services	Factor	\$2.08	\$39.79	\$5.19	11.8	0.688	0.102	0.231		
624310 Vocational Rehabilitation Services	Size Std.	\$17.0	\$14.0	\$35.0	\$16.5	\$11.5	\$30.5	\$30.5	\$22.0	\$19.0
624410 Child Care Services	Factor	\$20.80	\$886.38	\$26.01	45.4	0.876	0.434	1.341		
711110 Theater Companies and Dinner Theaters	Size Std.	\$47.0	\$33.5	\$47.0	\$42.5	\$47.0	\$47.0	\$41.5	\$44.5	\$41.5
711120 Dance Companies	Factor	\$3.19	\$40.81	\$2.74	6.7	0.729	0.814	0.506		
711130 Musical Groups and Artists	Size Std.	\$21.0	\$14.0	\$24.0	\$12.5	\$19.5	\$15.0	\$19.5	\$18.0	\$15.0
711190 Other Performing Arts Companies	Factor	\$0.67	\$106.45	\$0.37	8.2	0.682				
711211 Sports Teams and Clubs	Size Std.	\$12.0	\$15.5	\$13.0	\$13.5	\$10.5			\$13.0	\$9.5
711212 Racetracks	Factor	\$2.45	\$52.29	\$4.60	10.4	0.787				
711219 Other Spectator Sports	Size Std.	\$18.5	\$14.0	\$32.5	\$15.5	\$30.5			\$24.0	\$25.0
711310 Promoters of Performing Arts, Sports, and Similar Events with Facilities	Factor	\$1.44	\$18.08	\$0.96	21.3	0.787				
711320	Size Std.	\$15.0	\$13.5	\$15.5	\$24.0	\$31.0			\$21.5	\$18.0
	Factor	\$1.25	\$25.12	\$1.78	7.2	0.771				
	Size Std.	\$14.0	\$13.5	\$19.5	\$13.0	\$28.0			\$18.5	\$15.0
	Factor	\$9.43	\$427.53	\$6.28	80.7	0.876				
	Size Std.	\$44.0	\$23.0	\$40.0	\$47.0	\$47.0			\$42.0	\$34.0
	Factor	\$48.03	\$346.25	\$46.48	8.3	0.842				
	Size Std.	\$47.0	\$21.0	\$47.0	\$13.5	\$41.5			\$34.0	\$47.0
	Factor	\$15.99	\$331.64	\$11.42	29.7	0.867				
	Size Std.	\$47.0	\$20.5	\$47.0	\$30.5	\$46.0			\$39.5	\$47.0
	Factor	\$1.47	\$45.27	\$1.05	17.8	0.767				
	Size Std.	\$15.0	\$14.0	\$16.0	\$21.0	\$27.0			\$19.5	\$16.5
	Factor	\$4.68	\$291.62	\$6.10	23.5	0.828				
	Size Std.	\$26.5	\$19.5	\$39.0	\$25.5	\$38.5			\$31.5	\$40.0
	Factor	\$3.27	\$1,166.93	\$2.11	42.4	0.819				

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Promoters of Performing Arts, Sports, and Similar Events without Facilities	Size Std.	\$21.5	\$40.5	\$21.0	\$40.5	\$37.0			\$32.5	\$22.0
711410 Agents and Managers for Artists, Athletes, Entertainers, and Other Public Figures	Factor	\$2.01	\$174.21	\$1.47	25.6	0.776				
	Size Std.	\$17.0	\$17.0	\$18.0	\$27.5	\$28.5			\$23.0	\$17.5
711510 Independent Artists, Writers, and Performers	Factor	\$0.70	\$11.06	\$0.43	2.0	0.702	0.283	0.852		
	Size Std.	\$12.0	\$13.0	\$13.0	\$9.0	\$14.5	\$14.5	\$9.0	\$12.0	\$9.0
712110 Museums	Factor	\$2.64	\$108.99	\$9.90	13.8	0.824	0.597	0.881		
	Size Std.	\$19.0	\$15.5	\$47.0	\$18.0	\$38.0	\$41.0	\$34.0	\$31.5	\$34.0
712120 Historical Sites	Factor	\$1.16	\$19.71	\$2.32	20.7	0.755				
	Size Std.	\$14.0	\$13.5	\$22.0	\$23.5	\$24.5			\$21.0	\$13.0
712130 Zoos and Botanical Gardens	Factor	\$7.15	\$67.99	\$23.85	16.6	0.777				
	Size Std.	\$35.5	\$14.5	\$47.0	\$20.0	\$29.0			\$30.5	\$34.0
712190 Nature Parks and Other Similar Institutions	Factor	\$1.61	\$24.46	\$3.23	28.2	0.727				
	Size Std.	\$15.5	\$13.5	\$26.0	\$29.5	\$19.5			\$22.5	\$19.5
713110 Amusement and Theme Parks	Factor	\$62.73	\$4,420.12	\$62.73	79.1	0.874				
	Size Std.	\$47.0	\$47.0	\$47.0	\$47.0	\$47.0			\$47.0	\$47.0
713120 Amusement Arcades	Factor	\$1.27	\$361.27	\$1.36	42.0	0.755				
	Size Std.	\$14.0	\$21.5	\$17.5	\$40.0	\$24.5			\$25.0	\$9.0
713210 Casinos (except Casino Hotels)	Factor	\$83.95	\$406.76	\$81.25	22.4	0.719				
	Size Std.	\$47.0	\$22.5	\$47.0	\$25.0	\$18.0			\$31.5	\$34.0
713290 Other Gambling Industries	Factor	\$5.60	\$224.80	\$5.25	24.0	0.821				
	Size Std.	\$30.0	\$18.0	\$35.5	\$26.0	\$37.5			\$31.0	\$40.0
713910 Golf Courses and Country Clubs	Factor	\$2.34	\$81.82	\$3.50	9.2	0.692				
	Size Std.	\$18.0	\$15.0	\$27.5	\$14.5	\$12.5			\$18.0	\$19.0
713920 Skiing Facilities	Factor	\$9.74	\$379.04	\$11.69	48.9	0.806				
	Size Std.	\$45.0	\$22.0	\$47.0	\$45.5	\$34.5			\$40.0	\$35.0
713930 Marinas	Factor	\$1.29	\$7.08	\$2.27	4.4	0.614				
	Size Std.	\$14.0	\$13.0	\$21.5	\$10.5	\$8.0			\$13.5	\$11.0
713940	Factor	\$1.10	\$336.38	\$1.27	19.1	0.757				

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Fitness and Recreational Sports Centers	Size Std.	\$13.5	\$21.0	\$17.0	\$22.0	\$25.0			\$20.5	\$17.5
713950 Bowling Centers	Factor	\$1.11	\$110.13	\$0.95	23.5	0.641				
	Size Std.	\$13.5	\$15.5	\$15.5	\$25.5	\$8.0			\$16.0	\$12.5
713990 All Other Amusement and Recreation Industries	Factor	\$0.67	\$33.90	\$0.54	6.9	0.669				
	Size Std.	\$12.0	\$13.5	\$14.0	\$12.5	\$8.0			\$12.0	\$9.0
721110 Hotels (except Casino Hotels) and Motels	Factor	\$4.30	\$2,950.78	\$10.76	19.1	0.790	0.582	1.623		
	Size Std.	\$25.0	\$47.0	\$47.0	\$22.0	\$31.5	\$46.0	\$40.0	\$36.0	\$40.0
721120 Casino Hotels	Factor	\$253.51	\$2,769.33	\$292.51	31.8	0.726				
	Size Std.	\$47.0	\$47.0	\$47.0	\$32.0	\$19.0			\$36.5	\$40.0
721191 Bed-and-Breakfast Inns	Factor	\$0.37	\$1.37	\$0.61	3.6	0.558				
	Size Std.	\$11.0	\$13.0	\$14.0	\$10.0	\$8.0			\$11.0	\$9.0
721199 All Other Traveler Accommodation	Factor	\$0.65	\$10.81	\$0.67	17.1	0.647				
	Size Std.	\$12.0	\$13.0	\$14.5	\$20.5	\$8.0			\$14.0	\$9.0
721211 RV (Recreational Vehicle) Parks and Campgrounds	Factor	\$0.73	\$14.30	\$1.22	10.9	0.604				
	Size Std.	\$12.0	\$13.0	\$17.0	\$16.0	\$8.0			\$13.5	\$10.0
721214 Recreational and Vacation Camps (except Campgrounds)	Factor	\$1.19	\$8.02	\$1.62	6.2	0.630				
	Size Std.	\$14.0	\$13.0	\$18.5	\$12.0	\$8.0			\$13.0	\$9.0
721310 Rooming and Boarding Houses, Dormitories, and Workers' Camps	Factor	\$1.02	\$41.60	\$2.56	27.0	0.681				
	Size Std.	\$13.0	\$14.0	\$23.0	\$28.5	\$10.5			\$19.0	\$14.0
722310 Food Service Contractors	Factor	\$12.77	\$6,294.91	\$4.40	65.4	0.880	0.643	2.191		
	Size Std.	\$47.0	\$47.0	\$31.5	\$47.0	\$47.0	\$47.0	\$47.0	\$44.0	\$47.0
722320 Caterers	Factor	\$0.97	\$9.57	\$0.58	3.2	0.673	1.006	1.185		
	Size Std.	\$13.0	\$13.0	\$14.0	\$9.5	\$9.0	\$9.0	\$9.0	\$11.0	\$9.0
722330 Mobile Food Services	Factor	\$0.23	\$1.46	\$0.10	4.2	0.602				
	Size Std.	\$10.5	\$13.0	\$11.5	\$10.5	\$8.0			\$10.5	\$9.0
722410 Drinking Places (Alcoholic Beverages)	Factor	\$0.61	\$12.02	\$0.30	3.6	0.588				
	Size Std.	\$11.5	\$13.0	\$12.5	\$10.0	\$8.0			\$11.0	\$9.0
722511	Factor	\$1.37	\$471.07	\$0.53	6.1	0.643				

(1)	(2)	(3) Simple Average Firm Size (\$ Million)	(4) Weighted Average Firm Size (\$ Million)	(5) Average Assets Size (\$ Million)	(6) Four- Firm Ratio %	(7) Gini Coefficient	(8) Disparity Ratio (Method 1)	(9) Disparity Ratio (Method 2)	(10) Calculated Size Standard (\$ Million)	(11) Current Size Standard (\$ Million)
NAICS Code/ NAICS Industry Title	Type									
Full-Service Restaurants	Size Std.	\$14.5	\$24.0	\$13.5	\$12.0	\$8.0			\$13.5	\$11.5
722513	Factor	\$1.61	\$305.81	\$0.65	5.3	0.725				
Limited-Service Restaurants	Size Std.	\$15.5	\$20.0	\$14.5	\$11.5	\$19.0			\$16.0	\$13.5
722514	Factor	\$1.34	\$48.98	\$0.54	14.6	0.670				
Cafeterias, Grill Buffets, and Buffets	Size Std.	\$14.5	\$14.0	\$13.5	\$18.5	\$8.5			\$14.0	\$34.0
722515	Factor	\$0.83	\$2,901.99	\$0.39	30.9	0.702				
Snack and Nonalcoholic Beverage Bars	Size Std.	\$12.5	\$47.0	\$13.0	\$31.5	\$14.5			\$22.5	\$22.5
811111	Factor	\$0.64	\$11.60	\$0.20	2.1	0.546	1.045	0.167		
General Automotive Repair	Size Std.	\$12.0	\$13.0	\$12.0	\$9.0	\$8.0	\$9.0	\$14.5	\$10.5	\$9.0
811114	Factor	\$0.54	\$4.61	\$0.23	2.4	0.530				
Specialized Automotive Repair	Size Std.	\$11.5	\$13.0	\$12.5	\$9.0	\$8.0			\$10.5	\$9.0
811121	Factor	\$1.18	\$189.85	\$0.37	12.8	0.649				
Automotive Body, Paint, and Interior Repair and Maintenance	Size Std.	\$14.0	\$17.5	\$13.0	\$17.5	\$8.0			\$13.5	\$9.0
811122	Factor	\$0.91	\$544.22	\$0.28	39.8	0.710				
Automotive Glass Replacement Shops	Size Std.	\$13.0	\$25.5	\$12.5	\$38.5	\$16.0			\$21.5	\$17.5
811191	Factor	\$1.26	\$54.11	\$0.74	15.0	0.684				
Automotive Oil Change and Lubrication Shops	Size Std.	\$14.0	\$14.0	\$14.5	\$19.0	\$11.0			\$14.5	\$11.0
811192	Factor	\$0.70	\$33.63	\$1.00	9.1	0.655				
Car Washes	Size Std.	\$12.0	\$13.5	\$16.0	\$14.5	\$8.0			\$13.0	\$9.0
811198	Factor	\$0.59	\$26.04	\$0.19	18.7	0.666				
All Other Automotive Repair and Maintenance	Size Std.	\$11.5	\$13.5	\$12.0	\$22.0	\$8.0			\$13.5	\$10.0
811210	Factor	\$1.53	\$371.28	\$0.70	23.5	0.797	0.463	0.378		
Electronic and Precision Equipment Repair and Maintenance	Size Std.	\$15.0	\$21.5	\$14.5	\$25.5	\$32.5	\$47.0	\$47.0	\$27.5	\$34.0
811310	Factor	\$1.97	\$289.58	\$0.90	11.1	0.763	0.748	0.899		
Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance	Size Std.	\$16.5	\$19.5	\$15.5	\$16.0	\$26.0	\$16.5	\$12.5	\$18.0	\$12.5
811411	Factor	\$0.34	\$1.89	\$0.11	6.9	0.547				
Home and Garden Equipment Repair and Maintenance	Size Std.	\$11.0	\$13.0	\$12.0	\$12.5	\$8.0			\$11.0	\$9.0

(1) NAICS Code/ NAICS Industry Title	(2) Type	(3) Simple Average Firm Size (\$ Million)	(4) Weighted Average Firm Size (\$ Million)	(5) Average Assets Size (\$ Million)	(6) Four- Firm Ratio %	(7) Gini Coefficient	(8) Disparity Ratio (Method 1)	(9) Disparity Ratio (Method 2)	(10) Calculated Size Standard (\$ Million)	(11) Current Size Standard (\$ Million)
811412 Appliance Repair and Maintenance	Factor	\$0.82	\$749.83	\$0.25	49.9	0.731				
	Size Std.	\$12.5	\$30.5	\$12.5	\$46.5	\$20.0			\$25.0	\$19.0
811420 Reupholstery and Furniture Repair	Factor	\$0.31	\$1.17	\$0.10	2.8	0.563				
	Size Std.	\$10.5	\$13.0	\$11.5	\$9.5	\$8.0			\$10.5	\$9.0
811430 Footwear and Leather Goods Repair	Factor	\$0.22	\$1.30	\$0.07	12.5	0.537				
	Size Std.	\$10.5	\$13.0	\$11.5	\$17.0	\$8.0			\$12.0	\$9.0
811490 Other Personal and Household Goods Repair and Maintenance	Factor	\$0.40	\$20.20	\$0.13	9.4	0.638				
	Size Std.	\$11.0	\$13.5	\$12.0	\$14.5	\$8.0			\$12.0	\$9.0
812111 Barber Shops	Factor	\$0.23	\$8.26	\$0.10	13.2	0.654				
	Size Std.	\$10.5	\$13.0	\$11.5	\$17.5	\$8.0			\$12.5	\$9.5
812112 Beauty Salons	Factor	\$0.34	\$110.36	\$0.17	9.9	0.646				
	Size Std.	\$11.0	\$15.5	\$12.0	\$15.0	\$8.0			\$12.0	\$9.5
812113 Nail Salons	Factor	\$0.25	\$0.59	\$0.10	0.6	0.473				
	Size Std.	\$10.5	\$13.0	\$11.5	\$8.0	\$8.0			\$10.0	\$9.0
812191 Diet and Weight Reducing Centers	Factor	\$1.37	\$299.68	\$0.65	55.8	0.791				
	Size Std.	\$14.5	\$20.0	\$14.5	\$47.0	\$31.5			\$27.5	\$27.5
812199 Other Personal Care Services	Factor	\$0.40	\$7.17	\$0.20	4.4	0.661				
	Size Std.	\$11.0	\$13.0	\$12.0	\$10.5	\$8.0			\$10.5	\$9.0
812210 Funeral Homes and Funeral Services	Factor	\$1.30	\$313.33	\$0.97	16.5	0.559				
	Size Std.	\$14.5	\$20.0	\$15.5	\$20.0	\$8.0			\$15.5	\$12.5
812220 Cemeteries and Crematories	Factor	\$1.08	\$232.88	\$0.75	33.9	0.787				
	Size Std.	\$13.5	\$18.5	\$14.5	\$33.5	\$30.5			\$23.5	\$25.0
812310 Coin-Operated Laundries and Drycleaners	Factor	\$0.45	\$183.59	\$0.42	30.9	0.639				
	Size Std.	\$11.0	\$17.0	\$13.0	\$31.5	\$8.0			\$16.5	\$13.0
812320 Drycleaning and Laundry Services (except Coin-Operated)	Factor	\$0.44	\$3.53	\$0.28	2.2	0.563	0.900	0.787		
	Size Std.	\$11.0	\$13.0	\$12.5	\$9.0	\$8.0	\$8.0	\$10.5	\$10.0	\$8.0
812331 Linen Supply	Factor	\$8.44	\$217.00	\$5.50	36.1	0.783				
	Size Std.	\$40.5	\$18.0	\$36.5	\$35.5	\$30.0			\$33.0	\$40.0

(1) NAICS Code/ NAICS Industry Title	(2) Type	(3) Simple Average Firm Size (\$ Million)	(4) Weighted Average Firm Size (\$ Million)	(5) Average Assets Size (\$ Million)	(6) Four- Firm Ratio %	(7) Gini Coefficient	(8) Disparity Ratio (Method 1)	(9) Disparity Ratio (Method 2)	(10) Calculated Size Standard (\$ Million)	(11) Current Size Standard (\$ Million)
812332 Industrial Launderers	Factor	\$24.36	\$2,638.69	\$14.06	79.4	0.857	0.855	4.506		
	Size Std.	\$47.0	\$47.0	\$47.0	\$47.0	\$44.5	\$47.0	\$47.0	\$46.5	\$47.0
812910 Pet Care (except Veterinary) Services	Factor	\$0.30	\$2.10	\$0.17	2.6	0.570				
	Size Std.	\$10.5	\$13.0	\$12.0	\$9.5	\$8.0			\$10.5	\$9.0
812921 Photofinishing Laboratories (except One-Hour)	Factor	\$3.80	\$584.40	\$1.58	75.6	0.844				
	Size Std.	\$23.5	\$26.5	\$18.5	\$47.0	\$42.0			\$33.0	\$29.5
812922 One-Hour Photofinishing	Factor	\$0.24	\$0.45	\$0.10	14.6	0.450				
	Size Std.	\$10.5	\$13.0	\$11.5	\$18.5	\$8.0			\$12.5	\$19.0
812930 Parking Lots and Garages	Factor	\$3.34	\$284.39	\$3.03	29.6	0.819	0.433	1.584		
	Size Std.	\$21.5	\$19.5	\$25.0	\$30.5	\$37.0	\$47.0	\$47.0	\$32.0	\$47.0
812990 All Other Personal Services	Factor	\$0.66	\$332.70	\$0.29	30.2	0.763	0.033	0.035		
	Size Std.	\$12.0	\$20.5	\$12.5	\$31.0	\$26.0	\$24.0	\$24.0	\$22.0	\$15.0
813110 Religious Organizations	Factor	\$0.80	\$72.28	\$2.68	3.4	0.711				
	Size Std.	\$12.5	\$14.5	\$23.5	\$10.0	\$16.0			\$16.0	\$13.0
813211 Grantmaking Foundations	Factor	\$7.24	\$700.34	\$18.10	14.1	0.830				
	Size Std.	\$36.0	\$29.5	\$47.0	\$18.5	\$39.0			\$34.5	\$40.0
813212 Voluntary Health Organizations	Factor	\$6.48	\$386.67	\$5.11	20.9	0.837				
	Size Std.	\$33.0	\$22.0	\$34.5	\$23.5	\$40.5			\$31.5	\$34.0
813219 Other Grantmaking and Giving Services	Factor	\$4.35	\$118.09	\$4.35	11.1	0.812				
	Size Std.	\$25.5	\$15.5	\$31.0	\$16.0	\$35.5			\$26.0	\$47.0
813311 Human Rights Organizations	Factor	\$3.66	\$449.93	\$3.33	37.2	0.825	0.002	0.000		
	Size Std.	\$23.0	\$23.5	\$26.5	\$36.5	\$38.0	\$47.0	\$47.0	\$34.5	\$34.0
813312 Environment, Conservation and Wildlife Organizations	Factor	\$2.09	\$136.19	\$3.30	14.6	0.776	0.495	0.137		
	Size Std.	\$17.0	\$16.0	\$26.5	\$18.5	\$28.5	\$31.0	\$31.0	\$24.0	\$19.5
813319 Other Social Advocacy Organizations	Factor	\$1.91	\$146.00	\$1.91	17.8	0.788				
	Size Std.	\$16.5	\$16.5	\$20.0	\$21.0	\$31.0			\$22.0	\$18.0
813410 Civic and Social Organizations	Factor	\$0.74	\$15.43	\$1.38	3.3	0.688				
	Size Std.	\$12.0	\$13.0	\$17.5	\$10.0	\$12.0			\$13.0	\$9.5

(1) NAICS Code/ NAICS Industry Title	(2) Type	(3) Simple Average Firm Size (\$ Million)	(4) Weighted Average Firm Size (\$ Million)	(5) Average Assets Size (\$ Million)	(6) Four- Firm Ratio %	(7) Gini Coefficient	(8) Disparity Ratio (Method 1)	(9) Disparity Ratio (Method 2)	(10) Calculated Size Standard (\$ Million)	(11) Current Size Standard (\$ Million)
813910 Business Associations	Factor	\$1.79	\$58.89	\$2.07	5.7	0.774				
	Size Std.	\$16.0	\$14.5	\$20.5	\$11.5	\$28.5			\$19.0	\$15.5
813920 Professional Organizations	Factor	\$3.44	\$110.79	\$5.16	9.5	0.798	0.053	0.077		
	Size Std.	\$22.0	\$15.5	\$35.0	\$14.5	\$33.0	\$33.0	\$33.0	\$27.0	\$23.5
813930 Labor Unions and Similar Labor Organizations	Factor	\$1.45	\$44.72	\$2.55	4.5	0.795				
	Size Std.	\$15.0	\$14.0	\$23.0	\$11.0	\$32.5			\$20.5	\$16.5
813940 Political Organizations	Factor	\$0.68	\$13.01	\$0.58	14.4	0.729				
	Size Std.	\$12.0	\$13.0	\$14.0	\$18.5	\$19.5			\$16.0	\$14.0
813990 Other Similar Organizations (except Business, Professional, Labor, and Political Organizations)	Factor	\$1.48	\$185.50	\$1.70	12.7	0.735				
	Size Std.	\$15.0	\$17.0	\$19.0	\$17.0	\$21.0			\$18.5	\$13.5

Methodology for Agricultural Size Standards

As stated elsewhere in this rule, NDAA 2017 directed SBA to establish the size standards for agricultural industries in NAICS Subsectors 111 and 112 in the same manner that the Agency establishes the size standards for other industries and to include them in the five-year rolling review under the Jobs Act. Accordingly, in this proposed rule, SBA has evaluated those industries using the same industry and Federal contracting factors that it uses in evaluating characteristics of all other industries and their size standards. However, the industry data from the 2017 Agricultural Census tabulation reveals that firms in agricultural industries are much smaller than those in all other industries with receipts based size standards. Therefore, as stated earlier, based on the data, SBA has established \$2.25 million and \$5.5 million as the minimum and maximum receipts based size standard levels, respectively, for agricultural industries,

as opposed to \$8 million as the minimum and \$47 million as the maximum receipts based size standard levels for all other industries. As shown in Table 2 (above), except for the Gini coefficient, the 20th percentile and 80th percentile values of industry factors are much lower for agricultural industries in Subsectors 111 and 112 (except NAICS 112112 and 112310) than those for other industries with receipts based size standards. Similarly, SBA rounds a calculated receipts based size standard for agricultural industries to the nearest \$250,000 instead of rounding it to the nearest \$500,000 as for other industries.

Of the 46 NAICS 6-digit industries in Subsectors 111 and 112, the special tabulation of the 2017 Census of Agriculture provided data for 36 industries at the NAICS 6-digit level. Of the remaining ten (10), seven (7) were aggregated at three different 5-digit NAICS levels and three (3) were aggregated at one 4-digit NAICS level. SBA ranked these 40 industry categories (*i.e.*, thirty-six (36) 6-digit, three (3) 3-digit, and one (1) 4-digit) in terms of

each industry factor and obtained the 20th percentile and 80th percentile values for each factor. The results are shown in Table 2. Based on the current size standards for industries in Subsectors 111 and 112, SBA computed \$2.5 million as the 20th percentile and \$4 million as 80th percentile values of size standards for agricultural industries. Combining these results with the 20th percentile and 80th percentile values of industry factors for agricultural industries in Table 2, SBA computed a size standard for each factor for each industry. These results are provided in Table 5, above.

For the 10 industries for which the data did not exist at the 6-digit NAICS level, SBA estimated the size standard at the 5- or 4-digit NAICS level at which the data were available and applied the same results to the relevant 6-digit NAICS levels. These results are shown, below, in Table 7, Calculated Agricultural Size Standards at the 4- or 5-Digit NAICS Level Matched to the 6-Digit Level.

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Table 6
Calculated Agricultural Size Standards at the 4- or 5-Digit NAICS Level Matched to the 6-Digit Level

4- or 5-digit NAICS Code/Title	Calculated Size Standard (\$ Million) (see Table 5)	6-digit NAICS Code/Title	Calculated Size standard (\$ Million)
11119 Other Grain Farming	\$2.75	111191 Oilseed and Grain Combination Farming	\$2.75
		111199 All Other Grain Farming	\$2.75
11141 Food Crops Grown Under Cover	\$3.75	111411 Mushroom Production	\$3.75
		111419 Other Food Crops Grown Under Cover	\$3.75
11199 All Other Crop Farming	\$3.0	111991 Sugar Beet Farming	\$3.0
		111992 Peanut Farming	\$3.0
		111998 All Other Miscellaneous Crop Farming	\$3.0
1125 Aquaculture	\$3.25	112511 Finfish Farming and Fish Hatcheries	\$3.25
		112512 Shellfish Farming	\$3.25
		112519 Other Aquaculture	\$3.25

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Evaluation of Size Standards for Subindustry Categories or “Exceptions”

The SBA’s table of size standards contains 13 receipts based size standards for subindustry categories below the six-digit NAICS level, which are commonly referred to as “exceptions” and used specifically for Federal Government contracting purposes. The data from the Census Bureau’s 2017 Economic Census special tabulation are limited to the six-digit

NAICS industry level and therefore do not provide information on economic characteristics of firms at the subindustry level. In accordance with SBA’s approach to evaluating size standards for subindustry categories (or “exceptions”), SBA has evaluated the 13 exceptions covered by this rule using the procedures described in the SBA’s Revised Methodology. Specifically, SBA uses data from FPDS and SAM to derive the industry and Federal contracting factors to evaluate size standards at the subindustry levels. Under the Revised

Methodology, the Agency also uses the same data sources to derive the 20th and 80th percentile values of industry factors to evaluate exceptions. Based on the FPDS/SAM data for fiscal years 2021–2023, the 20th percentile and 80th percentile values of industry factors for receipts based exceptions are shown in Table 7, 20th and 80th Percentiles of Industry Factors for Receipts Based Exceptions, below. The results from the analyses of receipts based exceptions are discussed in the following subsections.

Table 7
20th and 80th Percentiles of Industry Factors for Receipts Based Exceptions⁸

Percentiles*	Simple Average Receipts Size (\$ Million)	Weighted Average Receipts Size (\$ Million)	Average Assets Size (\$ Million)	Four-firm Concentration Ratio (%)	Gini Coefficient
20 th percentile	\$2.8	\$11.8	\$1.9	66.8	0.640
80 th percentile	\$181.8	\$6,218.4	\$119.8	99.9	0.887

* Excludes NAICS industries in Subsectors 111 and 112, and Sectors 44-45 industries with receipts based size standards.

Forest Fire Suppression and Fuel Management Services Exceptions

Forest Fire Suppression and Fuels Management Services are two subindustry categories or “exceptions” under NAICS 115310 (Support Activities for Forestry), each with the current size standard of \$34 million in average annual receipts. In 2003, SBA established a different size standard for these subindustry activities (68 FR 33348, June 4, 2003). In 2013, as part of the first five-year review of size standards under the Jobs Act, SBA maintained the then existing \$17.5 million as the size standard for these exceptions (78 FR 37398; June 20, 2013), and subsequently, as part of the 2014 adjustment to monetary based size standards for inflation, the Agency increased the size standard from \$17.5 million to \$19 million (79 FR 33647, June 12, 2014), and as part of the 2019 inflationary adjustment of monetary based size standards, it was increased from \$19 million to \$20.5 million (84 FR 34261, July 18, 2019).

In 2020, as part of the second five-year review of size standards under the Jobs Act, SBA proposed \$25 million as the size standard for both Forest Fire Suppression and Fuel Management Services exceptions. The data supported \$23.5 million but SBA proposed a higher \$25 million for the reasons discussed in the October 2020 proposed rule (85 FR 62239; October 2, 2020). In the final rule, in response to public comments and results from more recent data, SBA adopted a \$30 million size standard for these exceptions (87 FR 18607; March 31, 2022), which was subsequently increased to \$34 million as part of the 2022 adjustment of monetary based size standards for inflation (87 FR 69118; November 17, 2022).

The data from the 2017 Census Bureau and NASS special tabulations are limited to the 6-digit NAICS industry level, and hence, do not

provide separate data to evaluate a size standard at the subindustry level. As such, SBA relied upon data from other sources to evaluate the current \$34 million size standard for both exceptions.

Firms engaged in the Forest Fire Suppression and Fuels Management Services subindustries or exceptions were identified from the contracting data reported in FPDS during fiscal years 2021–2023 and data obtained from the USDA Forest Service. Specifically, the contracts under Forest Fire Suppression and Fuels Management Services exceptions can be identified as those classified within NAICS 115310 under the Product and Services Code (PSC) F003 (Natural Resources/Conservation—Forest-Range Fire Suppression/Presuppression). SBA also evaluated the contract data from the USDA Forest Service National Interagency Fire Center (<https://www.fs.fed.us/managing-land/fire> and <http://www.fs.fed.us/business/incident/vipr.php>). SBA also evaluated the description of requirements of the contracts for Forest Fire Suppression and Fuels Management Services in FPDS to identify principal activities related to forest fire suppression and fuel management services and to differentiate them from other support activities for forestry. SBA identified activities associated with specialized crews, equipment and engines with trained personnel that are critical to perform the tasks of suppressing or managing fires as principal activities and other activities, such as leases of equipment, machinery and transportation vehicles, or provision of services that do not require specialized personnel or training as supporting activities. Since most firms involved in Fire Suppression Services were also found to be involved in Fuels Management Services and vice versa, SBA analyzed the two exceptions as one subindustry category.

Additionally, SBA obtained receipts and employment data on forest fire suppression contractors for the fiscal years 2021–2023 from FPDS and SAM to develop industry and Federal contracting factors for evaluating the size standard for the two exceptions. SBA chose firms with receipts greater than zero and less than \$1 billion. For the forest fire suppression industry, firms with receipts over \$1 billion are outliers and their revenues would skew the data. For firms with receipts over \$1 billion, Federal forest suppression contracts contributed to less than 0.01 percent of their total receipts. Similarly, firms with receipts at or below zero have insignificant contributions to total Federal contract dollars obligated to the fire suppression industry.

Finally, SBA also excluded from analysis firms with more than 1,500 employees, as fire suppression is not the primary activity for enterprises with over 1,500 employees. For example, for companies with over 1,500 employees, fire suppression contract dollars accounted for less than 0.01 percent of their total receipts.

Table 8, below, shows the results from the analysis of these subindustries, which support a \$20 million receipts based size standard for Forest Fire Suppression and Management Services exceptions compared to the current \$34 million. SBA also evaluated information from agencies that deal with fire suppression activity, and analyzed the effects of the time and intensity increases of the wildfire activity. Given the inherent uncertainty of forest fires and recent surges in forest fire incidents and significantly extended fire seasons in recent years, SBA believes that contracting officers need flexibility to hire enough small businesses, especially in the worst-case scenario. In a very busy fire season, it is plausible to assume fire seasons of 180 days of shifts of 14 hours. A crew generally consists of 18–20 firefighters. Therefore, for 6 crews (*i.e.*, the average number of crews

among a sample of firefighting contractors during 2021–2024) with 20 firefighters each at 61 dollars per person per hour (the average hourly rate estimated from a sample of fire suppression contracts for 2021 to 2024), for a season of 180 days and shifts of 14 hours, the total revenue is about \$18 million. For firms with 11 crews, the total revenue could easily reach \$34 million. These estimates consider only the revenue from firefighting activities during the fire seasons, not the revenue from non-firefighting activities during the off-seasons. The hourly forest fire suppression costs have increased about 42 percent since the last review of the Forest Fire Suppression and Fuel Management Services exception size standard, mainly due to increases in hourly wages, equipment, and material costs. The hourly rates include only payments to firefighters that relate to direct fire suppression activities, including wages, materials, equipment, vehicles, insurance, etc. These amounts do not include payments for fire engines, water tenders, food caterers, etc., which are classified under different NAICS codes.

SBA methodological analysis supports a \$20 million size standard for Forest Fire Suppression and Fuel Management Services exceptions. Nevertheless, given the recent increases to the wildfire activity and fire suppression costs and its proposed policy of not diminishing any size standards even if analytical results might support decreases to size standards, SBA proposes to keep the size standard for the Forest Fire Suppression and Fuels Management Services exceptions at \$34 million, and seeks comments on this proposal.

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Table 8
Size Standards Supported by Each Factor for Forest Fire Suppression and Fuel Management Services Exceptions to NAICS 115310 (\$ Million)
Upper Value = Calculated Factor, Lower Value = Size Standard Supported

(1) NAICS Code/ NAICS Industry Title	(2) Type	(3) Simple Average Firm Size (\$ Million)	(4) Weighted Average Firm Size (\$ Million)	(5) Average Assets Size (\$ Million)	(6) Four- Firm Ratio %	(7) Gini Coefficient	(8) Disparity Ratio (Method 1)	(9) Disparity Ratio (Method 2)	(10) Calculated Size Standard (\$ Million)	(11) Current Size Standard (\$ Million)
115310 Forest Fire Suppression Services Exception Fuel Management Services Exception	Factor Size Std.	\$2.9 \$14.0	\$112.1 \$14.0	\$1.4 \$13.0	16.7 \$8.0	0.807 \$31.0	0.952 \$34.0	12.900 \$34.0	\$20.0	\$34.0

Dredging and Surface Cleanup Activities

The Dredging and Surface Cleanup Activities (Dredging) size standard is an exception established by SBA within NAICS 237990 (Other Heavy and Civil Engineering Construction). As stated previously, the data from the Census Bureau's special tabulation of the Economic Census is limited to the 6-digit NAICS industry level, and hence, does not provide separate data at the subindustry level to evaluate exceptions. Accordingly, SBA relied upon the data from other sources to evaluate the current \$37 million size standard for Dredging.

SBA identified firms engaged in the Dredging subindustry using the contract awards data within NAICS 237990 in FPDS for fiscal years 2021–2023. Specifically, dredging contracts were identified as those classified under one of the following Product and Service Codes (PSCs): C1KF—Architect and Engineering Construction—Dredging Facilities; M1KF—Operation of Dredging Facilities; X1KF—Lease/Rental of Dredging Facilities; Y1KF—Construction of Dredging Facilities; Y216—Construction of Dredging; Z1KF—Maintenance of Dredging Facilities; Z2KF—Repair or Alteration of Dredging Facilities; Z216—Maintenance, Repair or Alteration of Dredging; and 1955—Dredges.

SBA obtained receipts and employment data for the identified Dredging firms from SAM and FPDS to develop industry and Federal contracting factors for Dredging. Contracting data from the US Army Corps of Engineers' Navigation and Civil Works Decision Support Center (NDC) and annual reports from Dredging Contractors of America (DCA) were also considered, but not included in the analysis as neither provide business size and have lower Dredging firm coverage than FPDS. Firms with extreme observations, firms with joint venture contracts, and those for which Dredging Federal contracts dollars accounted for a very small percentage of their average annual receipts were excluded from the analysis. Following these data cleaning steps, SBA evaluated 128 resultant Dredging firms that have received Federal contracts under NAICS 237990 and the above PSCs during fiscal years 2021–2023.

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Recently adopted methodological changes that impact calculated size standards include: (1) Replacing the 2019 Methodology for computing the Federal contracting factor with the disparity ratio approach to evaluate all industries and subindustries or “exceptions,” and (2) Using standardized FPDS/SAM data in place of Economic Census data for computation of the 20th percentile and 80th percentile values of industry factors to evaluate exceptions. The 20th percentile and 80th percentile values of industry factors for receipts based exceptions can be found on Table 7, above. The disparity ratio thresholds and amounts of size standards adjustments can be found on Table 3, above.

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Table 9
Size Standards Supported by Each Factor for Dredging Exception to NAICS 237990 (\$ Million)
Upper Value = Calculated Factor, Lower Value = Size Standard Supported

(1) NAICS Code/ NAICS Industry Title	(2) Type	(3) Simple Average Firm Size (\$ Million)	(4) Weighted Average Firm Size (\$ Million)	(5) Average Assets Size (\$ Million)	(6) Four- Firm Ratio %	(7) Gini Coefficient	(8) Disparity Ratio (Method 1)	(9) Disparity Ratio (Method 2)	(10) Calculated Size Standard (\$ Million)	(11) Current Size Standard (\$ Million)
Dredging Exception	Factor	\$80.2	\$305.0	\$44.6	22.6	0.743	0.588	6.385	\$21.5	\$37.0
	Size Std.	\$26.0	\$15.0	\$23.5	\$8.0	\$24.0	\$42.5	\$37.0	\$21.5	\$37.0

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Table 9, Size Standards Supported by Each Factor for Dredging Exception to NAICS 237990 (\$ Million), above, shows

the results from the analysis of the Dredging subindustry that support lowering the current \$37 million size standard for the Dredging exception to \$21.5 million. As shown in Table 5, the results for overall NAICS 237990 also yields a smaller calculated size standard of \$30 million, as compared to the current size standard of \$45 million. Thus, while the latest available industry and Federal contracting data support lowering the size standards for both overall NAICS 237990 and Dredging, the results still support maintaining a distinct, lower size standard for Dredging.

Of the 128 Dredging firms that received Federal contracts during fiscal years 2021–2023, 110 (or 85.9%) would be considered small under the current \$37 million size standard. Under the calculated \$21.5 million size standard, 97 firms (or 75.8%) would be considered small. Thus, 11.8 percent of currently small Dredging firms receiving Federal contracts would be impacted if SBA were to adopt the calculated \$21.5 million size standard for Dredging.

For the reasons for not decreasing size standards discussed elsewhere in this proposed rule, SBA is proposing to maintain the current size standard of \$45 million for the overall NAICS 237990 and the current size standard of \$37 million for the Dredging exception even if the data suggested that both size standards might be decreased. However, SBA is seeking comments on whether Dredging should continue to be treated as an exception to NAICS 237990 or if it should be eliminated and subject it to the same overall NAICS 237990 industry size standard.

Non-Vessel Owning Common Carriers and Household Goods Forwarders

Non-Vessel Owning Common Carriers and Household Goods Forwarders (NVOCHGF) is an “exception” or subindustry under NAICS 488510 (Freight Transportation Arrangement), with the size standard of \$34 million in average annual receipts. As stated above, the data that SBA receives from the Census Bureau’s Economic Census special tabulation are limited to the 6-digit NAICS industry level and therefore do not provide information on economic characteristics of firms at the sub-industry level. Thus, for reviewing or modifying size standards at the subindustry levels (“exceptions”), SBA normally evaluates the data from FPDS and SAM using a two-step procedure. First, using FPDS, SBA identifies Product and Service Codes (PSCs) that correspond to specific exceptions. SBA then identifies firms that have received Federal contracts under those PSCs and

evaluates their receipts and employee data from SAM and FPDS to derive the values for industry and Federal contracting factors.

Contracting activity for NAICS 488510 including the NVOCC/HGF exception is distributed over 70 different PSCs. Using FPDS data for fiscal years 2021–2023, SBA identified five primary PSCs that correspond to the overall industry including the exception, accounting for 97.8 percent of total dollars obligated on NAICS 488510. These PSCs are V119 (Transportation/Travel/Relocation—

Transportation: Other), V111 (Transportation/Travel/Relocation—Transportation: Air Freight), V112 (Transportation/Travel/Relocation—Transportation: Motor Freight), R706 (Support—Management: Logistics Support), and V115 (Transportation/Travel/Relocation—Transportation: Vessel Freight). The top PSC, V119, alone accounts for nearly 80 percent of total dollars obligated to NAICS 488510. Table 10, Top Five PSCs of NAICS 488510 and Average Dollars Obligated,

Fiscal Years 2021–2023, below, identifies these five PSCs and their average annual total dollars obligated for the fiscal years 2021–2023.

SBA analyzed the contracting activities under these PSCs, but the Agency was unable to reliably differentiate the level of activity corresponding to the NVOCC/HGF exception versus the overall NAICS 488510 industry, and hence to identify any PSCs that would correspond uniquely to the exception.

Table 10
Top Five PSCs of NAICS 488510 and Average Total Dollars Obligated,
Fiscal Years 2021–2023

PSC	PSC Description	Average Annual Dollars Obligations in Fiscal Years 2021–2023 (\$ Million)	% of Total DO under NAICS 488510
V119	Transportation/Travel/Relocation - Transportation: Other	\$296.7	79.4%
V111	Transportation/Travel/Relocation - Transportation: Air Freight	\$44.9	12.0%
V112	Transportation/Travel/Relocation - Transportation: Motor Freight	\$17.0	4.6%
R706	Support Management: Logistic Support	\$4.6	1.0%
V115	Transportation/Travel/Relocation - Transportation: Vessel Freight	\$2.2	0.6%
	All PSCs: NAICS 488510	\$373.6	100.0%

SBA also reviewed the distribution of Federal contracts awarded to small and other than small businesses in the overall NAICS 488510 industry for fiscal years 2022–2023. SBA found that only about \$6 million or 1.4 percent of the \$422 million obligated to the overall NAICS 488510 industry went to small businesses. Thus, while the total contracting dollars obligated to all firms in the industry is significant, the total dollars obligated to small firms is not. Additionally, the top agencies using NAICS 488510 are Departments of Army and Navy, which account for 92.4 percent of total dollars obligated during the period evaluated.

To differentiate the NVOCC/HGF exception from the overall NAICS 488510 industry and to determine its

economic characteristics, as part of the second five-year review of size standards, in the 2020 proposed rule (85 FR 62372, October 2, 2020), SBA evaluated the 2012 Economic Census subindustry data found in the U.S. Census Bureau American FactFinder. The 2012 Economic Census data divided NAICS 488510 in two sub-components identified with an additional digit (such break down was not available in the 2017 Economic Census data). The first 7-digit NAICS 4885101 corresponded to Freight Forwarders and the second 7-digit NAICS 4885102 corresponded to Arrangement of Transportation of Freight and Cargo. The NAICS 4885101 includes non-vessel operating common carrier (NVOCC) service as one of the

principal activities. SBA understood that NAICS 4885101 corresponds to the activity classified as an exception to the general NAICS 6-digit 488510. NAICS 4885101 includes multimodal activities supporting transportation, and the firms assume responsibility for delivery of the goods.⁹

In the 2020 proposed rule, SBA compared the economic characteristics of NAICS 4885101 to those for the

⁹The Census definition is: “This U.S. Census Bureau NAICS-based industry comprises establishments primarily engaged in undertaking the transportation of goods from shippers to receivers for a charge covering the entire transportation, and in turn making use of the services of various freight carriers in affecting delivery, paying transportation charges, and assuming responsibility for delivery of the goods. There is no relationship between shippers and the various freight carriers delivering the goods.”

overall industry and found them to be similar. The results are provided in Table 6 of the 2020 proposed rule (p. 62382), Industry Comparison NAICS 488510 and NAICS 4885101. Despite the similarities between the overall NAICS 488510 industry and the NVOCHGF exception, in light of important distinctions between freight forwarders and NVOCCs, as discussed in the 2020 proposed rule, SBA proposed to retain the exception with a higher \$30 million size standard than the proposed \$17.5 million size standard for the overall industry, which SBA adopted in the final rule (87 FR 18627, March 31, 2022).

Nevertheless, in this proposed rule, considering similarities in economic characteristics between the NVOCHGF exception and the overall NAICS 488510 industry, absence of uniquely identifiable PSCs corresponding to the exception, and a lack of other industry data to adequately evaluate the exception industry, SBA is proposing to eliminate the NVOCHGF exception to NAICS 488510. Furthermore, considering very low utilization of small businesses in Federal contracting under the current size standard, SBA proposes to apply to the general NAICS 488510 industry a higher \$34 million size standard that currently applies to the NVOCHGF exception. The evaluation of the most industry and Federal contracting factors of firms receiving Federal contracts under the above mentioned top five PSCs in NAICS 488510 using the FPDS data also suggests that a size standard that is significantly higher than the current \$20 million standard is warranted for NAICS 488510. Additionally, the proposed higher \$34 million size standard would enable firms that currently qualify as small under the NVOCHGF exception size standard to continue their eligibility for small business assistance.

Finally, this is also consistent with SBA's proposed policy of not decreasing any size standards except for excluding dominant firms from qualifying as small.

SBA invites comments, along with supporting information, on this proposal as well as suggestions on whether the proposed elimination of the NVOCHGF exception to NAICS 488510 and the application of the proposed \$34 million for the overall NAICS 488510 industry are appropriate, even though the analytical results support a lower \$23.5 million size standard for that industry.

Exception to NAICS Industry Group 5311 (Lessors of Real Estate): Leasing of Building Space to the Federal Government by Owners

The current size standard for Federal contracts for Leasing of Building Space to Federal Government by Owners ("exception" to NAICS Industry Group 5311 (NAICS 531110, 531120, 531130, and 531190)) is \$47 million in average annual receipts. This size standard applies only to certain Federal contracting opportunities that meet specific criteria. Footnote 9 of SBA's table of size standards (13 CFR 121.201) reads: "For Government procurement, a size standard of \$47 million in gross receipts applies to the owners of building space leased to the Federal Government. This size standard does not apply to an agent."

To determine if the current \$47 million size standard to the exception is appropriate, SBA evaluated average firm size, average assets size, market concentration, and size distribution of firms involved in Leasing of Building Space to Federal Government by Owners. SBA used data from FPDS and SAM and followed the two-step procedure described in Revised Methodology. Based on the data for

fiscal years 2021–2023, Federal contracts awarded to NAICS 531110, 531120, 531130, and 531190 averaged about \$203 million annually, with the largest percentage going to NAICS 531120 (55.2%). First, SBA chose to analyze firms that were awarded contracts to the following Product and Service Codes (PSCs): X111/X1AA (Lease/Rental of Office Buildings), X1FA (Lease/Rental of Family Housing Facilities), X1AZ (Lease/Rental of Other Administrative Facilities and Service Buildings), X1FZ (Lease/Rental of Other Residential Buildings), and X1GZ/X179 (Lease/Rental of Other Warehouse Buildings) across the four industries within NAICS Industry Group 5311. As shown in Table 11, Selected PSCs in NAICS Industry Group 5311 and Average Total Dollars Obligated, Fiscal Years 2021–2023, below, dollars obligated to these PSCs averaged \$97 million annually in fiscal years 2021–2023, which represents 47.9 percent of total dollars obligated to these four NAICS 6-digit industries. The Lease/Rental of Office Buildings, X111/X1AA, alone, accounted for 30.3 percent. Then, SBA evaluated the size and contract data on those firms from FPDS and SAM to obtain industry and Federal contracting factors. The results, as shown in Table 12, Size Standards Supported by Each Factor for Leasing of Building Space to the Federal Government by Owners Exception to NAICS 5311 (\$ Million), below, support a size standard of \$43.5 million.

However, for reasons for not decreasing size standards as explained elsewhere in this proposed rule, SBA is retaining the current \$47 million size standard for Leasing of Building Space to the Federal Government by Owners, even though the analytical results support a lower \$43.5 million size standard.

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Table 11
Selected PSCs in NAICS Industry Group 5311 and Average Total Dollars Obligated, Fiscal Years 2021-2023

PSC	PSC Description	Annual Average Dollars Obligated in Fiscal Years 2021-2023 (\$ Million)	% of Total Dollars Obligated in NAICS 5311 in Fiscal Years 2021-2023
X111/X1AA	Lease/Rental of Office Buildings	\$61.3	30.3%
X1FA	Lease/Rental of Family Housing Facilities	\$17.9	8.8%
X1AZ	Lease/Rental of Other Administrative Facilities and Service Buildings	\$12.1	6.0%
X1FZ	Lease/Rental of Other Residential Buildings	\$5.1	2.5%
X1GZ/X179	Lease/Rental of Other Warehouse Buildings	\$0.7	0.4%
	All PSCs in NAICS 5311	\$202.5	100.0%

Table 12
Size Standards Supported by Each Factor for Leasing of Building Space to the Federal Government by Owners Exception to NAICS 5311 (\$ Million)

Upper Value = Calculated Factor, Lower Value = Size Standard Supported

(1) NAICS Code/ NAICS Industry Title	(2) Type	(3) Simple Average Firm Size (\$ Million)	(4) Weighted Average Firm Size (\$ Million)	(5) Average Assets Size (\$ Million)	(6) Four- Firm Ratio %	(7) Gini Coefficient	(8) Disparity Ratio (Method 1)	(9) Disparity Ratio (Method 2)	(10) Calculated Size Standard (\$ Million)	(11) Current Size Standard (\$ Million)
5311 (531110, 531120, 531130, and 531190) Leasing of Building Space to the Federal Government by Owners	Factor	\$867.0	\$49,832.3	\$5,191.3	94.5	0.897	0.819	48.9	\$47.0	\$47.0
	Size Std.	\$47.0	\$47.0	\$47.0	\$35.5	\$41.0	\$47.0	\$47.0	\$43.5	\$47.0

Exceptions to NAICS 541330: Military and Aerospace Equipment and Military Weapons; Contracts and Subcontracts for Engineering Services Awarded Under the National Energy Policy Act of 1992; Marine Engineering and Naval Architecture

Currently, NAICS 541330 (Engineering Services) has four size standards that apply to Federal contracts for different classifications of engineering services. In addition to general Engineering Services with a size standard of \$25.5 million in average annual receipts, there are three subindustry groups or “exceptions”, each with a size standard of \$47 million: Exception 1—Military and Aerospace Equipment and Military Weapons (MAEMW), Exception 2—Contracts and Subcontracts for Engineering Services Awarded Under the National Energy Policy Act of 1992, and Exception 3—Marine Engineering and Naval Architecture (MENA).

SBA’s recent changes to its size standards methodology that impact calculated size standards for the exceptions include: (1) Replacing the 2019 Methodology for computing the Federal contracting factor with the disparity ratio approach, and (2) Using standardized FPDS/SAM data to compute the 20th percentile and 80th percentile values of industry factors to evaluate exceptions. Table 3, above, shows the disparity ratio thresholds and size standard adjustment amounts. Table 7, above, shows the 20th percentile and 80th percentile values of industry factors for receipts based exceptions.

As stated previously, the data in the 2017 Economic Census special tabulation is limited to the 6-digit NAICS industry level; subindustry level data to evaluate exceptions are not available. FPDS/SAM is the primary data source to evaluate exceptions, including the current \$47 million size standard for the three exceptions under NAICS 541330. The Economic Census data for NAICS 541330 are aggregates of both general engineering services and specialized engineering services that fall under the three exceptions. Thus, the results based on the Economic Census data for NAICS 541330 may not accurately reflect the characteristics of businesses providing specialized services included under those exceptions. The lack of relevant data at the subindustry level makes it challenging to determine whether the current \$47 million size standard for the three exceptions should be revised or left unchanged.

To determine whether the Agency should consider revising the current \$47 million size standard for three exceptions under NAICS 541330, SBA evaluated the FY 2021–2023 data from FPDS/SAM using a two-step procedure. First, using FPDS, SBA identified Product and Service Codes (PSCs) that correspond to the MAEMW and MENA exceptions. SBA then identified firms that have received Federal contracts under those PSCs and evaluated their size data from FPDS/SAM to derive the values of industry and Federal contracting factors for evaluating those exceptions.

Using the FPDS data for fiscal years 2021–2023, SBA identified 91 PSCs that correspond to the MAEMW exception. A total of 304 unique firms were found to have received contracts under those 91 PSCs. SBA analyzed the size and contracting data of these firms to derive the industry and Federal contracting factors for the MAEMW exception. As shown in Table 13, below, the results supported a \$41 million size standard for the MAEMW exception, as compared to the current \$47 million size standard.

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Table 13
Size Standards Supported by Each Factor for Three Exceptions to NAICS 541330 (\$ Million)
Upper Value = Calculated Factor, Lower Value = Size Standard Supported

(1) NAICS Code/ Industry Title	(2) Type	(3) Simple Average Firm Size (\$ Million)	(4) Weighted Average Firm Size (\$ Million)	(5) Average Assets Size (\$ Million)	(6) Four- Firm Ratio %	(7) Gini Coefficient	(8) Disparity Ratio (Method 1)	(9) Disparity Ratio (Method 2)	(10) Calculated Size Standard (\$ Million)	(11) Current Size Standard (\$ Million)
541330 Military and Aerospace Equipment and Military Weapons	Factor	\$447.3	\$38,338.0	\$209.7	81.0	0.886	0.22	1.57	\$47.0	\$47.0
541330 Contracts and Subcontracts for Engineering Services Awarded Under the National Energy Policy Act of 1992	Size Std.	\$47.0	\$47.0	\$47.0	\$25.0	\$40.0	\$47.0	\$47.0	\$41.0	\$47.0
541330 Marine Engineering and Naval Architecture	Factor	\$60.6	\$995.5	\$28.4	56.2	0.836	1.26	0.48	\$41.0	\$47.0
	Size Std.	\$23.0	\$18.0	\$20.0	\$8.0	\$34.5	\$47.0	\$47.0	\$26.0	\$47.0

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Of the 304 firms that received Federal contracts for engineering services under the MAEMW exception, 245 or 80.6 percent were classified as small under the current \$47 million size standard. The calculated \$41 million size standard would classify 243 firms, or 79.9 percent, as “small”. Thus, if SBA were to adopt a lower \$41 million calculated size standard for the MAEMW exception, it would cause only two currently small MAEMW firms, or 0.7 percent, to lose their small business

status. Those two firms received about \$63.2 million in annual small business contract dollars during fiscal years 2021–2023, accounting for less than 1 percent of total contract dollars that were awarded to all firms under the MAEMW exception. Causing those firms to lose their small business status would put about 286 engineering jobs at risk. Such a proposal would also run counter to SBA’s proposed policy of not lowering size standards, except for excluding dominant firms from qualifying as small.

Similarly, SBA identified 42 PSCs that correspond to the scope of work under the MENA exception, covering a total of 129 unique firms. SBA analyzed the size and contracting data of these firms to derive the industry and Federal contracting factors for the MENA exception. As shown in Table 13, above, the results supported a \$26 million size standard for the MENA exception.

Of the 129 firms that received Federal contracts for engineering services under the MENA exception, 108 or 83.7 percent were classified as small under the current \$47 million size standard. The calculated \$26 million size standard would classify 98 firms, or 76.0 percent, as “small”. Thus, if SBA were to adopt a lower \$26 million calculated size standard for the MENA exception, it would cause 10 currently small MENA firms, or 7.8 percent, to lose their small business status. Those 10 firms received about \$301.7 million in annual small business contract dollars, accounting for more than 4.6 percent of total contract dollars that were awarded to all firms under the MENA exception. Causing those firms to lose their small business status would put about 1,365 engineering jobs at risk. As stated above with respect to decreasing the size standard for the MAEMW exception, such a proposal would also run counter to SBA’s proposed policy of not lowering size standards, except for excluding dominant firms from qualifying as small.

As shown in Table 5, above, the results support a \$29 million size standard for the general NAICS 541330 engineering industry. Thus, with a \$41 million calculated size standard for the MAEMW exception and a \$26 million calculated size standard for the MENA exception, the results continue to support maintaining MAEMW, but not MENA as separate exception categories under NAICS 541330 with a higher size standard. Moreover, although the analytical results suggest decreases from the current \$47 million to the calculated \$41 million for the MAEMW exception and to \$26 million for the MENA

exception, consistent with SBA's policy of not lowering any size standards, SBA proposes to maintain the current \$47 million size standard for both exceptions.

The FPDS showed very few actions involving Contracts and Subcontracts for Engineering Services Awarded Under the National Energy Policy Act of 1992. However, section 3021 of the National Energy Policy Act of 1992 provides that for purposes of contracts and sub-contracts requiring engineering services, the applicable size standard shall be that established for military and aerospace equipment and military weapons (106 Stat. 2776; Pub. L. 102–486 (October 24, 1992)). Accordingly, SBA also proposes to retain the same \$47 million receipts based size standard for the exception that applies to Contracts and Subcontracts for Engineering Services Awarded Under the National Energy Policy Act of 1992.

Definitions of Engineering Services Exceptions

Based on its review of PSCs designated under NAICS 541330, using FPDS/SAM information, SBA found imprecise use of PSCs by agencies in applying the MAEMW and MENA exceptions to engineering contracts. For example, agencies have applied certain PSCs (e.g., R425—Support-Professional: Engineering/Technical) that seem to pertain to general engineering services as opposed to specialized engineering services under those exceptions. SBA attributes this imprecision in PSC selection by agencies to the lack of definitions of these exceptions. Accordingly, based on reviews of pertinent SBA Office of Hearings of Appeal (OHA) NAICS code appeal cases, the NAICS 541330 industry definition, descriptions of PSCs, and descriptions of contracts that clearly pertain to the exceptions, SBA is proposing to include the following definitions for engineering services exceptions to its table of size standards in 13 CFR 121.201 as Footnotes 19 and seeking comment on whether the proposed definitions are appropriate.

19. NAICS code 541330—(a) “Engineering Services” means applying physical laws and principles of engineering in the design, development, and utilization of machines, materials, instruments, structures, processes, and systems. These may involve any of the following activities: provision of advice, preparation of feasibility studies, preparation of preliminary and final

plans and designs, provision of technical services during the construction or installation phase, inspection and evaluation of engineering projects, and related services.

(b) Exception 1—Military Equipment, Aerospace Equipment, and Military Weapons:

This exception applies when agencies procure highly specialized engineering services that are specifically and directly related to military and aerospace platforms, systems, and technologies. This includes work on military equipment, such as tanks, armored vehicles, drones, missile systems, C4ISR systems, radar and sonar systems, and other tactical or ground-based technologies. It also includes aerospace systems, such as satellites, launch vehicles, spacecraft, navigation and propulsion systems, and defense-related aeronautical engineering. Additionally, the exception covers military weapons and weapon systems, including guns, torpedoes, ballistic missile defense, nuclear weapons systems, and emerging technologies like directed energy weapons (e.g., lasers). Associated specialized services, such as systems integration, sustainment engineering, testing and evaluation, tech refreshes, and modeling/simulation designed for military or aerospace purposes also qualify. This exception is not limited to military contracts; it can also apply to civilian agencies or commercial efforts that involve defense-related equipment or applications. However, it excludes standard civil and commercial engineering services (e.g., roads, bridges, utilities, and facilities), and non-defense aerospace projects.

(c) Exception 2—Contracts and Subcontracts for Engineering Services Awarded Under the National Energy Policy Act of 1992: This exception applies to contracts and subcontracts for engineering services, as defined in (a) above, awarded under the National Energy Policy Act of 1992 (NEPA). Section 3021 of NEPA provides that for purposes of contracts and sub-contracts requiring engineering services, the applicable size standard shall be that established for military and aerospace equipment and military weapons (106 Stat. 2776; Pub. L. 102–486 (October 24, 1992)).

(d) Exception 3—Marine Engineering and Naval Architecture under NAICS 541330: This exception applies when work involves highly specialized engineering services that are specifically

and directly related to marine vessels and naval systems. Covered areas include ship and vessel design, such as Navy ships, submarines, Coast Guard cutters, commercial or military cargo vessels, and special-purpose vessels like icebreakers and autonomous ships. It also includes marine engineering, such as propulsion and steering systems, HVAC, electrical, fuel, ballast, and onboard fluid handling systems, as well as the integration of weapons systems and onboard system modeling. Naval architectural services, such as hull form development, hydrodynamic performance, buoyancy and stability analysis, weight distribution, seakeeping, and propulsion system design are also included. Also covered are support services, such as ship modification, modernization, damage control, survivability engineering, sea trials instrumentation, and assistance with regulatory certifications. Excluded from this exception are general civil marine structures (e.g., docks, piers, canals), environmental engineering not related to ships, and architectural services for shipyards or administrative buildings.

Exception to NAICS 611519: Job Corps Centers

The current size standard for Federal contracts for Job Corps Centers (“exception” to NAICS 611519, Other Technical and Trade Schools) is \$47 million in average annual receipts. This size standard applies to Federal contracts that meet specific criteria. The criteria required of a Job Corps Center contract or SBA-recognized operator are detailed in Footnote 16 to SBA's table of size standards (13 CFR 121.201), which reads: “For classifying a Federal procurement, the purpose of the solicitation must be for the management and operation of a U.S. Department of Labor Job Corps Center. The activities involved include admissions activities, life skills training, educational activities, comprehensive career preparation activities, career development activities, career transition activities, as well as the management and support functions and services needed to operate and maintain the facility. For SBA assistance as a small business concern, other than for Federal Government procurements, a concern must be primarily engaged in providing the services to operate and maintain Federal Job Corps Centers.”

As noted previously, the data from the 2017 Economic Census special tabulation are limited to the 6-digit NAICS industry level and hence do not provide data to assess economic characteristics at the subindustry level. For example, the Economic Census data for NAICS 611519 are aggregates of both Other Technical and Trade Schools and the more specialized establishments under the Job Corps Centers (JCC) exception. Thus, the results based on the Economic Census data alone may not accurately reflect the characteristics of businesses providing specialized services included under the exception. The lack of relevant data at the subindustry level is a challenge to determining whether the size standard for the JCC exception should be revised or left unchanged.

To determine whether the Agency should propose revising the size standard for the JCC exception under NAICS 611519, SBA analyzed data from the U.S. Department of Labor (DOL) website which includes a list of Job Corps Centers and their respective operators (available at <https://www.dol.gov/agencies/eta/jobcorps/contact>). SBA found a total of 24 unique entities (including two government-

owned entities and one joint venture) listed on the DOL website that support the operations of about 120 Job Corps Centers around the country. SBA evaluated the data from FPDS and SAM to obtain size information of those 21 non-governmental operators. Two governmental entities and a joint venture were excluded from the analysis. From FPDS, SBA first identified firms that have a principal NAICS code of 611519. SBA then identified Product and Service Codes (PSCs) that correspond to the JCC exception by filtering the data for contracts awarded to private firms providing job corps services. SBA identified five PSCs from this search, namely: M1CZ—*Operation of Other Educational Buildings*, U006—*Education/Training—Vocational/Technical*, M139—*Operation of Govt Other Educational Buildings*, U099—*Education/Training—Other*, and U009—*Education/Training—General*. Using this method, SBA identified 219 unique firms that had a principal NAICS code of 611519 (including the 21 non-governmental JCC operators found on the DOL website) and were active in Federal contracting involving the above identified PSCs. For fiscal years 2021–

2023, the total annual average contract dollars obligated to all PSCs under NAICS 611519 was \$1,476.3 million. The total annual average contract dollars obligated under the above five PSCs was \$1,437.9 million, which represents 97.4 percent of the total dollars obligated to NAICS 611519 during fiscal years 2021–2023. Among the five PSCs, M1CZ, alone, accounted for 80.1 percent of total dollars obligated to all PSCs under NAICS 611519.

The results from SBA's analysis are presented in Table 12, Size Standards Supported by Each Factor for Job Corps Centers Exception to NAICS 611519 (\$ Million), below. The results support decreasing the current size standard for the JCC exception to \$36 million. However, for reasons discussed below in the "Justification for Not Decreasing Size Standards" section of this proposed rule, below, SBA proposes to retain the current \$47 million receipts base size standard for the JCC exception and seeks comment, along with supporting information, on whether the SBA's proposal is appropriate or the Agency should adopt the calculated size standard of \$36 million.

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Table 12
Size Standards Supported by Each Factor for Job Corps Centers Exception to NAICS 611519 (\$ Million)
Upper Value = Calculated Factor, Lower Value = Size Standard Supported

(1) NAICS Code/ NAICS Industry Title	(2) Type	(3) Simple Average Firm Size (\$ Million)	(4) Weighted Average Firm Size (\$ Million)	(5) Average Assets Size (\$ Million)	(6) Four- Firm Ratio %	(7) Gini Coefficient	(8) Disparity Ratio (Method 1)	(9) Disparity Ratio (Method 2)	(10) Calculated Size Standard (\$ Million)	(11) Current Size Standard (\$ Million)
611519 Job Corps Centers Exception	Factor Size Std.	\$158.0 \$37.0	\$9,348.8 \$47.0	\$112.9 \$39.0	65.6 \$13.0	0.89 \$40.0	0.60 \$47.0	16.92 \$47.0	\$36.0	\$47.0

Evaluation of Size Standard for NAICS 491110, Postal Service

NAICS 491110 is one of a few industries that are not covered by both Economic Census and County Business Patterns Reports. Because of the lack of industry data to review the industry structure, SBA is proposing to leave the size standard for NAICS 491110 at the current level of \$9 million in average annual revenue. However, one of the disparity ratios (Disparity Ratio—Method 1) supported a \$14.5 million size standard. SBA invites comments on this proposal as well as suggestions, along with supporting information, if the \$14.5 million or a different size standard would be more appropriate.

Evaluation of Size Standards for NAICS Subsector 525, Funds, Trusts and Other Financial Vehicles

NAICS Subsector 525 includes six 6-digit codes. Of those six, the 2017 Economic Census special tabulation includes data only for two NAICS codes within NAICS Subsector 525: NAICS 525910, Open-End Investment Funds, and NAICS 525990, Other Financial Vehicles, for which calculated receipts based size standards are, as shown in Table 5 (above), \$36.5 million and \$31.5 million, respectively. For NAICS 525120, Health and Welfare Funds, the Federal contracting factor (Disparity ratio—Method 1), supports a receipts based size standard of \$47 million. All industries in that Subsector currently share the same \$40 million receipts based size standard. In the previous reviews, SBA applied the results for NAICS 525910 and 525990, specifically the largest size standard between the two industries (*i.e.*, \$36.5 million), to all remaining industries within Subsector 525. However, doing so with the current results would mean decreases to size standards for all industries in that Subsector, which would run counter to SBA's proposed policy of not decreasing any size standards, even though the data suggests some size standards might be decreased. Thus, for SBA's reasons for not decreasing size standards as discussed elsewhere in this proposed rule, the Agency is proposing to maintain the size standards for those industries at their current \$40 million level. SBA seeks comments on this proposal as well as suggestion on alternative data sources, if any, to evaluate size standards for those industries.

Evaluation of the Assets Based Size Standards

In 1984, SBA published a **Federal Register** notice allowing financial

services that prime contractors procure from small minority owned and controlled financial institutions to qualify as subcontracts for purposes of meeting subcontracting goals and credits (49 FR 13091, April 2, 1984). Concurrently, SBA also published a proposed rule that a financial institution with total assets of not more than \$100 million would be considered small (49 FR 13052, April 2, 1984). SBA adopted the \$100 million in total assets as the size standard for financial institutions (49 FR 49398, October 16, 1984). Over time, the definition of small depository institutions was extended to all financial institutions within NAICS Industry Group 5221, Depository Credit Intermediation. Since then, along with other monetary based size standards, SBA periodically adjusted the assets based size standard for inflation, reaching \$175 million with the 2008 inflation adjustment (73 FR 41237, July 18, 2008). As part of the first five-year review of size standards under the Jobs Act, in 2013, SBA increased the financial institutions' size standard to \$500 million in assets (78 FR 37409, June 20, 2013), which was subsequently increased to \$550 million as part of the 2014 adjustment for inflation (79 FR 33647, June 12, 2014). It was further increased to \$600 million with inflation adjustment in 2019 (84 FR 34261, July 18, 2019), to \$750 million as part of the second five-year review of size standards under the Jobs Act (87 FR 18627, March 31, 2022), and finally to \$850 million with the latest inflation adjustment in 2022 (87 FR 69118, November 17, 2022).

Currently, the \$850 million assets based size standard applies to three industries within NAICS Industry Group 5221 (Depository Credit Intermediation) and one industry within NAICS Industry Group 5222 (Nondepository Credit Intermediation). These include NAICS 522110 (Commercial Banking), NAICS 522130 (Credit Unions), NAICS 522180 (Savings Institutions and Other Depository Credit Intermediation), and NAICS 522210 (Credit Card Issuing).

Because only a small number of industries have assets based size standards, no 20th percentile and 80th percentile values of industry factors could be developed to assess differing characteristics of individual industries based on total assets. Thus, most of the SBA's current size standards methodology is not applicable to analyzing the assets based size standards for financial institutions. Consequently, in this proposed rule, SBA examined the changes since 2018 (the latest year for which the financial

institution data were available when the assets based size standard was reviewed as part of the second five-year review of size standards under the Jobs Act) in financial industry factors and small business assets shares to assess whether the current \$850 million assets based size standard is adequate or should it be modified to reflect today’s financial industry structure. Specifically, for industry factors, SBA evaluated changes from 2018 to 2023 (the latest year for which the financial institution data are available) in average firm size, industry concentration, and distribution of firms by size (*i.e.*, Gini coefficient) for financial institutions. SBA also examined the changes in shares of total assets held by small businesses between 2018 and 2023. As in the first and second five-year reviews of size standards under the Jobs Act, in this

proposed rule as part of the current third five-year review of size standards, SBA both evaluated all depository institutions as a whole and the minority owned and controlled depository institutions separately.

Depository Institutions

SBA evaluated all depository institutions using the Statistics on Depository Institutions (SDI) data from the Federal Deposit Insurance Corporation (FDIC). The SDI data does not provide the NAICS definition for every firm included in the database. However, it has a field called Asset Concentration Hierarchy, which can be used to identify each institution’s primary specialization in terms of asset concentration, such as credit card services. Another field, Bank Charter Class, identifies the institutions as

banks or thrifts. SDI does not include data on Credit Unions (NAICS 522130). Because the data are not separated by NAICS code, and the differences among services offered by different financial institutions (such as commercial banks, saving institutions, and credit card issuing companies) have greatly diminished over the recent decades, SBA has analyzed these financial institutions as one industry group.

The number of all depository institutions, total assets and calculated industry factors for 2018 and 2023 are shown on Table 13, Calculated Industry Factors for Depository Institutions. All data were collected at the end of the corresponding calendar year. For comparability, all monetary values are expressed in 2023 dollars, using the Bureau of Economic Analysis (BEA) GDP price index.

Table 13
Calculated Industry Factors for Depository Institutions
(All monetary values are in billions of 2023 dollars)

Year	Number of Institutions	Total Assets	Simple Average Firm Size	Weighted Average Firm Size	Four-Firm Ratio (%)	Gini Coefficient
2018	5,415	\$21,578.4	\$4.0	\$942.9	39.4	0.818
2023	4,596	\$23,775.7	\$5.2	\$1,116.0	39.3	0.818
% change	-15.1%	10.2%	29.8%	18.4%	0.0%	0.0%

Source: SDI/FDIC (https://www7.fdic.gov/sdi/download_large_list_outside.asp). Data correspond to fourth quarter of calendar year 2023 and deflated using GDP price index)

During the 2018 to 2023 period, as shown on Table 13, the financial industry continued to show a decrease in the total number of depository institutions. The total number of depository institutions decreased by 15.1 percent from 5,415 in 2018 to 4,596 in 2023, while their average firm size (measured in total assets in 2023 dollars) increased by 10.2 percent. The simple average firm size increased by a factor of about 1.3, while the weighted average firm size increased by a factor of about 1.2. On the other hand, the four largest institutions’ share of total assets (also referred to as four-firm concentration ratio or CR4) decreased slightly (from 39.4% to 39.3%), and the Gini coefficient value decreased slightly from 0.818 in 2018 to 0.817 in 2023. Overall, the changes in values of these factors suggest a size standard of \$840 million,¹⁰ a slight reduction from

current size standard of \$850 million for the depository institutions. On the other hand, the share of small businesses in 2018 under the size standard of \$750 million was 78.1 percent in terms of the number of institutions, and of 4.8 percent in terms of their assets; while for 2023, the respective shares under the current size standard of \$850 million were 74.5 percent and 4.1 percent. To increase the 2023 share of small businesses assets to the same level of 2018, the size standard should be increased to about \$1 billion in assets. Averaging both results, one based on industry factors and the other based on the small business assets shares, the suggested size standard would be about

it to the \$750 million size standard, we reached the value of \$840 million. The financial industry data for 2018 supported a size standard of \$750 million that SBA adopted as part of the second five-year review of size standard in April 2022 (87 FR 18627, March 31, 2022) which was increased to \$850 million by inflation adjustment in December 2022 (87 FR 69118, November 17, 2022).

\$920 million for the Depository Institutions.

NAICS 522130, Credit Unions

A credit union is a cooperative, not-for-profit financial institution owned and controlled by its members. Credit unions are established and operated for the purpose of promoting thrift and providing credit at competitive rates and other financial services to their membership. Generally, they could be corporate credit unions, Federal, or State credit unions. Because this industry includes only not-for-profit institutions, SBA does not consider them small business concerns for Federal government assistance. The small business regulations state that a business concern eligible for assistance from SBA as a small business is a business entity organized for profit, with a place of business located in the United States (see 13 CFR 121.05(a)(1)). However, SBA has established a size standard for this industry because it is useful for other purposes, such as

¹⁰ Getting the average of percentage changes for each of the four factors (*i.e.*, simple average, weighted average, CR4 and Gini coefficient) between 2018 and 2023 in Table 13 and applying

rulemaking. Table 15, Calculated Industry Factors for Credit Unions, below, provides the calculated factors for Credit Unions. Between 2018 and 2023, the total number of concerns diminished by 14.4 percent, but at the same time the total assets increased by 29.5 percent. The simple average increased by 51.2 percent between 2018 and 2023 in real terms, and the weighted average grew by 54.3 percent. The four-firm concentration ratio

increased by a factor of 1.04. Gini coefficient did not change much during the period. Changes in these factors would support an increase of size standard for Credit Unions from \$850 million to \$960 million in assets.¹¹ Moreover, in 2018 the share of total Credit Unions assets held by small businesses under the \$750 million size standard (which SBA adopted as part of the second five-year review of size standards) were 26.4 percent, and that

in 2023 this ratio diminished to 21.3 percent under the current \$850 million size standard. In order to increase this ratio to the 2018 level, the size standard would need to be increased to about \$940 million. Averaging both results, one based on industry factors and the other based on the small business assets shares, the suggested size standard for Credit Unions would be about \$950 million.

Table 14
Calculated Industry Factors for Credit Unions
(All monetary values are in billions of 2023 dollars)

Year	Number of Institutions	Total Assets	Simple Average Firm Size	Weighted Average Firm Size	Four-Firm Ratio (%)	Gini Coefficient
2018	5,492	\$1,759.9	\$0.32	\$12.6	12.2	0.801
2023	4,702	\$2,278.3	\$0.48	\$19.4	12.7	0.808
% change	-14.4%	29.5%	51.2%	54.3%	4.1%	0.8%

Source: NCUA, <https://www.ncua.gov/analysis/credit-union-corporate-call-report-data/quarterly-data>.

Federal Contracting Factor

For the four assets based industries listed above, Federal contracting dollars averaged about \$164 million per year during fiscal years 2021–2023. This reflects a large increase in dollars awarded to those industries as compared to fiscal years 2016–2018, when the average total dollars obligated to them was about \$130 million. Of those four industries, NAICS 522110, Commercial Banking, accounts for 99.0 percent of the average total dollars obligated during fiscal years 2021–2023. Thus, under the SBA's Revised Methodology, Federal contracting is a significant factor for reviewing the assets based size standard for the financial industries. The data yields the disparity ratios of 0.23 under Method 1 and 17.78 under Method 2. The disparity ratio under Method 1 would support a size standard of \$1,063 million (*i.e.*, increasing the current \$850 million size standard by 25% as per Table 3 (above)) and disparity ratio under Method 2 would support the current \$850 million. The average of the two values equals to \$956 million, which is the size standard supported by Federal contracting factor.

Summary of Calculated Size Standards for Depository Institutions and Credit Unions

Based on the analyses of industry factors and differences of the shares of small businesses in total assets between 2018 and 2023, the calculated size standard for depository institutions is \$918 million in assets, which would apply to the following three industries within NAICS Subsector 522, Credit Intermediation and Related Activities: NAICS 522110 (Commercial Banking), NAICS 522180 (Savings Institutions and Other depository Credit Intermediation), and NAICS 522210 (Credit Card Issuing). Based on the similar results, the calculated size standard for NAICS 522130 (Credit Unions) is \$948 million in assets. The weighted average of the calculated size standards for depository institutions and credit unions is \$921 million. These results are shown in Table 15, Summary of Calculated Size Standards for Depository Institutions and Credit Unions, below.

As discussed above, Federal contracting factor (*i.e.*, disparity ratio analysis) supports a size standard of \$956 million and industry factors support a size standard of \$921 million. In calculating the overall industry size

standard, the SBA's methodology assigns a weight of 0.8 to four industry factors combined and a weight of 0.2 to the Federal contracting factor. The weighted average of the two calculated size standards using these weights gives an overall size standard of \$928 million (*i.e.*, $(0.8 * 921) + (0.2 * 956) = 928$), which is rounded to \$925 million.

Accordingly, consistent with its historical practice of maintaining the same size standard for all financial industries, SBA is proposing to increase the size standard for all four financial industries from the current \$850 million to \$925 million in assets. If adopted, the proposed size standard would apply to the following industries: NAICS 522110 (Commercial Banking), NAICS 522180 (Savings Institutions and Other depository Credit Intermediation), NAICS 522210 (Credit Card Issuing), and NAICS 522130 (Credit Unions). SBA is seeking comment on whether SBA should consider establishing separate size standards for each of the four industries or continue using a common size standard.

¹¹ Getting the average of percentage changes for each factor (*i.e.*, simple average, weighted average, CR4, and Gini Coefficient between 2018 and 2023

from Table 15 and applying it to the inflation preadjusted size standard (*i.e.* \$750 million), we reached the value of \$960 million. The financial

industry data for 2018 supported a size standard of \$750 million, which was increased to \$850 million by inflation adjustment in December 2022.

Table 15
Summary of the Calculated Size Standards for Depository Institutions
and Credit Unions

		Calculated Size Standards			Proposed Size Standard (\$ Millions of Assets)
		Size Standards Based on Industry Factors (\$ Millions of Assets)	Size Standards Based on Small Business Assets Shares (\$ Millions of Assets)	Average Size Standards (\$ Millions of Assets)	
Institutions	Current Size Standards (\$ Millions of Assets)				
Depository Institutions	\$850	\$840	\$997	\$918	\$925
Credit Unions	\$850	\$960	\$935	\$948	\$925
Weighted Average*	\$850	\$850	\$992	\$921	\$925

* Weighted by depository institutions’ and credit unions’ shares of total assets combined, where their shares are 0.913 and 0.087, respectively.

Summary of Calculated Size Standards

Of 500 industries and thirteen (13) subindustries (“exceptions”) reviewed in this proposed rule, the results from analyses of the latest available data on the five primary factors from Table 5

(above), along with similar results for various exceptions and assets based size standards in subsequent tables, would support increasing size standards for 263 industries (259 receipts based and four assets based) and decreasing size standards for 203 industries and nine (9)

subindustries or exceptions. The results supported retaining current size standards for 38 receipts-based industries. Table 16, Summary of Calculated Size Standards, summarizes these results by NAICS sector.

Table 16
Summary of Calculated Size Standards

NAICS Code	NAICS Sector Title	No. of Size Standards Reviewed	Calculated Size Standards		
			Increased	Decreased	Unchanged
11	Agriculture, Forestry, Fishing and Hunting	64	29	30	5
21	Mining, Quarrying, and Oil and Gas Extraction	4	1	3	0
22	Utilities	3	2	1	0
23	Construction	33	2	29	2
44-45	Retail Trade	55	32	19	4
48-49	Transportation and Warehousing	43	16	22	5
51	Information	16	7	8	1
52	Finance and Insurance	33	9	20	4
53	Real Estate and Rental and Leasing	28	10	13	5
54	Professional, Scientific and Technical Services	48	31	14	3
55	Management of Companies and Enterprises	2	0	2	0
56	Administrative and Support and Waste Management and Remediation Services	44	23	20	1
61	Education Services	18	14	3	1
62	Health Care and Social Assistance	39	29	7	3
71	Arts, Entertainment and Recreation	25	15	9	1
72	Accommodation and Food Services	15	10	4	1
81	Other Services	43	33	9	1
Total		513	263	213	37

Evaluation of SBA Loan Data

Before proposing or deciding on an industry's size standard revision, SBA also considers the impact of size standards revisions on SBA's loan programs. Accordingly, SBA examined its internal 7(a) and 504 loan data for fiscal years 2021–2023 to assess whether the calculated size standards in Table 5 (above) need further adjustments to ensure credit opportunities for small businesses through those programs. For the industries reviewed in this rule, the data shows that it is mostly businesses much smaller than the current or proposed size standards that receive SBA's 7(a) and 504 loans. For example,

for industries covered by this rule, 98.0 percent of 7(a) and 504 loans in fiscal years 2021–2023 went to businesses at or below the current or calculated size standards. The data suggests that no calculated size standards need further adjustments based on evaluation of the loan data.

Justification for Not Decreasing Size Standards

Decreasing size standards would cause many businesses that are small under the current size standards, especially those that are larger, more experienced and capable small businesses just below the current size standards, to lose their small business

status and eligibility for Federal small business assistance. SBA believes that decreasing size standards under the current economic environment could stifle the ongoing economic growth following the COVID–19 pandemic by causing many currently qualified and capable small firms to become ineligible for SBA's financial assistance and Federal contracting programs. SBA is meeting the continued need for increased SBA's support for small businesses to support ongoing economic growth and job creation by not decreasing size standards, even though analytical results suggest that some size standards might be decreased.

As discussed below in greater detail, reducing the number of small businesses may lead to fewer set-aside opportunities for small businesses overall as it would reduce the pool of eligible qualified firms that the Federal Government could select from when setting aside procurements for small businesses. SBA believes that decreasing size standards would run counter to its mission to aid, counsel, assist and protect the interests of small business concerns, preserve free competitive enterprise, and maintain and strengthen the overall economy of our Nation. For these and other reasons, discussed below in a greater detail, SBA believes that it has the discretion to propose a policy of not decreasing any size standards because the only Congressionally mandated requirement is that SBA exclude dominant firms from qualifying small, even though the data suggests some size standards might be decreased.

As discussed below, decreasing small business size standards, which would lower the threshold for what qualifies as a small business, could have negative impacts on many aspects of the economy, including Government contracting, subcontracting and supply chains, access to capital, competition and industry consolidation, innovation and entrepreneurship, job creation, economic growth, defense industrial base and national security, and small business industrial base.

Government Contracting: Decreasing small business size standards can have a significant impact on Government contracting, particularly in terms of access, competition, contract fulfillment, and the Federal Government's ability to meet its Congressionally mandated small business procurement goals. Businesses that no longer qualify as small may lose preference and access to Federal set-aside contracts, thereby forcing them to compete with large companies with significantly more resources and extensive qualifications for contracting opportunities. Businesses that would lose small business status, were the size standards reduced according to analytical results, based on the procurement data for fiscal years 2021–2023, would lose more than \$2 billion annually in Federal contracts for small businesses. Larger small companies that lose access to small business set-aside contracts and will be forced to compete with large corporations may face difficulties securing Government contracts under full and open competition. This can reduce their revenue streams from Government contracts and limit their ability to grow

and create jobs, with potentially far-reaching implications in the broader economy. The exclusion of larger small firms from the small business category may reduce the overall pool of companies available to compete for Federal contracts, thereby limiting the number of qualified suppliers in some industries, particularly those that are highly dependent on Government contracts, such as defense, construction, and IT services. This could lead to fewer competitive bids, especially for contracts requiring specialized skills or capabilities that smaller small businesses may not possess, potentially driving up costs to consumers and Government agencies, especially in industries where larger small businesses are key players. Losing small business status and associated advantage could make it harder for these firms to participate in large projects, especially in industries like construction, technology, and defense. As stated previously, larger small businesses that lose their small business status will no longer qualify for certain set-aside contracts, which may lead to a shift in contract awards from these firms to smaller small businesses. However, smaller small businesses may lack the necessary resources, qualifications, or capacity to handle larger or more complex Government projects. If too many larger small firms lose access to small business set-asides, the pool of contractors capable of fulfilling high-value or technically demanding contracts may shrink, potentially leading to delays or lower-quality work in certain sectors, such as defense, construction, and IT, where performance and scale are critical. With fewer businesses qualifying as small, the Government may have to work harder to find qualified contractors capable of fulfilling certain requirements. This could complicate the process of meeting Government's small business procurement goals, particularly for larger or more complex projects.

Subcontracting and Supply Chains: Businesses that lose their small business status may struggle to secure subcontracting work from large companies, as prime contractors may prefer to work with businesses that still qualify as small to meet their small business subcontracting goals. This could reduce the number of viable small business subcontractors for large Government contracts, potentially affecting the overall supply chain and project execution. With fewer businesses qualifying as small, large prime contractors will face difficulties

meeting their small business subcontracting goals.

Access to Capital and Other Benefits: Businesses that lose their small business status could face difficulties accessing capital through SBA-backed loans and benefits from other support programs, potentially slowing their growth. They may struggle to secure favorable loans and financing options, especially if they have relied on SBA-backed loan programs in the past. Without SBA loans, or loan guarantees, they might struggle to invest in growth, equipment, technology, or workforce development. This could result in a slowdown in expansion and economic activity for these businesses. As firms that lose their small business status may no longer be eligible for SBA-backed loans or other forms of small business financing, these firms might be forced to turn to more expensive financing options. Businesses losing small business status would also lose other benefits such as lower taxes and exemptions from certain compliance and paperwork requirements.

Competition and Industry Consolidation: Businesses that lose their small business status may now be forced to compete directly against larger corporations for unrestricted Government contracts, which could put them at a significant competitive disadvantage. Some of these companies will struggle to survive or even be forced to merge with larger corporations or exit the market altogether, contributing to increased industry consolidation and reduced competition and market diversity. The loss of small business status for many small businesses could lead to increased mergers and acquisitions as these businesses seek ways to survive and remain competitive. This could result in reduction in the number of independent businesses in key sectors of the economy, such as manufacturing, construction and IT, leading to less innovation, greater industry consolidation, reducing diversity and consumer choices in the marketplace, and potentially leading to monopolistic practices in some sectors dominated by large players. This would run counter to Executive Order 14267 (90 FR 15629, April 9, 2025), which directs Federal agencies to reduce anticompetitive regulatory Barriers.

Job Creation and Employment: Small businesses are significant job creators, accounting for two-thirds of total new job creation in the U.S. and nearly half of the private sector workforce. Larger small businesses that lose their small business status might be forced to reduce hiring, downsize, or even lay off

employees as they lose access to revenue streams from Government contracts and SBA's loans that helped them start and expand. Larger small firms could become less willing to hire from smaller subcontractors, reducing opportunities for growth and employment. Job losses could occur in industries where small businesses are a significant part of the overall labor market. As stated earlier, decreasing size standards for 213 industries/subindustries, solely based on analytical results, would force about 7,900 businesses to lose their small business designation in industries covered by this proposed rule. These businesses are estimated to support about 604,850 employees, which would be at risk of being laid off if they lose their small business status and associated benefits, in particular access to Government contracts and SBA financial assistance intended for small businesses.

Economic Growth: According to SBA's Office of Advocacy, small businesses contribute approximately 44 percent of the U.S. gross domestic product (GDP). Companies on the higher end of the size spectrum, which might lose their small business status because of decreases to size standards, could face financial challenges, stalling their growth and possibly impacting broader economic activity. Businesses that lose their small business status may struggle to compete with large corporations with significantly more resources and capabilities and could face slower growth, stagnation, or even downsizing. This may particularly affect firms in industries, such as manufacturing, construction, and IT, where larger small firms often play a crucial role. If small businesses are forced to downsize or shut down due to the loss of small business status, it could negatively affect local economies that rely on these companies for jobs, taxes, and local commerce. In regions where small businesses are a major source of employment, this could lead to higher unemployment, economic stagnation or decline. If a significant number of small businesses lose access to Government contracts, capital, and other resources intended for small businesses, it could result in slower growth, fewer investments, and reduced job creation. These firms often serve as critical growth engines in the economy, and their struggle to adapt could have a ripple effect on sectors that rely on a healthy and competitive small business ecosystem.

Innovation and Entrepreneurship: Larger small businesses which often have the resources to invest in research and development (R&D) may lose their

small business status and access to Government contracts and SBA programs. This will slow growth of these companies and the Government will miss out on cutting-edge technologies and approaches that these firms can provide. This could result in a reduction of their R&D investments and innovation efforts, limiting innovation in key economic sectors, including technology, and engineering, and other high-growth industries. This could stifle competition in high-tech industries where mid-sized and larger small firms are often the most innovative. This could lead to a slowdown in innovation, potentially weakening the overall competitiveness of the economy.

Defense Industrial Base and National Security: According to the Department of Defense (DoD), small businesses make up 73 percent of companies in the U.S. defense industrial base (<https://www.defense.gov/News/Releases/Release/Article/3279279/>). In 2024, small business vendors accounted for 79 percent of total DoD vendor count. In 2023, small businesses accounted for 25.2 percent of all DoD prime contracts, amounting to \$92 billion. The DoD's total small business vendor count decreased 49 percent between 2010 and 2024. A reduction in SBA size standards would disqualify firms that currently qualify as small for DoD contracts, thereby shrinking the pool of eligible and qualified defense contractors and exacerbating the ongoing contraction of the DoD small business vendor base. This could lead to fewer options for DoD, especially for contracts that require specialized skills and capabilities offered by larger and more qualified small firms. Larger small businesses that lose their small business status may no longer be viable defense suppliers and may not be able to compete against much larger defense contractors with significantly more resources and extensive qualifications and experiences. This could limit the number of companies that can deliver on certain high-value or specialized contracts, especially in areas like defense technology, manufacturing, and cybersecurity. This could weaken the defense supply chain, as fewer firms would be able to meet the stringent requirements of the DoD, especially for specialized or high-tech products and services. As stated earlier, many larger small firms that invest heavily in R&D would lose access to defense contracts, thereby reducing overall investment in defense-related R&D, stifling innovation in critical areas such as advanced weapons systems, communications, and

logistics. If larger small businesses lose their small business status, the defense industrial base could lose a segment of highly capable, strategically important firms. This could limit the DoD's access to critical technologies and reduce the overall competitiveness of U.S. defense capabilities. Decreasing size standards might reduce the number of capable defense suppliers, as larger small businesses lose their status and may be unable to compete with large prime contractors, thereby reducing competition, increasing costs, and reducing innovation. Companies that lose small business status might be forced to reduce their workforce, consolidate, or even close. This could result in job losses, particularly in industries and regions where the defense sector plays a significant role in the local economy. Firms that lose small business status may struggle to secure subcontracts from large prime contractors. This could impact the lower tiers of the defense supply chain, where specialized larger small firms are often critical subcontractors for large defense projects. Reducing the number of eligible contractors by lowering size standards could lead to a consolidation of the industrial base, concentrating power in the hands of a few large firms and reducing the flexibility, resilience, and diversity that are critical to long-term health of the defense industrial base.

Small Business Industrial Base: Decreasing small business size standards can have wide-ranging impacts on the small business industrial base, which includes the businesses that support Government projects and health of various key industrial sectors, including professional services, manufacturing, and construction.

Total small business vendor count in the Federal market decreased 49 percent from 119,341 in 2010 to 60,952 in 2024. The share of small business in total vendor count decreased from 80% to 73% during the same period. Lowering small business size standards, thereby causing about 7,900 small businesses under the current size standards to lose their small business status, would exacerbate this trend when the Federal Government, through various initiatives and strategies (e.g., strengthening small business supply chains, workforce readiness, and simplified and flexible acquisition, etc.), is trying to reverse this worrisome trend and strengthen the Federal small business industrial base.

If size standards were decreased based on analytical results, many businesses may lose their small business status, meaning they will no longer be eligible for small business set-asides contracts,

grants, and other SBA programs. Without small business status, they could also face difficulties in competing with large companies. The loss of small business status could reduce competitiveness of larger small businesses, especially when vying for contracts or business opportunities with large corporations. These firms may face increased pressure to merge or consolidate to survive, thereby reducing market competition. Loss of small business eligibility could hurt small business ability to stay competitive in the Federal marketplace. Certain industries, like manufacturing and construction, where economies of scale matter, could be negatively impacted. Larger small companies that lose small business status may find it hard to compete against larger, more established firms, leading to industry consolidation or potential closures in these sectors. Decreasing size standards may hurt the competitiveness of mid-sized firms that are still growing but are no longer eligible for small business benefits. These businesses may not yet be large enough to compete with major corporations, which could lead to stagnation or a slowing of their growth.

Evaluation of Calculated Size Standards for Dominance in Field of Operation

As part of the review, SBA further evaluates calculated size standards to ensure that dominant or potentially

dominant firms are excluded from qualifying as small. For this, as stated earlier, SBA examines the industry's market share of firms at the calculated size standard as well as the distribution of firms by size. SBA generally considers such market share of more than 40 percent as suggesting that a firm qualifying as small could be dominant in its industry. Among the industries with monetary based size standards reviewed in this proposed rule, the firm's market shares at the calculated and current size standards exceed 40 percent for two industries, namely NAICS 485111 (Mixed Mode Transit Systems) and 812922 (One-Hour Photofinishing). For NAICS 485111, both the current and calculated size standard is \$29 million, with the firm's market share at that level being equal to 42.6 percent. To reduce that share to below the 40 percent threshold, the size standard for NAICS 485111 should be lowered to \$27 million. For NAICS 812922, the firm's market share at the \$19 million current standard is 67.8 percent and at the \$12.5 million calculated size standard is 44.6 percent. To lower that share to below 40%, the size standard should be decreased to \$11 million. However, the evaluation of distributions of firms by size using the Economic Census and SAM data shows no firms between \$27 million and \$29 million for NAICS 485111 and between \$11 million and \$19 million for NAICS 812922 to exert the dominance in both

industries. Accordingly, SBA proposes to retain the current size standards for both industries. For the remaining industries, the firm's market share at the calculated size standards averaged 0.8 percent, varying from a minimum of 0.004 percent to a maximum of 21.6 percent. These levels of market shares preclude any businesses qualifying as small under the calculated size standards from exerting dominance in their industries.

Proposed Size Standards Changes

Based on the analytical results in Table 5 (above) and considering impacts of calculated size standards in terms of access by currently small businesses to SBA's loans, results from dominant analysis of calculated size standards, and SBA's proposed policy of not decreasing any size standards (except for excluding dominant firms from qualifying as small) even if the analytical results support decreasing some size standards, of a total of 513 monetary based size standards (including nine "exceptions") that are reviewed in this proposed rule, SBA proposes to increase 263 size standards, retain 249, and remove one exception. Proposed changes to size standards for each NAICS industry are presented in Table 17, Proposed Size Standards Changes by Industry. Also shown in Table 17 are current and calculated size standards.

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Table 17
Proposed Size Standards Changes by Industry

NAICS Code	NAICS Industry Title	Current Size Standard (\$ million)	Calculated Size Standard (\$million)	Proposed Size Standard (\$ million)
111110	Soybean Farming	\$2.25	\$2.75	\$2.75
111120	Oilseed (except Soybean) Farming	\$2.25	\$2.75	\$2.75
111130	Dry Pea and Bean Farming	\$2.75	\$2.75	\$2.75
111140	Wheat Farming	\$2.25	\$2.5	\$2.5
111150	Corn Farming	\$2.5	\$2.75	\$2.75
111160	Rice Farming	\$2.5	\$2.75	\$2.75
111191	Oilseed and Grain Combination Farming	\$2.25	\$2.75	\$2.75
111199	All Other Grain Farming	\$2.25	\$2.75	\$2.75
111211	Potato Farming	\$4.25	\$4.0	\$4.25
111219	Other Vegetable (except Potato) and Melon Farming	\$3.75	\$3.5	\$3.75
111310	Orange Groves	\$4.0	\$3.25	\$4.0
111320	Citrus (except Orange) Groves	\$4.25	\$3.75	\$4.25
111331	Apple Orchards	\$4.5	\$3.75	\$4.5
111332	Grape Vineyards	\$4.0	\$3.25	\$4.0
111333	Strawberry Farming	\$5.5	\$4.75	\$5.5
111334	Berry (except Strawberry) Farming	\$3.75	\$3.5	\$3.75
111335	Tree Nut Farming	\$3.75	\$3.5	\$3.75
111336	Fruit and Tree Nut Combination Farming	\$5.0	\$4.25	\$5.0
111339	Other Noncitrus Fruit Farming	\$3.5	\$3.25	\$3.5
111411	Mushroom Production	\$4.5	\$3.75	\$4.5
111419	Other Food Crops Grown Under Cover	\$4.5	\$3.75	\$4.5
111421	Nursery and Tree Production	\$3.25	\$3.0	\$3.25
111422	Floriculture Production	\$3.75	\$3.25	\$3.75
111910	Tobacco Farming	\$2.5	\$2.75	\$2.75
111920	Cotton Farming	\$3.25	\$3.0	\$3.25
111930	Sugarcane Farming	\$5.0	\$5.0	\$5.0
111940	Hay Farming	\$2.5	\$2.75	\$2.75
111991	Sugar Beet Farming	\$2.5	\$3.0	\$3.0
111992	Peanut Farming	\$2.5	\$3.0	\$3.0
111998	All Other Miscellaneous Crop Farming	\$2.5	\$3.0	\$3.0
112111	Beef Cattle Ranching and Farming	\$2.5	\$2.75	\$2.75
112112	Cattle Feedlots	\$22.0	\$8.5	\$22.0
112120	Dairy Cattle and Milk Production	\$3.75	\$3.75	\$3.75

NAICS Code	NAICS Industry Title	Current Size Standard (\$ million)	Calculated Size Standard (\$million)	Proposed Size Standard (\$ million)
112210	Hog and Pig Farming	\$4.0	\$3.5	\$4.0
112310	Chicken Egg Production	\$19.0	\$8.0	\$19.0
112320	Broilers and Other Meat Type Chicken Production	\$3.5	\$3.75	\$3.75
112330	Turkey Production	\$3.75	\$3.75	\$3.75
112340	Poultry Hatcheries	\$4.0	\$4.0	\$4.0
112390	Other Poultry Production	\$3.75	\$3.25	\$3.75
112410	Sheep Farming	\$3.50	\$3.25	\$3.50
112420	Goat Farming	\$2.50	\$2.75	\$2.75
112511	Finfish Farming and Fish Hatcheries	\$3.75	\$3.25	\$3.75
112512	Shellfish Farming	\$3.75	\$3.25	\$3.75
112519	Other Aquaculture	\$3.75	\$3.25	\$3.75
112910	Apiculture	\$3.25	\$3.0	\$3.25
112920	Horses and Other Equine Production	\$2.75	\$3.0	\$3.0
112930	Fur-Bearing Animal and Rabbit Production	\$3.75	\$3.50	\$3.75
112990	All Other Animal Production	\$2.75	\$3.25	\$3.25
113110	Timber Tract Operations	\$19.0	\$26.0	\$26.0
113210	Forest Nurseries and Gathering of Forest Products	\$20.5	\$21.5	\$21.5
114111	Finfish Fishing	\$25.0	\$22.5	\$25.0
114112	Shellfish Fishing	\$14.0	\$15.0	\$15.0
114119	Other Marine Fishing	\$11.5	\$25.5	\$25.5
114210	Hunting and Trapping	\$8.5	\$14.5	\$14.5
115111	Cotton Ginning	\$16.0	\$17.0	\$17.0
115112	Soil Preparation, Planting, and Cultivating	\$9.5	\$12.0	\$12.0
115113	Crop Harvesting, Primarily by Machine	\$13.5	\$21.5	\$21.5
115114	Postharvest Crop Activities (except Cotton Ginning)	\$34.0	\$29.5	\$34.0
115115	Farm Labor Contractors and Crew Leaders	\$19.0	\$20.0	\$20.0
115116	Farm Management Services	\$15.5	\$22.0	\$22.0
115210	Support Activities for Animal Production	\$11.0	\$14.0	\$14.0
115310	Support Activities for Forestry	\$11.5	\$13.5	\$13.5
115310 (Exception 1)	Forest Fire Suppression	\$34.0	\$20.0	\$34.0
115310 (Exception 2)	Fuel Management Services	\$34.0	\$20.0	\$34.0

NAICS Code	NAICS Industry Title	Current Size Standard (\$ million)	Calculated Size Standard (\$million)	Proposed Size Standard (\$ million)
213112	Support Activities for Oil and Gas Operations	\$47.0	\$41.0	\$47.0
213113	Support Activities for Coal Mining	\$27.5	\$25.0	\$27.5
213114	Support Activities for Metal Mining	\$41.0	\$38.0	\$41.0
213115	Support Activities for Nonmetallic Minerals (except Fuels) Mining	\$20.5	\$27.0	\$27.0
221310	Water Supply and Irrigation Systems	\$41.0	\$41.5	\$41.5
221320	Sewage Treatment Facilities	\$35.0	\$34.5	\$35.0
221330	Steam and Air-Conditioning Supply	\$30.0	\$36.0	\$36.0
236115	New Single-Family Housing Construction (except For-Sale Builders)	\$45.0	\$23.5	\$45.0
236116	New Multifamily Housing Construction (except For-Sale Builders)	\$45.0	\$34.5	\$45.0
236117	New Housing For-Sale Builders	\$45.0	\$39.5	\$45.0
236118	Residential Remodelers	\$45.0	\$20.0	\$45.0
236210	Industrial Building Construction	\$45.0	\$31.5	\$45.0
236220	Commercial and Institutional Building Construction	\$45.0	\$32.5	\$45.0
237110	Water and Sewer Line and Related Structures Construction	\$45.0	\$24.5	\$45.0
237120	Oil and Gas Pipeline and Related Structures Construction	\$45.0	\$40.0	\$45.0
237130	Power and Communication Line and Related Structures Construction	\$45.0	\$38.0	\$45.0
237210	Land Subdivision	\$34.0	\$24.0	\$34.0
237310	Highway, Street, and Bridge Construction	\$45.0	\$34.5	\$45.0
237990	Other Heavy and Civil Engineering Construction	\$45.0	\$30.0	\$45.0
237990 (Exception)	Dredging and Surface Cleanup Activities	\$37.0	\$24.0	\$37.0
238110	Poured Concrete Foundation and Structure Contractors	\$19.0	\$18.0	\$19.0

NAICS Code	NAICS Industry Title	Current Size Standard (\$ million)	Calculated Size Standard (\$million)	Proposed Size Standard (\$ million)
238120	Structural Steel and Precast Concrete Contractors	\$19.0	\$19.5	\$19.5
238130	Framing Contractors	\$19.0	\$16.5	\$19.0
238140	Masonry Contractors	\$19.0	\$16.5	\$19.0
238150	Glass and Glazing Contractors	\$19.0	\$16.5	\$19.0
238160	Roofing Contractors	\$19.0	\$17.0	\$19.0
238170	Siding Contractors	\$19.0	\$15.0	\$19.0
238190	Other Foundation, Structure, and Building Exterior Contractors	\$19.0	\$17.5	\$19.0
238210	Electrical Contractors and Other Wiring Installation Contractors	\$19.0	\$19.0	\$19.0
238220	Plumbing, Heating, and Air-Conditioning Contractors	\$19.0	\$17.5	\$19.0
238290	Other Building Equipment Contractors	\$22.0	\$27.5	\$27.5
238310	Drywall and Insulation Contractors	\$19.0	\$19.0	\$19.0
238320	Painting and Wall Covering Contractors	\$19.0	\$16.0	\$19.0
238330	Flooring Contractors	\$19.0	\$17.5	\$19.0
238340	Tile and Terrazzo Contractors	\$19.0	\$15.0	\$19.0
238350	Finish Carpentry Contractors	\$19.0	\$15.5	\$19.0
238390	Other Building Finishing Contractors	\$19.0	\$17.5	\$19.0
238910	Site Preparation Contractors	\$19.0	\$18.0	\$19.0
238990	All Other Specialty Trade Contractors	\$19.0	\$17.5	\$19.0
238990 (Exception)	Building and Property Specialty Trade Services	\$19.0	\$17.5	\$19.0
441120	Used Car Dealers	\$30.5	\$24.5	\$30.5
441210	Recreational Vehicle Dealers	\$40.0	\$29.5	\$40.0
441222	Boat Dealers	\$40.0	\$18.0	\$40.0
441227	Motorcycle, ATV, and All Other Motor Vehicle Dealers	\$40.0	\$15.5	\$40.0
441330	Automotive Parts and Accessories Retailers	\$28.5	\$29.5	\$29.5
441340	Tire Dealers	\$25.5	\$25.0	\$25.5
444110	Home Centers	\$47.0	\$47.0	\$47.0
444120	Paint and Wallpaper Retailers	\$34.0	\$38.5	\$38.5
444140	Hardware Retailers	\$16.5	\$22.0	\$22.0
444180	Other Building Material Dealers	\$25.0	\$19.0	\$25.0

NAICS Code	NAICS Industry Title	Current Size Standard (\$ million)	Calculated Size Standard (\$million)	Proposed Size Standard (\$ million)
444230	Outdoor Power Equipment Retailers	\$9.5	\$13.5	\$13.5
444240	Nursery, Garden Center, and Farm Supply Retailers	\$21.5	\$25.0	\$25.0
445110	Supermarkets and Other Grocery Retailers (except Convenience Retailers)	\$40.0	\$38.5	\$40.0
445131	Convenience Retailers	\$36.5	\$12.0	\$36.5
445132	Vending Machine Operators	\$21.0	\$28.5	\$28.5
445230	Fruit and Vegetable Retailers	\$9.0	\$14.0	\$14.0
445240	Meat Retailers	\$9.0	\$11.5	\$11.5
445250	Fish and Seafood Retailers	\$9.0	\$12.0	\$12.0
445291	Baked Goods Retailers	\$16.0	\$16.5	\$16.5
445292	Confectionery and Nut Retailers	\$19.5	\$21.5	\$21.5
445298	All Other Specialty Food Retailers	\$10.0	\$11.5	\$11.5
445320	Beer, Wine, and Liquor Retailers	\$10.0	\$14.0	\$14.0
449110	Furniture Retailers	\$25.0	\$26.0	\$26.0
449121	Floor Covering Retailers	\$9.0	\$14.5	\$14.5
449122	Window Treatment Retailers	\$11.5	\$13.0	\$13.0
449129	All Other Home Furnishings Retailers	\$33.5	\$34.5	\$34.5
449210	Electronics and Appliance Retailers	\$40.0	\$34.5	\$40.0
455110	Department Stores	\$40.0	\$36.5	\$40.0
455211	Warehouse Clubs and Supercenters	\$47.0	\$47.0	\$47.0
455219	All Other General Merchandise Retailers	\$40.0	\$37.0	\$40.0
456110	Pharmacies and Drug Retailers	\$37.5	\$38.0	\$38.0
456120	Cosmetics, Beauty Supplies, and Perfume Retailers	\$34.0	\$33.0	\$34.0
456130	Optical Goods Retailers	\$29.5	\$29.5	\$29.5
456191	Food (Health) Supplement Retailers	\$22.5	\$20.5	\$22.5
456199	All Other Health and Personal Care Retailers	\$9.5	\$15.0	\$15.0
457110	Gasoline Stations with Convenience Stores	\$36.5	\$25.5	\$36.5
457120	Other Gasoline Stations	\$33.5	\$36.0	\$36.0
458110	Clothing and Clothing Accessories Retailers	\$47.0	\$33.0	\$47.0
458210	Shoe Retailers	\$34.0	\$34.5	\$34.5

NAICS Code	NAICS Industry Title	Current Size Standard (\$ million)	Calculated Size Standard (\$million)	Proposed Size Standard (\$ million)
458310	Jewelry Retailers	\$20.5	\$23.5	\$23.5
458320	Luggage and Leather Goods Retailers	\$38.0	\$41.5	\$41.5
459110	Sporting Goods Retailers	\$26.5	\$28.5	\$28.5
459120	Hobby, Toy, and Game Retailers	\$35.0	\$35.5	\$35.5
459130	Sewing, Needlework, and Piece Goods Retailers	\$34.0	\$26.5	\$34.0
459140	Musical Instrument and Supplies Retailers	\$22.5	\$22.5	\$22.5
459210	Book Retailers and News Dealers	\$36.0	\$35.0	\$36.0
459310	Florists	\$9.0	\$10.5	\$10.5
459410	Office Supplies and Stationery Retailers	\$40.0	\$35.0	\$40.0
459420	Gift, Novelty, and Souvenir Retailers	\$13.5	\$19.0	\$19.0
459510	Used Merchandise Retailers	\$14.0	\$17.0	\$17.0
459910	Pet and Pet Supplies Retailers	\$32.0	\$33.5	\$33.5
459920	Art Dealers	\$16.5	\$24.0	\$24.0
459930	Manufactured (Mobile) Home Dealers	\$19.0	\$26.0	\$26.0
459991	Tobacco, Electronic Cigarette, and Other Smoking Supplies Retailers	\$11.5	\$11.0	\$11.5
459999	All Other Miscellaneous Retailers	\$11.5	\$34.0	\$34.0
481219	Other Nonscheduled Air Transportation	\$25.0	\$28.0	\$28.0
484110	General Freight Trucking, Local	\$34.0	\$13.5	\$34.0
484121	General Freight Trucking, Long-Distance, Truckload	\$34.0	\$27.0	\$34.0
484122	General Freight Trucking, Long-Distance, Less Than Truckload	\$43.0	\$42.0	\$43.0
484210	Used Household and Office Goods Moving	\$34.0	\$24.0	\$34.0
484220	Specialized Freight (except Used Goods) Trucking, Local	\$34.0	\$18.0	\$34.0
484230	Specialized Freight (except Used Goods) Trucking, Long-Distance	\$34.0	\$27.5	\$34.0
485111	Mixed Mode Transit Systems	\$29.0	\$29.0	\$29.0
485112	Commuter Rail Systems	\$47.0	\$43.0	\$47.0

NAICS Code	NAICS Industry Title	Current Size Standard (\$ million)	Calculated Size Standard (\$million)	Proposed Size Standard (\$ million)
485113	Bus and Other Motor Vehicle Transit Systems	\$32.5	\$41.0	\$41.0
485119	Other Urban Transit Systems	\$37.5	\$32.5	\$37.5
485210	Interurban and Rural Bus Transportation	\$32.0	\$34.0	\$34.0
485310	Taxi and Ridesharing Services	\$19.0	\$37.0	\$37.0
485320	Limousine Service	\$19.0	\$17.5	\$19.0
485410	School and Employee Bus Transportation	\$30.0	\$31.5	\$31.5
485510	Charter Bus Industry	\$19.0	\$20.0	\$20.0
485991	Special Needs Transportation	\$19.0	\$19.5	\$19.5
485999	All Other Transit and Ground Passenger Transportation	\$19.0	\$19.5	\$19.5
486210	Pipeline Transportation of Natural Gas	\$41.5	\$46.0	\$46.0
486990	All Other Pipeline Transportation	\$46.0	\$41.5	\$46.0
487110	Scenic and Sightseeing Transportation, Land	\$20.5	\$20.5	\$20.5
487210	Scenic and Sightseeing Transportation, Water	\$14.0	\$18.0	\$18.0
487990	Scenic and Sightseeing Transportation, Other	\$25.0	\$27.5	\$27.5
488111	Air Traffic Control	\$40.0	\$38.0	\$40.0
488119	Other Airport Operations	\$40.0	\$37.0	\$40.0
488190	Other Support Activities for Air Transportation	\$40.0	\$31.0	\$40.0
488210	Support Activities for Rail Transportation	\$34.0	\$34.0	\$34.0
488310	Port and Harbor Operations	\$47.0	\$41.5	\$47.0
488320	Marine Cargo Handling	\$47.0	\$43.5	\$47.0
488330	Navigational Services to Shipping	\$47.0	\$32.5	\$47.0
488390	Other Support Activities for Water Transportation	\$47.0	\$27.0	\$47.0
488410	Motor Vehicle Towing	\$9.0	\$11.0	\$11.0
488490	Other Support Activities for Road Transportation	\$18.0	\$24.0	\$24.0
488510	Freight Transportation Arrangement	\$20.0	\$23.5	\$34.0
488510 (Exception)	Non-Vessel Owning Common Carriers and Household Goods Forwarders	\$34.0	NA	Eliminated
488991	Packing and Crating	\$34.0	\$15.5	\$34.0

NAICS Code	NAICS Industry Title	Current Size Standard (\$ million)	Calculated Size Standard (\$million)	Proposed Size Standard (\$ million)
488999	All Other Support Activities for Transportation	\$25.0	\$31.0	\$31.0
491110	Postal Service	\$9.0	\$9.0	\$9.0
492210	Local Messengers and Local Delivery	\$34.0	\$18.5	\$34.0
493110	General Warehousing and Storage	\$34.0	\$28.5	\$34.0
493120	Refrigerated Warehousing and Storage	\$36.5	\$39.5	\$39.5
493130	Farm Product Warehousing and Storage	\$34.0	\$17.5	\$34.0
493190	Other Warehousing and Storage	\$36.5	\$36.0	\$36.5
512110	Motion Picture and Video Production	\$40.0	\$37.5	\$40.0
512120	Motion Picture and Video Distribution	\$39.0	\$26.0	\$39.0
512131	Motion Picture Theaters (except Drive-Ins)	\$47.0	\$45.0	\$47.0
512132	Drive-In Motion Picture Theaters	\$12.5	\$18.5	\$18.5
512191	Teleproduction and Other Postproduction Services	\$39.0	\$26.0	\$39.0
512199	Other Motion Picture and Video Industries	\$28.5	\$22.5	\$28.5
512240	Sound Recording Studios	\$11.0	\$13.5	\$13.5
512290	Other Sound Recording Industries	\$22.5	\$27.5	\$27.5
513210	Software Publishers	\$47.0	\$44.0	\$47.0
516110	Radio Broadcasting Stations	\$47.0	\$36.5	\$47.0
516120	Television Broadcasting Stations	\$47.0	\$47.0	\$47.0
516210	Media Streaming Distribution Services, Social Networks, and Other Media Networks and Content Providers	\$47.0	\$43.5	\$47.0
517410	Satellite Telecommunications	\$44.0	\$45.0	\$45.0
517810	All Other Telecommunications	\$40.0	\$45.5	\$45.5
518210	Computing Infrastructure Providers, Data Processing, Web Hosting, and Related Services	\$40.0	\$40.5	\$40.5
519210	Libraries and Archives	\$21.0	\$24.0	\$24.0
522110	Commercial Banking	\$850 million in assets	\$925 million in assets	\$925 million in assets

NAICS Code	NAICS Industry Title	Current Size Standard (\$ million)	Calculated Size Standard (\$million)	Proposed Size Standard (\$ million)
522130	Credit Unions	\$850 million in assets	\$925 million in assets	\$925 million in assets
522180	Savings Institutions and Other Depository Credit Intermediation	\$850 million in assets	\$925 million in assets	\$925 million in assets
522210	Credit Card Issuing	\$850 million in assets	\$925 million in assets	\$925 million in assets
522220	Sales Financing	\$47.0	\$43.5	\$47.0
522291	Consumer Lending	\$47.0	\$47.0	\$47.0
522292	Real Estate Credit	\$47.0	\$43.5	\$47.0
522299	International, Secondary Market, and All Other Nondepository Credit Intermediation	\$47.0	\$45.5	\$47.0
522310	Mortgage and Nonmortgage Loan Brokers	\$15.0	\$23.5	\$23.5
522320	Financial Transactions Processing, Reserve, and Clearinghouse Activities	\$47.0	\$44.5	\$47.0
522390	Other Activities Related to Credit Intermediation	\$28.5	\$37.0	\$37.0
523150	Investment Banking and Securities Intermediation	\$47.0	\$42.0	\$47.0
523160	Commodity Contracts Intermediation	\$47.0	\$32.5	\$47.0
523210	Securities and Commodity Exchanges	\$47.0	\$39.5	\$47.0
523910	Miscellaneous Intermediation	\$47.0	\$35.5	\$47.0
523940	Portfolio Management and Investment Advice	\$47.0	\$36.0	\$47.0
523991	Trust, Fiduciary, and Custody Activities	\$47.0	\$45.5	\$47.0
523999	Miscellaneous Financial Investment Activities	\$47.0	\$45.5	\$47.0
524113	Direct Life Insurance Carriers	\$47.0	\$42.5	\$47.0
524114	Direct Health and Medical Insurance Carriers	\$47.0	\$44.5	\$47.0
524127	Direct Title Insurance Carriers	\$47.0	\$47.0	\$47.0
524128	Other Direct Insurance (except Life, Health, and Medical) Carriers	\$47.0	\$47.0	\$47.0
524130	Reinsurance Carriers	\$47.0	\$46.0	\$47.0
524210	Insurance Agencies and Brokerages	\$15.0	\$19.0	\$19.0
524291	Claims Adjusting	\$25.0	\$25.0	\$25.0

NAICS Code	NAICS Industry Title	Current Size Standard (\$ million)	Calculated Size Standard (\$million)	Proposed Size Standard (\$ million)
524292	Pharmacy Benefit Management and Other Third Party Administration of Insurance and Pension Funds	\$45.5	\$47.0	\$47.0
524298	All Other Insurance Related Activities	\$30.5	\$32.0	\$32.0
525110	Pension Funds	\$40.0	\$36.5	\$40.0
525120	Health and Welfare Funds	\$40.0	\$36.5	\$40.0
525190	Other Insurance Funds	\$40.0	\$36.5	\$40.0
525910	Open-End Investment Funds	\$40.0	\$36.5	\$40.0
525920	Trusts, Estates, and Agency Accounts	\$40.0	\$36.5	\$40.0
525990	Other Financial Vehicles	\$40.0	\$31.0	\$40.0
531110	Lessors of Residential Buildings and Dwellings	\$34.0	\$30.0	\$34.0
531110 (Exception)	Leasing of Building Space to the Federal Government by Owners	\$47.0		\$47.0
531120	Lessors of Nonresidential Buildings (except Miniwarehouses)	\$34.0	\$34.0	\$34.0
531120 (Exception)	Leasing of Building Space to the Federal Government by Owners	\$47.0		\$47.0
531130	Lessors of Miniwarehouses and Self-Storage Units	\$34.0	\$33.0	\$34.0
531130 (Exception)	Leasing of Building Space to the Federal Government by Owners	\$47.0		\$47.0
531190	Lessors of Other Real Estate Property	\$34.0	\$27.0	\$34.0
531190 (Exception)	Leasing of Building Space to the Federal Government by Owners	\$47.0		\$47.0
531210	Offices of Real Estate Agents and Brokers	\$15.0	\$19.5	\$19.5
531311	Residential Property Managers	\$12.5	\$17.5	\$17.5
531312	Nonresidential Property Managers	\$19.5	\$32.5	\$32.5
531320	Offices of Real Estate Appraisers	\$9.5	\$16.0	\$16.0
531390	Other Activities Related to Real Estate	\$19.5	\$25.0	\$25.0
532111	Passenger Car Rental	\$47.0	\$47.0	\$47.0
532112	Passenger Car Leasing	\$47.0	\$47.0	\$47.0

NAICS Code	NAICS Industry Title	Current Size Standard (\$ million)	Calculated Size Standard (\$million)	Proposed Size Standard (\$ million)
532120	Truck, Utility Trailer, and RV (Recreational Vehicle) Rental and Leasing	\$47.0	\$47.0	\$47.0
532210	Consumer Electronics and Appliances Rental	\$47.0	\$47.0	\$47.0
532281	Formal Wear and Costume Rental	\$25.0	\$23.5	\$25.0
532282	Video Tape and Disc Rental	\$35.0	\$34.0	\$35.0
532283	Home Health Equipment Rental	\$41.0	\$36.5	\$41.0
532284	Recreational Goods Rental	\$9.0	\$14.0	\$14.0
532289	All Other Consumer Goods Rental	\$12.5	\$15.5	\$15.5
532310	General Rental Centers	\$9.0	\$13.0	\$13.0
532411	Commercial Air, Rail, and Water Transportation Equipment Rental and Leasing	\$45.5	\$47.0	\$47.0
532412	Construction, Mining, and Forestry Machinery and Equipment Rental and Leasing	\$40.0	\$42.0	\$42.0
532420	Office Machinery and Equipment Rental and Leasing	\$40.0	\$38.5	\$40.0
532490	Other Commercial and Industrial Machinery and Equipment Rental and Leasing	\$40.0	\$36.5	\$40.0
533110	Lessors of Nonfinancial Intangible Assets (except Copyrighted Works)	\$47.0	\$42.5	\$47.0
541110	Offices of Lawyers	\$15.5	\$19.0	\$19.0
541191	Title Abstract and Settlement Offices	\$19.5	\$18.5	\$19.5
541199	All Other Legal Services	\$20.5	\$24.5	\$24.5
541211	Offices of Certified Public Accountants	\$26.5	\$31.5	\$31.5
541213	Tax Preparation Services	\$25.0	\$26.0	\$26.0
541214	Payroll Services	\$39.0	\$38.5	\$39.0
541219	Other Accounting Services	\$25.0	\$17.5	\$25.0
541310	Architectural Services	\$12.5	\$16.0	\$16.0
541320	Landscape Architectural Services	\$9.0	\$11.0	\$11.0
541330	Engineering Services	\$25.5	\$29.0	\$29.0
541330 (Exception 1)	Military and Aerospace Equipment and Military Weapons	\$47.0	\$41.0	\$47.0

NAICS Code	NAICS Industry Title	Current Size Standard (\$ million)	Calculated Size Standard (\$million)	Proposed Size Standard (\$ million)
541330 (Exception 2)	Contracts and Subcontracts for Engineering Services Awarded Under the National Energy Policy Act of 1992	\$47.0	\$41.0	\$47.0
541330 (Exception 3)	Marine Engineering and Naval Architecture	\$47.0	\$26.0	\$47.0
541340	Drafting Services	\$9.0	\$12.0	\$12.0
541350	Building Inspection Services	\$11.5	\$12.5	\$12.5
541360	Geophysical Surveying and Mapping Services	\$28.5	\$29.0	\$29.0
541370	Surveying and Mapping (except Geophysical) Services	\$19.0	\$18.0	\$19.0
541380	Testing Laboratories and Services	\$19.0	\$23.5	\$23.5
541410	Interior Design Services	\$9.0	\$11.5	\$11.5
541420	Industrial Design Services	\$17.0	\$19.5	\$19.5
541430	Graphic Design Services	\$9.0	\$11.5	\$11.5
541490	Other Specialized Design Services	\$13.5	\$17.0	\$17.0
541511	Custom Computer Programming Services	\$34.0	\$29.5	\$34.0
541512	Computer Systems Design Services	\$34.0	\$32.5	\$34.0
541513	Computer Facilities Management Services	\$37.0	\$28.5	\$37.0
541519	Other Computer Related Services	\$34.0	\$28.0	\$34.0
541611	Administrative Management and General Management Consulting Services	\$24.5	\$27.0	\$27.0
541612	Human Resources Consulting Services	\$29.0	\$28.5	\$29.0
541613	Marketing Consulting Services	\$19.0	\$19.5	\$19.5
541614	Process, Physical Distribution, and Logistics Consulting Services	\$20.0	\$21.0	\$21.0
541618	Other Management Consulting Services	\$19.0	\$18.0	\$19.0
541620	Environmental Consulting Services	\$19.0	\$18.5	\$19.0
541690	Other Scientific and Technical Consulting Services	\$19.0	\$19.0	\$19.0
541720	Research and Development in the Social Sciences and Humanities	\$28.0	\$31.0	\$31.0
541810	Advertising Agencies	\$25.5	\$30.0	\$30.0

NAICS Code	NAICS Industry Title	Current Size Standard (\$ million)	Calculated Size Standard (\$million)	Proposed Size Standard (\$ million)
541820	Public Relations Agencies	\$19.0	\$20.0	\$20.0
541830	Media Buying Agencies	\$32.5	\$37.5	\$37.5
541840	Media Representatives	\$21.0	\$27.0	\$27.0
541850	Indoor and Outdoor Display Advertising	\$34.5	\$34.5	\$34.5
541860	Direct Mail Advertising	\$22.0	\$23.0	\$23.0
541870	Advertising Material Distribution Services	\$28.5	\$36.5	\$36.5
541890	Other Services Related to Advertising	\$19.0	\$20.0	\$20.0
541910	Marketing Research and Public Opinion Polling	\$22.5	\$28.0	\$28.0
541921	Photography Studios, Portrait	\$16.0	\$22.5	\$22.5
541922	Commercial Photography	\$9.0	\$12.0	\$12.0
541930	Translation and Interpretation Services	\$22.5	\$25.0	\$25.0
541940	Veterinary Services	\$10.0	\$14.5	\$14.5
541990	All Other Professional, Scientific, and Technical Services	\$19.5	\$19.5	\$19.5
551111	Offices of Bank Holding Companies	\$38.5	\$22.0	\$38.5
551112	Offices of Other Holding Companies	\$45.5	\$29.0	\$45.5
561110	Office Administrative Services	\$12.5	\$15.5	\$15.5
561210	Facilities Support Services	\$47.0	\$36.5	\$47.0
561311	Employment Placement Agencies	\$34.0	\$20.5	\$34.0
561312	Executive Search Services	\$34.0	\$18.5	\$34.0
561320	Temporary Help Services	\$34.0	\$33.5	\$34.0
561330	Professional Employer Organizations	\$41.5	\$47.0	\$47.0
561410	Document Preparation Services	\$19.0	\$20.0	\$20.0
561421	Telephone Answering Services	\$19.0	\$21.5	\$21.5
561422	Telemarketing Bureaus and Other Contact Centers	\$25.5	\$29.5	\$29.5
561431	Private Mail Centers	\$19.0	\$14.5	\$19.0
561439	Other Business Service Centers (including Copy Shops)	\$26.5	\$31.5	\$31.5
561440	Collection Agencies	\$19.5	\$27.5	\$27.5
561450	Credit Bureaus	\$41.0	\$46.5	\$46.5

NAICS Code	NAICS Industry Title	Current Size Standard (\$ million)	Calculated Size Standard (\$million)	Proposed Size Standard (\$ million)
561491	Repossession Services	\$19.0	\$14.0	\$19.0
561492	Court Reporting and Stenotype Services	\$19.0	\$20.5	\$20.5
561499	All Other Business Support Services	\$21.5	\$26.0	\$26.0
561510	Travel Agencies	\$25.0	\$33.5	\$33.5
561520	Tour Operators	\$25.0	\$22.0	\$25.0
561591	Convention and Visitors Bureaus	\$25.0	\$19.5	\$25.0
561599	All Other Travel Arrangement and Reservation Services	\$32.5	\$35.0	\$35.0
561611	Investigation and Personal Background Check Services	\$25.0	\$23.5	\$25.0
561612	Security Guards and Patrol Services	\$29.0	\$34.0	\$34.0
561613	Armored Car Services	\$43.0	\$45.0	\$45.0
561621	Security Systems Services (except Locksmiths)	\$25.0	\$30.0	\$30.0
561622	Locksmiths	\$25.0	\$11.5	\$25.0
561710	Exterminating and Pest Control Services	\$17.5	\$19.5	\$19.5
561720	Janitorial Services	\$22.0	\$19.0	\$22.0
561730	Landscaping Services	\$9.5	\$13.0	\$13.0
561740	Carpet and Upholstery Cleaning Services	\$8.5	\$11.5	\$11.5
561790	Other Services to Buildings and Dwellings	\$9.0	\$10.5	\$10.5
561910	Packaging and Labeling Services	\$19.5	\$23.5	\$23.5
561920	Convention and Trade Show Organizers	\$20.0	\$23.5	\$23.5
561990	All Other Support Services	\$16.5	\$20.5	\$20.5
562111	Solid Waste Collection	\$47.0	\$40.0	\$47.0
562112	Hazardous Waste Collection	\$47.0	\$31.0	\$47.0
562119	Other Waste Collection	\$47.0	\$29.5	\$47.0
562211	Hazardous Waste Treatment and Disposal	\$47.0	\$45.0	\$47.0
562212	Solid Waste Landfill	\$47.0	\$44.0	\$47.0
562213	Solid Waste Combustors and Incinerators	\$47.0	\$40.5	\$47.0
562219	Other Nonhazardous Waste Treatment and Disposal	\$47.0	\$23.0	\$47.0
562910	Remediation Services	\$25.0	\$22.0	\$25.0
562920	Materials Recovery Facilities	\$25.0	\$24.5	\$25.0

NAICS Code	NAICS Industry Title	Current Size Standard (\$ million)	Calculated Size Standard (\$million)	Proposed Size Standard (\$ million)
562991	Septic Tank and Related Services	\$9.0	\$12.0	\$12.0
562998	All Other Miscellaneous Waste Management Services	\$16.5	\$16.5	\$16.5
611110	Elementary and Secondary Schools	\$20.0	\$22.0	\$22.0
611210	Junior Colleges	\$32.5	\$31.0	\$32.5
611310	Colleges, Universities, and Professional Schools	\$34.5	\$38.0	\$38.0
611410	Business and Secretarial Schools	\$20.5	\$25.5	\$25.5
611420	Computer Training	\$16.0	\$22.5	\$22.5
611430	Professional and Management Development Training	\$15.0	\$17.5	\$17.5
611511	Cosmetology and Barber Schools	\$13.0	\$14.0	\$14.0
611512	Flight Training	\$34.0	\$34.5	\$34.5
611513	Apprenticeship Training	\$11.5	\$15.0	\$15.0
611519	Other Technical and Trade Schools	\$21.0	\$21.0	\$21.0
611519 (Exception)	Job Corps Centers	\$47.0	\$36.0	\$47.0
611610	Fine Arts Schools	\$9.0	\$10.5	\$10.5
611620	Sports and Recreation Instruction	\$9.0	\$12.5	\$12.5
611630	Language Schools	\$20.5	\$22.0	\$22.0
611691	Exam Preparation and Tutoring	\$12.5	\$17.0	\$17.0
611692	Automobile Driving Schools	\$10.0	\$12.0	\$12.0
611699	All Other Miscellaneous Schools and Instruction	\$16.5	\$15.5	\$16.5
611710	Educational Support Services	\$24.0	\$27.5	\$27.5
621111	Offices of Physicians (except Mental Health Specialists)	\$16.0	\$19.0	\$19.0
621112	Offices of Physicians, Mental Health Specialists	\$13.5	\$12.0	\$13.5
621210	Offices of Dentists	\$9.0	\$10.5	\$10.5
621310	Offices of Chiropractors	\$9.0	\$10.0	\$10.0
621320	Offices of Optometrists	\$9.0	\$11.0	\$11.0
621330	Offices of Mental Health Practitioners (except Physicians)	\$9.0	\$10.5	\$10.5

NAICS Code	NAICS Industry Title	Current Size Standard (\$ million)	Calculated Size Standard (\$million)	Proposed Size Standard (\$ million)
621340	Offices of Physical, Occupational and Speech Therapists, and Audiologists	\$12.5	\$16.0	\$16.0
621391	Offices of Podiatrists	\$9.0	\$10.5	\$10.5
621399	Offices of All Other Miscellaneous Health Practitioners	\$10.0	\$15.0	\$15.0
621410	Family Planning Centers	\$19.0	\$21.5	\$21.5
621420	Outpatient Mental Health and Substance Abuse Centers	\$19.0	\$19.0	\$19.0
621491	HMO Medical Centers	\$44.5	\$39.5	\$44.5
621492	Kidney Dialysis Centers	\$47.0	\$47.0	\$47.0
621493	Freestanding Ambulatory Surgical and Emergency Centers	\$19.0	\$25.5	\$25.5
621498	All Other Outpatient Care Centers	\$25.5	\$28.5	\$28.5
621511	Medical Laboratories	\$41.5	\$42.5	\$42.5
621512	Diagnostic Imaging Centers	\$19.0	\$22.0	\$22.0
621610	Home Health Care Services	\$19.0	\$22.5	\$22.5
621910	Ambulance Services	\$22.5	\$28.5	\$28.5
621991	Blood and Organ Banks	\$40.0	\$40.0	\$40.0
621999	All Other Miscellaneous Ambulatory Health Care Services	\$20.5	\$22.5	\$22.5
622110	General Medical and Surgical Hospitals	\$47.0	\$36.0	\$47.0
622210	Psychiatric and Substance Abuse Hospitals	\$47.0	\$28.5	\$47.0
622310	Specialty (except Psychiatric and Substance Abuse) Hospitals	\$47.0	\$36.5	\$47.0
623110	Nursing Care Facilities (Skilled Nursing Facilities)	\$34.0	\$29.0	\$34.0
623210	Residential Intellectual and Developmental Disability Facilities	\$19.0	\$21.0	\$21.0
623220	Residential Mental Health and Substance Abuse Facilities	\$19.0	\$21.0	\$21.0
623311	Continuing Care Retirement Communities	\$34.0	\$28.5	\$34.0
623312	Assisted Living Facilities for the Elderly	\$23.5	\$26.0	\$26.0
623990	Other Residential Care Facilities	\$16.0	\$19.5	\$19.5

NAICS Code	NAICS Industry Title	Current Size Standard (\$ million)	Calculated Size Standard (\$million)	Proposed Size Standard (\$ million)
624110	Child and Youth Services	\$15.5	\$19.0	\$19.0
624120	Services for the Elderly and Persons with Disabilities	\$15.0	\$17.0	\$17.0
624190	Other Individual and Family Services	\$16.0	\$20.5	\$20.5
624210	Community Food Services	\$19.5	\$22.0	\$22.0
624221	Temporary Shelters	\$13.5	\$16.0	\$16.0
624229	Other Community Housing Services	\$19.0	\$22.0	\$22.0
624230	Emergency and Other Relief Services	\$41.5	\$44.5	\$44.5
624310	Vocational Rehabilitation Services	\$15.0	\$18.0	\$18.0
624410	Child Care Services	\$9.5	\$13.0	\$13.0
711110	Theater Companies and Dinner Theaters	\$25.0	\$24.0	\$25.0
711120	Dance Companies	\$18.0	\$21.5	\$21.5
711130	Musical Groups and Artists	\$15.0	\$18.5	\$18.5
711190	Other Performing Arts Companies	\$34.0	\$42.0	\$42.0
711211	Sports Teams and Clubs	\$47.0	\$34.0	\$47.0
711212	Racetracks	\$47.0	\$39.5	\$47.0
711219	Other Spectator Sports	\$16.5	\$19.5	\$19.5
711310	Promoters of Performing Arts, Sports, and Similar Events with Facilities	\$40.0	\$31.5	\$40.0
711320	Promoters of Performing Arts, Sports, and Similar Events without Facilities	\$22.0	\$32.5	\$32.5
711410	Agents and Managers for Artists, Athletes, Entertainers, and Other Public Figures	\$17.5	\$23.0	\$23.0
711510	Independent Artists, Writers, and Performers	\$9.0	\$12.0	\$12.0
712110	Museums	\$34.0	\$31.5	\$34.0
712120	Historical Sites	\$13.0	\$21.0	\$21.0
712130	Zoos and Botanical Gardens	\$34.0	\$30.5	\$34.0
712190	Nature Parks and Other Similar Institutions	\$19.5	\$22.5	\$22.5
713110	Amusement and Theme Parks	\$47.0	\$47.0	\$47.0
713120	Amusement Arcades	\$9.0	\$25.0	\$25.0
713210	Casinos (except Casino Hotels)	\$34.0	\$31.5	\$34.0
713290	Other Gambling Industries	\$40.0	\$31.0	\$40.0

NAICS Code	NAICS Industry Title	Current Size Standard (\$ million)	Calculated Size Standard (\$million)	Proposed Size Standard (\$ million)
713910	Golf Courses and Country Clubs	\$19.0	\$18.0	\$19.0
713920	Skiing Facilities	\$35.0	\$40.0	\$40.0
713930	Marinas	\$11.0	\$13.5	\$13.5
713940	Fitness and Recreational Sports Centers	\$17.5	\$20.5	\$20.5
713950	Bowling Centers	\$12.5	\$16.0	\$16.0
713990	All Other Amusement and Recreation Industries	\$9.0	\$12.0	\$12.0
721110	Hotels (except Casino Hotels) and Motels	\$40.0	\$36.0	\$40.0
721120	Casino Hotels	\$40.0	\$36.5	\$40.0
721191	Bed-and-Breakfast Inns	\$9.0	\$11.0	\$11.0
721199	All Other Traveler Accommodation	\$9.0	\$14.0	\$14.0
721211	RV (Recreational Vehicle) Parks and Campgrounds	\$10.0	\$13.5	\$13.5
721214	Recreational and Vacation Camps (except Campgrounds)	\$9.0	\$13.0	\$13.0
721310	Rooming and Boarding Houses, Dormitories, and Workers' Camps	\$14.0	\$19.0	\$19.0
722310	Food Service Contractors	\$47.0	\$44.0	\$47.0
722320	Caterers	\$9.0	\$11.0	\$11.0
722330	Mobile Food Services	\$9.0	\$10.5	\$10.5
722410	Drinking Places (Alcoholic Beverages)	\$9.0	\$11.0	\$11.0
722511	Full-Service Restaurants	\$11.5	\$13.5	\$13.5
722513	Limited-Service Restaurants	\$13.5	\$16.0	\$16.0
722514	Cafeterias, Grill Buffets, and Buffets	\$34.0	\$14.0	\$34.0
722515	Snack and Nonalcoholic Beverage Bars	\$22.5	\$22.5	\$22.5
811111	General Automotive Repair	\$9.0	\$10.5	\$10.5
811114	Specialized Automotive Repair	\$9.0	\$10.5	\$10.5
811121	Automotive Body, Paint, and Interior Repair and Maintenance	\$9.0	\$13.5	\$13.5
811122	Automotive Glass Replacement Shops	\$17.5	\$21.5	\$21.5
811191	Automotive Oil Change and Lubrication Shops	\$11.0	\$14.5	\$14.5
811192	Car Washes	\$9.0	\$13.0	\$13.0

NAICS Code	NAICS Industry Title	Current Size Standard (\$ million)	Calculated Size Standard (\$million)	Proposed Size Standard (\$ million)
811198	All Other Automotive Repair and Maintenance	\$10.0	\$13.5	\$13.5
811210	Electronic and Precision Equipment Repair and Maintenance	\$34.0	\$27.5	\$34.0
811310	Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance	\$12.5	\$18.0	\$18.0
811411	Home and Garden Equipment Repair and Maintenance	\$9.0	\$11.0	\$11.0
811412	Appliance Repair and Maintenance	\$19.0	\$25.0	\$25.0
811420	Reupholstery and Furniture Repair	\$9.0	\$10.5	\$10.5
811430	Footwear and Leather Goods Repair	\$9.0	\$12.0	\$12.0
811490	Other Personal and Household Goods Repair and Maintenance	\$9.0	\$12.0	\$12.0
812111	Barber Shops	\$9.5	\$12.5	\$12.5
812112	Beauty Salons	\$9.5	\$12.0	\$12.0
812113	Nail Salons	\$9.0	\$10.0	\$10.0
812191	Diet and Weight Reducing Centers	\$27.5	\$27.5	\$27.5
812199	Other Personal Care Services	\$9.0	\$10.5	\$10.5
812210	Funeral Homes and Funeral Services	\$12.5	\$15.5	\$15.5
812220	Cemeteries and Crematories	\$25.0	\$23.5	\$25.0
812310	Coin-Operated Laundries and Drycleaners	\$13.0	\$16.5	\$16.5
812320	Drycleaning and Laundry Services (except Coin-Operated)	\$8.0	\$10.0	\$10.0
812331	Linen Supply	\$40.0	\$33.0	\$40.0
812332	Industrial Launderers	\$47.0	\$46.5	\$47.0
812910	Pet Care (except Veterinary) Services	\$9.0	\$10.5	\$10.5
812921	Photofinishing Laboratories (except One-Hour)	\$29.5	\$33.0	\$33.0
812922	One-Hour Photofinishing	\$19.0	\$12.5	\$19.0
812930	Parking Lots and Garages	\$47.0	\$32.0	\$47.0
812990	All Other Personal Services	\$15.0	\$22.0	\$22.0
813110	Religious Organizations	\$13.0	\$16.0	\$16.0

NAICS Code	NAICS Industry Title	Current Size Standard (\$ million)	Calculated Size Standard (\$million)	Proposed Size Standard (\$ million)
813211	Grantmaking Foundations	\$40.0	\$34.5	\$40.0
813212	Voluntary Health Organizations	\$34.0	\$31.5	\$34.0
813219	Other Grantmaking and Giving Services	\$47.0	\$26.0	\$47.0
813311	Human Rights Organizations	\$34.0	\$34.5	\$34.5
813312	Environment, Conservation and Wildlife Organizations	\$19.5	\$24.0	\$24.0
813319	Other Social Advocacy Organizations	\$18.0	\$22.0	\$22.0
813410	Civic and Social Organizations	\$9.5	\$13.0	\$13.0
813910	Business Associations	\$15.5	\$19.0	\$19.0
813920	Professional Organizations	\$23.5	\$27.0	\$27.0
813930	Labor Unions and Similar Labor Organizations	\$16.5	\$20.5	\$20.5
813940	Political Organizations	\$14.0	\$16.0	\$16.0
813990	Other Similar Organizations (except Business, Professional, Labor, and Political Organizations)	\$13.5	\$18.5	\$18.5

Table 18
Summary of Proposed Size Standards Revisions by Sector

NAICS Sector	Sector Title	No. of Size Standards Reviewed	No. Size Standards Proposed		
			Increased	Decreased/ Eliminated	Unchanged
11	Agriculture, Forestry, Fishing and Hunting	64	29		35
21	Mining, Quarrying, and Oil and Gas Extraction	4	1		3
22	Utilities	3	2		1
23	Construction	33	2		31
44-45	Retail Trade	55	32		23
48-49	Transportation and Warehousing	43	16	1 (Eliminated)	26
51	Information	16	7		9
52	Finance and Insurance	33	9		24
53	Real Estate and Rental and Leasing	28	10		18
54	Professional, Scientific and Technical Services	48	31		17
55	Management of Companies and Enterprises	2	0		2
56	Administrative and Support and Waste Management and Remediation Services	44	23		21
61	Education Services	18	14		4
62	Health Care and Social Assistance	39	29		10
71	Arts, Entertainment and Recreation	25	15		10
72	Accommodation and Food Services	15	10		5
81	Other Services	43	33		10
Total		513	263	1 (Eliminated)	249

BILLING CODE 8026-09-C**Evaluation of Proposed Size Standards for Dominance in Field of Operation**

SBA has determined that for the industries which it has evaluated in this proposed rule, no individual firm at or below the proposed size standard would be large enough to dominate its field of operation. At the proposed size

standards levels, if adopted, the small business share of total industry receipts among those industries (excluding NAICS 485111 and 812922 discussed earlier) would be, on average, 0.7 percent, varying from 0.004 percent to 21.6 percent. These market shares effectively preclude a firm at or below the proposed size standards from

exerting control on any of the industries.

Alternatives Considered

By law, SBA is required to develop numerical size standards for establishing eligibility for Federal small business assistance programs and to review every five years all size

standards and make necessary adjustments to reflect the current industry structure and Federal market conditions. Other than varying the levels of size standards by industry and changing the measures of size standards (e.g., using annual receipts vs. the number of employees¹²), no practical alternatives exist to the systems of numerical size standards.

SBA is proposing to increase size standards where the data suggested increases are warranted, and to retain, for reasons discussed above, all current size standards at their current levels where the data suggested lowering or no change might be appropriate.

Nonetheless, as in the previous review of size standards under the Jobs Act, SBA considered two other alternatives. Alternative option one was to propose changes exactly as suggested by the analytical results. Alternative option two was to retain all current size standards.

By adopting the results as they are, alternative option one would cause about 7,900 currently small businesses to lose their small business status and hence to lose their access to Federal small business assistance, especially small business set-aside contracts and SBA's financial assistance in some cases. SBA provides a more detailed analysis of impacts of this alternative under the regulatory impact analysis section below.

Under alternative option two, SBA considered maintaining a status quo, *i.e.*, retaining all size standards at their current levels even though the latest available data may suggest changing them. This would prevent businesses from receiving benefits of increases to size standards for numerous industries for which the latest data warrant increases to their size standards. Doing nothing or maintaining the status quo would also run counter to the statutory mandate that SBA review all size standards every five years and make necessary adjustments to reflect current market conditions.

Request for Comments

SBA invites public comments on this proposed rule, especially on the following issues:

1. SBA seeks feedback on whether SBA's proposal to increase 263 monetary based size standards (259 receipts based and 4 assets based), retain 249, and eliminate one receipts based size standard is appropriate given

the results from the latest available industry and Federal contracting data of each industry and subindustry ("exception") reviewed in this proposed rule. SBA seeks suggestions, along with supporting facts and analysis, for alternative size standards for certain industries or a group of industries, if they would be more appropriate than the proposed size standards.

2. SBA seeks comments on its proposed policy of not lowering any standards even though analytical results suggest some size standards could be lowered, except for excluding dominant firms from qualifying as small. SBA believes that lowering size standards would run counter to SBA's mission to aid, counsel, assist and protect small businesses, to preserve free competitive enterprise, and to maintain and strengthen the nation's economy.

3. In calculating the overall industry size standard, SBA has assigned equal weight to each of the five primary factors in all industries and subindustries covered by this proposed rule. SBA seeks feedback on whether it should assign equal weight to each factor or on whether it should give more weight to one or more factors for certain industries or a group of industries. Recommendations to weigh some factors differently than others should include suggested weights for each factor along with supporting facts and analysis.

4. SBA seeks suggestions on data sources it used to evaluate size standards for the Forest Fire Suppression and Fuel Management Services subindustries ("exceptions") within NAICS 115310 and comments on its proposal to retain the current \$34 million size standard for both exceptions even if the analysis supported decreasing it to \$20 million. SBA is also interested in comments on the possible elimination of the Forest Fire Suppression and Fuel Management Services as "exceptions" to NAICS 115310, and the application of the same general size standard for NAICS 115310. Comments on applying the same NAICS 115310 size standard for Forest Fire Suppression and Fuel management Services exceptions should address why the same size standard is more suitable than separate size standards for Forest Fire Suppression and Fuel management Services or why firms engaged in Forest Fire Suppression and Fuel Management Services should continue to be treated as separate activities from the rest of NAICS 115310 for SBA's size standards purposes.

5. SBA seeks suggestions or comments on data it used to evaluate the size standard for the Dredging and Surface

Cleanup Activities (Dredging), a subindustry ("exception") category within NAICS code 237990 and its proposal to retain the current \$37 million size standard, even though the data supported a lower \$21.5 million size standard. SBA is also interested in comments on eliminating the subindustry category for Dredging and applying the same \$45 million size standard that currently applies to the overall NAICS 237990 industry. Comments on applying the same NAICS 237990 size standard for Dredging should address the basis for why that industry size standard is more suitable than a specific Dredging subindustry size standard or why dredging firms should continue to be evaluated as a discrete subindustry for SBA's size standards purposes.

Additionally, SBA seeks comments on its proposal to retain Footnote 2 in 13 CFR 121.201, which provides that "to be considered small for purposes of Government procurement, a firm or its similarly situated subcontractors must perform at least 40 percent of the volume dredged with their own equipment or equipment owned by another small dredging concern." Comments pertaining to this requirement should address on: (1) whether there continues to be a need to retain the current 40 percent equipment requirement under current industry practices; (2) whether the 40 percent equipment requirement should be revised, and if so, the rationale for an alternative percentage; and (3) whether a different and more verifiable requirement based on an alternative measure (such as value of contract or personnel involved) may achieve the same objective of ensuring that small businesses perform significant and meaningful work on dredging contracts set aside for small businesses.

6. SBA seeks comment on its proposal to eliminate Non-Vessel Owning Common Carriers and Household Good Forwarders (NVOCCGHF) as a subindustry or "exception" category from NAICS 488510, Freight Transportation Arrangement. Considering similarities in economic characteristics between the NVOCCGHF exception and the overall NAICS 488510 industry, absence of uniquely identifiable PSCs corresponding to the exception, and a lack of industry data to adequately evaluate the exception industry, SBA is proposing to eliminate the NVOCCGHF exception to NAICS 488510. Furthermore, considering very low utilization of small businesses in Federal contracting under the current size standard under NAICS 488510, SBA also seeks comment on its proposal

¹² This option is also quite limited because the law requires that the size of manufacturing firms be measured in terms of the number of employees and the size of services firms be measured in terms of the average annual revenue.

to apply to the general NAICS 488510 industry a higher \$34 million size standard that currently applies to the NVOCCHGF exception.

7. Because of the lack of data to review the industry structure, SBA is proposing to leave the size standard for Postal Service (NAICS 491110) at the current level of \$9 million in average annual revenue. SBA invites comments on this proposal as well as suggestions, along with supporting information, if a different size standard would be more appropriate. SBA seeks comment if it should adopt a higher \$14.5 million size standard suggested by one of the two disparity ratios.

8. The 2017 Economic Census special tabulation includes data only for two NAICS codes within NAICS Subsector 525: NAICS 525910, Open-End Investment Funds, and NAICS 525990, Other Financial Vehicles. Calculated receipts based size standards for those industries are, as shown in Table 5 (above), \$36.5 million and \$31.5 million, respectively. Because all industries in that Subsector 525 currently share the same \$40 million size standard, SBA applied the results based on data for NAICS 525910 and 525990 to all remaining industries within this Subsector. However, doing so would mean decreasing size standards for all industries in that Subsector. Consistent with SBA's proposed policy of not lowering any size standards, the Agency is proposing to maintain the size standards for those industries at their current \$40 million level. SBA seeks comments or suggestions along with supporting information on the following:

a. Whether SBA should adopt a common size standard for all industries in Subsector 525 or adopt a separate size standard for each industry, and

b. Whether a lower common size standard would be more appropriate for those industries and, if so, what that size standard should be.

9. SBA proposes to increase the size standard for three industries within NAICS Industry Group 5221, Depository Credit Intermediation (*i.e.*, NAICS 522110, 522130, and 522180) and on industry in NAICS 5222, Nondepository Credit Intermediation (*i.e.*, NAICS 522210) from \$850 million to \$925 million in assets. SBA also proposes to maintain the common size standard for the four industries even though the data supported a higher standard for NAICS 522130 (Credit Unions). SBA invites comments or suggestions, along with supporting information, with respect to whether the Agency should adopt the common size standard for those

industries or establish a separate size standard for each industry.

10. SBA proposes to retain Marine Engineering and Naval Architecture as one of separate subindustry categories ("exceptions") to NAICS 541330 (Engineering Services) with the current \$47 million size standard, even though the data supported a lower \$26 million calculated size standard, as compared to a \$29 million calculated/proposed size standard for overall NAICS 541330. Considering these results, SBA seeks comment on whether Marine Engineering and Naval Architecture should be eliminated as an exception to NAICS 541330 and subject to the same \$29 million proposed size standard applicable for the overall industry or it should be retained as an exception with a \$47 million size standard as proposed.

11. In this rule, SBA proposes detailed definitions for the three exceptions under NAICS 541330 (Engineering Services) as Footnote 19 to the SBA table of size standards and seeks comments on whether the proposed definitions are appropriate. SBA invites suggested changes if the proposed definitions are not appropriate.

12. Finally, SBA seeks comments on data sources it used to examine industry and Federal market conditions, as well as suggestions on relevant alternative data sources that the Agency should evaluate in reviewing or modifying size standards for industries covered by this proposed rule.

Public comments on the above issues are very valuable to SBA for validating its proposed size standards revisions in this proposed rule. Commenters addressing size standards for a specific industry or a group of industries should include relevant data and/or other information supporting their comments. If comments relate to the application of size standards for Federal procurement programs, SBA suggests that commenters provide information on the size of contracts in their industries, the size of businesses that can undertake the contracts, start-up costs, equipment and other asset requirements, the amount of subcontracting, other direct and indirect costs associated with the contracts, the use of mandatory sources of supply for products and services, and the degree to which contractors can mark up those costs.

Compliance With Executive Orders 12866, 12988, 13132, 13563 and 14192, the Initial Regulatory Flexibility Act (5 U.S.C. 601–612), and the Paperwork Reduction Act (44 U.S.C. Ch. 35)

Executive Order 12866

The Office of Management and Budget (OMB) has determined that this proposed rule is not a "significant regulatory action" for purposes of Executive Order 12866. However, in the next section, SBA provides a Cost Benefit Analysis of this proposed rule, including: (1) a statement of the need for the proposed action, (2) an examination of alternative approaches, and (3) an evaluation of the benefits and costs—both quantitative and qualitative—of the proposed action and the alternatives considered.

Cost Benefit Analysis

1. What is the need for this regulatory action?

Under the Small Business Act (Act) (15 U.S.C. 632(a)), SBA's Administrator is responsible for establishing small business size definitions (or "size standards") and ensuring that such definitions vary from industry to industry to reflect differences among various industries. The Jobs Act requires SBA to review every five years all size standards and make necessary adjustments to reflect current industry and Federal market conditions. This proposed rule is part of the third five-year review of size standards in accordance with the Jobs Act. The first five-year review of size standards was completed in early 2016 and the second five-year review in early 2023. Such periodic reviews of size standards provide SBA with an opportunity to incorporate ongoing changes to industry structure and Federal market environment into size standards and to evaluate the impacts of prior revisions to size standards on small businesses. This also provides SBA with an opportunity to seek and incorporate public input to the size standards review and analysis. SBA believes that proposed size standards revisions for industries being reviewed in this rule will make size standards more reflective of the current economic characteristics of businesses in those industries and the latest trends in Federal marketplace.

SBA's mission is to aid and assist small businesses through a variety of financial, procurement, business development and counseling, and disaster assistance programs. To determine the actual intended beneficiaries of these programs, SBA establishes numerical size standards by

industry to identify businesses that are deemed small.

The proposed revisions to the existing monetary based size standards for 263 industries in various NAICS Sectors are consistent with SBA's statutory mandates to help small businesses grow and create jobs and to review and adjust size standards every five years. This regulatory action promotes the Administration's goals and objectives as well as meets the SBA's statutory responsibility. One of SBA's goals in support of promoting the Administration's objectives is to help small businesses succeed through fair and equitable access to capital and credit, Federal Government contracts and purchases, and management and technical assistance. Reviewing and modifying size standards, when appropriate, ensures that intended beneficiaries can access Federal small business programs that are designed to assist them to become competitive and create jobs.

2. What are the potential benefits and costs of this regulatory action?

Pursuant to Circular A-4 (September 17, 2003), OMB directs agencies to establish an appropriate baseline to evaluate any benefits, costs, or transfer impacts of regulatory actions and alternative approaches considered. The baseline should represent the agency's best assessment of what the world would look like absent the regulatory action. For a new regulatory action promulgating modifications to an existing regulation (such as modifying the existing size standards), a baseline assuming no change to the regulation (*i.e.*, making no changes to current size standards) generally provides an appropriate benchmark for evaluating benefits, costs, or transfer impacts of proposed regulatory changes and their alternatives.

Proposed Changes to Size Standards

Based on the results from analyses of latest industry and Federal contracting data and consideration of SBA's proposed policy of not lowering any size standards (except for excluding dominant firms from qualifying as small) even though the data support decreases to some size standards, of a total of 513 industries/subindustries with monetary based size standards (receipts and assets) that are reviewed in this proposed rule, SBA proposes to increase size standards for 263 industries (259 receipts based and 4 assets based), and maintain current size standards for remaining 250 industries/subindustries.

The Baseline

For purposes of this regulatory action, the baseline represents maintaining the "status quo," *i.e.*, making no changes to the current size standards. Using the number of small businesses and levels of benefits (such as set aside contracts, SBA's loans, disaster assistance, etc.) they receive under the current size standards as a baseline, one can examine the potential benefits, costs and transfer impacts of proposed changes to size standards on small businesses and on the overall economy.

Based on the 2017 Economic and Agricultural Census (the latest available), of a total of about 7.5 million businesses in industries reviewed in this proposed rule, 98.4 percent are considered small under the current size standards. Small businesses under current size standards account for 30 percent of total receipts and about 45 percent of total employment in those industries.¹³ Based on the data from

¹³ These figures do not include industries that are out of scope of the Economic and Agricultural Census, subindustries ("exceptions"), and industries with assets based size standards. As

FPDS for fiscal years 2021–2023, about 37,000 unique firms in those industries received at least one Federal contract during that period, of which 84.7 percent were small under the current size standards. A total of \$285.2 billion in average annual contract dollars were awarded to businesses in those industries during the period of evaluation, and 32.6 percent of the dollars awarded went to small businesses. For industries/subindustries reviewed in this proposed rule, providing contract dollars to small businesses through set asides is quite important. From the total small business contract dollars awarded during the period considered, 70.4 percent were awarded through various small business set-aside programs and 29.6 percent were awarded through non-set-aside contracts. Based on the SBA's internal data on its loan programs for fiscal years 2021–2023, small businesses in those industries received, on an annual basis, a total of approximately 52,400 7(a), 504/CDC, and micro loans in that period, totaling about \$28.7 billion in loan amount, of which 80.3 percent was issued through the 7(a) program, 19.5 percent was issued through the 504/CDC program, and 0.2 percent was issued through the micro loan program. During fiscal years 2021–2023, small businesses in those industries also received 5,150 loans through the SBA's Economic Injury Disaster Loan (EIDL) program, totaling about \$223 million in loan amount on an annual basis. Table 19, Baseline for All Industries with Monetary Based Size Standards, provides these results.

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stated elsewhere in this rule, because the industry data in the Economic and Agricultural Census are limited to the 6-digit industry level, no data is available at the subindustry level.

Table 19
Baseline for All Industries with Monetary Based Size Standards

	Values
Baseline all industries (current size standards)	
Total firms (million) (2017 Economic and Agricultural Census)	7.46
Total small firms under current size standards (million) (2017 Economic and Agricultural Census)	7.34
Small firms as % of total firms	98.4%
Total receipts (\$ billion) (2017 Economic and Agricultural Census)	\$19,037
Total small business receipts under current size standards (\$ billion) (2017 Economic and Agricultural Census)	\$5,709
% of total receipts that are small	30.0%
Total employment (million) (2017 Economic and Agricultural Census)	102.3
Small business employment under current size standards(million) (2017 Economic and Agricultural Census)	45.6
% of total employment that is small (2017 Economic and Agricultural Census)	44.5%
Total contract dollars (\$ billion) (FPDS FY2021-2023)*	285.3
Total small business contract dollars under current standards (\$ billion) (FPDS FY2021-2023)*	92.9
Small business dollars as % of total dollars (FPDS FY2021-2023)	32.6%
Total no. of unique firms getting contracts (FPDS FY2021-2023)*	37,029
Total no. of unique small firms getting small business contracts (FPDS FY2021-2023)*	31,366
% of total firms getting contracts that are small*	84.7%
No. of 7(a), 504/CDC, and micro loans (FY 2021-23)	52,416
Amount of 7(a),504 and micro loans (\$ billion)	\$28.7
No. of EIDL loans (FY 2021-2023)	5,150
Amount of EIDL loans (\$ million)	\$223

*Excludes NAICS Sector 44-45.

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Increases to Size Standards

As stated above, of 513 monetary based size standards (including 13 exceptions) that are reviewed in this rule, based on the results from analyses of latest industry and Federal market data as well as impacts of size standards changes on small businesses, in this rule, SBA proposes to increase 263 size standards (259 receipts based and four assets based). Below are descriptions of the benefits, costs and transfer impacts of these proposed increases to size standards.

Benefits of Increases to Size Standards

The most significant benefit to businesses from proposed increases to size standards is gaining eligibility for Federal small business assistance programs or retaining that eligibility for

a longer period. These include SBA's business loan programs, EIDL program, and Federal procurement programs intended for small businesses. Federal procurement programs provide targeted, set-aside opportunities for small businesses under the SBA's various contracting and business development programs. These include the 8(a) Business Development (BD) Program, the Historically Underutilized Business Zones (HUBZone) Program, the Women-Owned Small Businesses (WOSB) Program, the Economically Disadvantaged Women-Owned Small Businesses (EDWOSB) Program, and the Service-Disabled Veteran-Owned Small Businesses (SDVOSB) Program.

Based on the 2017 Economic and Agricultural Census (latest available), SBA estimates that more than 11,200 firms in 259 industries for which it has proposed to increase receipts based size

standards, (see Table 20, Impacts of Increases and Decreases to Receipts Based Size Standards, below), not small under the current size standards, will become small under the proposed size standards increases and therefore become eligible for the above programs. That represents about 0.2 percent of all firms classified as small under the current size standards in industries for which SBA has proposed increasing receipts based size standards. If adopted, proposed size standards would result in an increase in the small business share of total firms in those industries from 98.4 percent to 98.5 percent. Similarly, the small business share of total receipts would increase from 30 percent under current size standards to 30.6 percent under proposed size standards, if adopted. Finally, the small business share of total

employment would increase from 44.5 percent to 45.4 percent.

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Table 20.
Impacts of Increases and Decreases to Receipts Based Size Standards

	Increases to Size Standards	Decreases to Size Standards	Net Impact
No. of industries (including subindustries or "exceptions") with increases/decreases to size standards	259	213	
Total current small businesses in industries with increases/decreases to size standards (2017 Economic/Agricultural Census)	5,038,902	2,017,022	
No of firms gaining/losing small business status under increases/decreases to standards (2017 Economic/Agricultural Census)	11,229	7,882	3,347
% of firms gaining/losing small business status relative to current small businesses in industries with increases/decreases to size standards	0.2%	0.4%	0.1%
No. of current unique small firms getting small business contracts in industries with increases/decreases to size standards (FPDS FY2021-2023) ¹	15,540	17,607	
No. of small business firms gaining/losing small business status in industries with increases/decreases to size standards (FPDS FY2021-2023)	324	370	-46
% change to small businesses relative to current unique small firms getting small business contracts in industries with increases/decreases to size standards (FPDS FY2021-2023) ¹	2.1%	2.1%	-0.1%
Total small business contract dollars under current standards in industries with increases/decreases to size standards (\$ million) (FPDS FY2021-2023)	\$28,659	\$60,385	
Estimated small business dollars available/unavailable to firms gaining/losing small business status (Using avg dollars obligated to small businesses) (\$ million) (FPDS FY 2021-2023) ¹	\$647	\$2,040	-\$1,393.0
% change to small business dollars relative to total small business contract dollars under current standards in industries with increases/decreases to size standards	2.3%	3.4%	-1.6%
Total no. of 7(a), 504 and micro loans to small business in industries with increases/decreases to size standards	32,874	17,095	
Total amount of 7(a), 504 and micro loans to small businesses in industries with increases/decreases to size standards (\$ million)	\$19,312	\$7,974	
Estimated no. of 7(a), 504 and micro loans available/unavailable to firms gaining/losing small business status	84	72	12
Estimated 7(a), 504 and micro loan amount available/unavailable to firms gaining/losing small business status (\$ million)	\$49.0	\$35	\$14
% change to 7(a), 504 and micro loan amount relative to the total amount of 7(a), 504 and micro loans in industries with increases/decreases to size standards	0.3%	0.4%	0.1%
Total no. of EIDL loans to small businesses in industries with increases/decreases to size standards	3,220	1,624	
Total amount of EIDL loans to small businesses in industries with increases/decreases to size standards (\$ million)	\$137	\$75	

	Increases to Size Standards	Decreases to Size Standards	Net Impact
Estimated no. of EIDL loans available/unavailable to firms gaining/losing small business status	9	6	3
Estimated EIDL loan amount available/unavailable to firms gaining/losing small business status (\$ million)	\$0.4	\$0.3	\$0.1
% change to EIDL loan amount relative to the total amount of EIDL loans in industries with increases to size standards	0.3%	0.4%	0.0%

1. Additional dollars are calculated multiplying average small business dollars obligated per DUNS times change in number of firms. Numbers of firms are calculated using the SBA current size standard, not the CO Size Std. Baseline dollars obligated used the CO size determination.
2. Total impact represents total unique number of firms impacted to avoid double counting as some firms are participating in more than one industry.

industries, because of which about 110 additional financial firms (*i.e.*, depository institutions and credit unions) would qualify as small. If adopted, proposed assets based size standards would result in an increase in the small business share of total firms in those industries from 82 percent to 83.2 percent. Similarly, the small business share of total assets would increase from 5.6 percent under current size standards to 6.0 percent under proposed size standards, if adopted.

Based on the FPDS data for fiscal years 2021–2023, SBA estimates that 324 firms that are active in Federal contracting in those industries would gain small business status under the proposed size standards. Based on the same data, SBA estimates that those newly qualified small businesses under the proposed increases to size standards, if adopted, could receive Federal small business contracts totaling about \$647 million annually. That represents a 2.3 percent increase to small business dollars from the baseline.

Under SBA's business loan programs, based on the data for fiscal years 2021–2023, SBA estimates up to 84 of SBA's 7(a), CDC/504 and micro loans totaling about \$49 million could be made to these newly qualified small businesses in those industries under the proposed size standards. That represents a 0.3 percent increase to the loan amount compared to the baseline.

Newly qualified small businesses will also benefit from the SBA's EIDL program. Since the benefit provided through this program is contingent on the occurrence and severity of a disaster in the future, SBA cannot make a meaningful estimate of this impact. However, based on the historical trends of the EIDL data, SBA estimates that, on an annual basis, the newly defined small businesses under the proposed increases to size standards, if adopted, could receive nine EIDL loans, totaling about \$0.4 million, representing a 0.3 percent increase from the baseline.

Besides set-aside contracting and financial assistance discussed above, small businesses also benefit through reduced fees, less paperwork, and fewer compliance requirements that are available to small businesses through Federal government. However, SBA has no data to estimate the number of small businesses receiving such benefits and monetary values of those benefits.

With more businesses qualifying as small under the proposed increases to size standards, Federal agencies will have a larger pool of small businesses from which to draw for their small business procurement programs. Growing small businesses that are close

to exceeding the current size standards will be able to retain their small business status for a longer period under the higher size standards, thereby enabling them to continue to benefit from the small business programs.

The added competition from more businesses qualifying as small can result in lower prices to the government for procurements set aside or reserved for small businesses, but SBA cannot quantify this impact. Costs could be higher when full and open contracts are awarded to HUBZone businesses that receive price evaluation preferences. However, with agencies likely setting aside more contracts for small businesses in response to the availability of a larger pool of small businesses under the proposed increases to size standards, HUBZone firms might actually end up getting more set-aside contracts and fewer full and open contracts, thereby resulting in some cost savings to agencies. While SBA cannot estimate such cost savings as it is impossible to determine the number and value of unrestricted contracts to be otherwise awarded to HUBZone firms will be awarded as set-asides, such cost savings are likely to be relatively small as only a small fraction of full and open contracts are awarded to HUBZone businesses.

Costs of Increases to Size Standards

Besides having to register in SAM to be able to participate in Federal contracting and update the SAM profile annually, small businesses incur no direct costs to gain or retain their small business status because of increases to size standards. All businesses willing to do business with Federal government must register in SAM and update their SAM profiles annually, regardless of their size status. SBA believes that a vast majority of businesses that are willing to participate in Federal contracting are already registered in SAM and update their SAM profiles annually. More importantly, this proposed rule does not establish the new size standards for the very first time; rather it intends to modify the existing size standards in accordance with a statutory requirement and the latest data and other relevant factors.

To the extent that the newly qualified small businesses could become active in Federal procurement, the proposed increases to size standards, if adopted, may entail some additional administrative costs to the government because of more businesses qualifying as small for Federal small business programs. For example, there will be more firms seeking SBA's loans, more firms eligible for enrollment in the

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Besides proposing to increase receipts based size standards for 259 industries, SBA is proposing to increase assets based size standards for four financial

Dynamic Small Business Search (DSBS) database or in *certify.sba.gov*, more firms seeking certification as 8(a)/BD or HUBZone firms or qualifying for small business, WOSB, EDWOSB, and SDVOSB status, and more firms applying for SBA's 8(a)/BD and all small business mentor-protégé programs. However, SBA estimates such costs to be de minimis because necessary administrative processes and mechanisms are already in place.

With an expanded pool of small businesses, it is likely that Federal agencies would set aside more contracts for small businesses under the proposed increases to size standards. One may surmise that this might result in a higher number of small business size protests and additional processing costs to agencies. However, the SBA's historical data on size protests shows that the number of size protests decreased following the increases to receipts based size standards as part of the first and second five-year reviews of size standards under the Jobs Act. Specifically, on an annual basis, the number of size protests fell from about 500–600 during 2011–2016 to an average of about 300 during 2020–2024. Among those newly defined small businesses seeking SBA's loans, there could be some additional costs associated with verification of their small business status. However, small business lenders have an option of using the tangible net worth and net income based alternative size standard instead of using the industry-based size standards to establish eligibility for SBA's loans. For these reasons, SBA believes that these added administrative costs will be de minimis because necessary mechanisms are already in place to handle these added requirements.

Additionally, some Federal contracts may have higher costs. With a greater number of businesses defined as small due to the proposed increases to size standards, Federal agencies may choose to set aside more contracts for competition among small businesses only instead of using a full and open competition. The movement of contracts from unrestricted competition to small business set-aside contracts might result in competition among fewer total bidders, although there will be more small businesses eligible to submit offers under the proposed size standards. However, the additional costs associated with fewer bidders are expected to be de minimis since, by law, procurements may be set aside for small businesses under the 8(a)/BD, HUBZone, WOSB, EDWOSB, or SDVOSB programs only if awards are

expected to be made at fair and reasonable prices.

Costs may also be higher when full and open contracts are awarded to HUBZone businesses that receive price evaluation preferences. However, with agencies likely setting aside more contracts for small businesses in response to the availability of a larger pool of small businesses under the proposed increases to size standards, HUBZone firms might actually end up getting fewer full and open contracts, thereby resulting in some cost savings to agencies. However, such cost savings are likely to be minimal as only a small fraction of unrestricted contracts are awarded to HUBZone businesses.

Transfer Impacts of Increases to Size Standards

The proposed increases to size standards, if adopted, may result in some redistribution of Federal contracts between the newly qualified small businesses and large businesses and between the newly qualified small businesses and small businesses under the current standards. However, it would have no impact on the overall economic activity since total Federal contract dollars available for businesses to compete for will not change with changes to size standards. While SBA cannot quantify with certainty the actual outcome of the gains and losses from the redistribution contracts among different groups of businesses, it can identify several probable impacts in qualitative terms. With the availability of a larger pool of small businesses under the proposed increases to size standards, some unrestricted Federal contracts which would otherwise be awarded to large businesses may be set aside for small businesses. As a result, large businesses may lose some Federal contracting opportunities. Similarly, some small businesses under the current size standards may obtain fewer set aside contracts due to the increased competition from more advanced businesses qualifying as small under the proposed increases to size standards. This impact may be offset by a greater number of procurements being set aside for all small businesses. With larger businesses qualifying as small under higher size standards, smaller small businesses could face some disadvantage in competing for set-aside contracts against their larger counterparts. However, SBA cannot quantify these impacts.

3. What alternatives have been considered?

Under OMB's Circular A–4, SBA is required to consider regulatory alternatives to the proposed changes in

the proposed rule. In this section, SBA describes and analyzes two such alternatives to the proposed rule.

Alternative Option One to the proposed rule, a more stringent alternative to the proposed rule, would propose adopting size standards based solely on the analytical results. In other words, the size standards of 263 industries for which the analytical results suggest raising size standards would be raised. However, the size standards of 212 industries/subindustries for which the analytical results suggest lowering size standards would be lowered.

Alternative Option Two, would propose retaining all size standards for all industries. Below, SBA discusses and presents the net impacts of each option.

Alternative Option One: Adopting All Calculated Size Standards

As discussed elsewhere in this proposed rule, Alternative Option One would cause 7,882 currently small businesses to lose their small business status and hence to lose their access to Federal small business assistance, especially small business set-aside contracts and SBA's financial assistance in some cases. These consequences could be mitigated. For example, in response to the 2008 Financial Crisis and economic conditions that followed, in the first five-year review of size standards under the Jobs Act, SBA adopted a general policy of not lowering any size standard (except to exclude dominant firms) even when the analytical results suggested some size standards might be lowered. In the second five-year review of size standards under the Jobs Act, in response to the economic impacts of the COVID–19 pandemic, SBA decided to adopt the same general policy of not lowering size standards, even if the analytical results suggested that some size standards might be lowered. For the reasons explained elsewhere in this proposed rule, in the current third five-year review of size standards under the Jobs Act, SBA is proposing a general policy of not lowering any size standards, except for excluding dominant firms from qualifying as small.

The primary benefit of adopting this alternative is that SBA's procurement, management, technical and financial assistance resources would be targeted to the most appropriate beneficiaries of such programs according to the analytical results. Adopting the size standards suggested by the analytical results would also promote consistency with analytical results in SBA's exercise of its authority to determine size standards. However, SBA expects the

benefits of not lowering size standards to exceed the benefits of adopting size standards suggested by analytical results. SBA seeks public comment on the impact of adopting the size standard as suggested by the analytical results.

As explained in the Size Standards Methodology White Paper, in addition to adopting all results of the primary analysis, SBA evaluates other relevant factors as needed such as the impact of the reductions or increases of size standards on the distribution of contracts awarded to small businesses and may adopt different results with the intention of mitigating potential negative impacts.

We have discussed already the benefits and costs of increasing 263 size standards (259 receipts based and four assets based). Below we discuss the benefits and costs of decreasing size standards for 213 industries/subindustries.

Benefits of Decreases to Size Standards

The most significant benefit to businesses from decreases to size standards when the SBA's analysis suggests such decreases is to ensure that size standards are more reflective of latest industry structure and Federal market trends and that Federal small business assistance is more effectively targeted to its intended beneficiaries. These include SBA's business loan programs, EIDL program, and Federal procurement programs intended for small businesses. Federal procurement programs provide targeted, set-aside opportunities for small businesses under SBA's contracting and business development programs, such as small business, 8(a)/BD, HUBZone, WOSB, EDWOSB, and SDVOSB programs. The adoption of smaller size standards when the results support them diminishes the risk of awarding contracts to firms which are not small anymore.

Decreasing size standards may reduce the administrative costs of the government, because the risk of awarding contracts to other than small businesses may diminish when the size standards reflect better the structure of the market. The risks of providing SBA's loans to firms that are not needing them the most, or allowing firms that are not eligible for small business set-asides or to participate on the SBA procurement programs will provide for a better chance for smaller firms to grow and benefit from the opportunities available on the Federal market, and strengthen the small business industrial base for the Federal Government.

Costs of Decreases to Size Standards

With fewer businesses qualifying as small under the decreases to size standards, Federal agencies will have a smaller pool of small businesses from which to draw for their small business procurement programs. For example, under Alternative Option One, during fiscal years 2021–2023, agencies awarded, on an annual basis, about \$60.4 billion in small business contracts in those 213 industries/subindustries for which this Option considered decreasing size standards. Table 20, above, shows that lowering those 213 size standards would reduce Federal contract dollars awarded to small businesses by about \$2.0 billion or about 3.4 percent relative to the baseline level, of which 41.6 percent are accounted for by the Construction Sector (NAICS 23), followed by the Professional, Scientific, and Technical Services Sector (NAICS 54). Because of the importance of the construction and professional, scientific, and technical services sectors for the Federal procurement and the immediate impact on businesses that will see their status as small changed relatively fast, SBA could adopt certain mitigating measures to reduce the negative impact under the assumptions of Option One. SBA could adopt one or more of the following three actions: 1. to accept decreases in size standards as suggested by the analytical results, 2. to decrease size standards by a smaller amount than the calculated threshold, and 3. to retain the size standards at their current levels. Nevertheless, since Federal agencies are still required to meet the statutory small business contracting goal of 23 percent, actual impacts on the overall set aside activity is likely to be smaller as agencies are likely to award more set aside contracts to small businesses that continue to remain small under the reduced size standards.

With fewer businesses qualifying as small, the decreased competition can also result in higher prices to the Government for procurements set aside or reserved for small businesses, but SBA cannot quantify this impact. However, SBA estimates an almost null impact or non-significant reduction in dollars obligated to small businesses, if mitigation measures are adopted.

Decreases to size standards would have a very minor impact on small businesses applying for SBA's business loan programs because a vast majority of such loans are issued to businesses that are far below the reduced size standards. For example, based on the loan data for fiscal years 2021–2023, SBA estimates that about 72 of SBA's

7(a), CDC/504 and micro loans with total amounts of \$35 million could not be made to those small businesses that would lose eligibility under the reduced size standards (before mitigation). That represents about one 0.4 percent decrease in the loan amounts compared to the baseline. Table 20, above, shows these results. However, the actual impact could be much less as businesses losing small business eligibility under the decreases to industry based size standards could still qualify for SBA's loans under the tangible net worth and net income based alternative size standard.

Businesses losing small business status would also be impacted in terms of access to loans through the SBA's EIDL program. However, SBA expects such an impact to be minimal because the vast majority of EIDL recipients were well below the reduced size standards. As shown in Table 20 (above), based on EIDL data during fiscal years 2021–2023, only six loans, totaling \$0.3 million, could not be made to businesses losing small business status if SBA were to decrease size standards in those 213 industries/subindustries. Additionally, since this program is contingent on the occurrence and severity of a disaster in the future, SBA cannot make a meaningful estimate of this impact.

Small businesses becoming other than small if size standards were decreased might lose benefits through reduced fees, less paperwork, and fewer compliance requirements that are available to small businesses through Federal government, but SBA has no data to quantify this impact. However, if agencies determine that SBA's size standards do not adequately serve such purposes, they can establish a different size standard with an approval from SBA if they are required to use SBA's size standards for their programs.

Transfer Impacts of Decreases to Size Standards

If the size standards were decreased under Alternative Option One, it may result in a redistribution of Federal contracts between small businesses losing the small business status and large businesses, and between small businesses losing the small business status and small businesses remaining small under the reduced size standards. However, as under the proposed increases to size standards, it would have no impact on the overall economic activity since total Federal contract dollars available for businesses to compete for will stay the same. While SBA cannot estimate with certainty the actual outcome of the gains and losses

among different groups of businesses from contract redistribution resulting from decreases to size standards, it can identify several probable impacts. With a smaller pool of small businesses under the decreases to size standards, some set-aside Federal contracts to be otherwise awarded to small businesses may be competed on an unrestricted basis. As a result, large businesses may have more Federal contracting opportunities. However, because agencies are still required by law to award 23 percent of dollars to small businesses, SBA expects the movement of set-aside contracts to unrestricted competition to be limited. For the same reason, small businesses remaining small under the reduced size standards are likely to obtain more set aside contracts due to the reduced competition from fewer businesses qualifying as small under the decreases to size standards. With some larger small businesses losing small business status under the decreases to size standards, smaller small businesses would likely become more competitive in obtaining set aside contracts. However, SBA cannot quantify these impacts.

Net Impacts of Alternative Option One

To estimate the net impacts of Alternative Option One, SBA followed the same methodology the Agency used to evaluate the impacts of the proposed increases to size standards (see Table 20, above). However, under Alternative Option One, SBA used the calculated size standards instead of the proposed ones to determine the net impacts of adopting changes to current thresholds. The impacts of the increases of size standards were already shown in Table 20 (above). Also presented in Table 20 are the impacts of the decreases in size standards, as well as the net impacts of adopting the calculated results under Alternative Option One.

Based on the 2017 Economic and Agricultural Census, SBA estimates that in 476 industries or subindustries (including 263 increases and 213 decreases) for which the analytical results suggested changing the size standards, about 3,350 firms (see Table 20, above) would become small under Alternative Option One. That represents less than 0.1 percent of all firms in those industries/subindustries classified as small under the current size standards.

Based on the FPDS data for fiscal years 2021–2023, SBA estimates that, in terms of net impact, about 46 active firms in Federal contracting in those industries, most of them from the construction sector, would lose small business status under Alternative

Option One. This represents a decrease of about 0.1 percent of the total number of small businesses participating in Federal contracting under the current size standards. Based on the same data, SBA estimates that about \$1.4 billion of Federal procurement dollars would not be available to firms losing their small status. This represents a decrease of 1.6 percent from the baseline. Again, a large amount of the losses are accounted for by the construction sector.

Based on the SBA's business loan data for fiscal years 2021–2023, the total number of 7(a), CDC/504 and micro loans may decrease by about 12 loans, and the loan amount will decrease by about \$14 million. This represents about 0.1 percent decrease in the SBA business loan amount relative to the baseline.

Firms' participation under the SBA's EIDL program will be affected as well. Since the benefit provided through this program is contingent on the occurrence and severity of a disaster in the future, SBA cannot make a meaningful estimate of this impact. However, based on the historical trends of the EIDL data, SBA estimates that, on an annual basis, the net impact of Alternative Option One on additional loans is three, and additional total loan amount of about \$0.1 million for the industries/subindustries for which analytical results suggested changes to size standards.

Alternative Option Two: Retaining All Current Size Standards

Under this option, as discussed elsewhere, SBA considered retaining the current levels of all size standards even though the analytical results may suggest changing them. SBA estimates a net impact of zero for this option, when compared to the baseline. However, if we compare the proposal of adopting 263 increases to size standards with this alternative approach, the benefits for small businesses of adopting the former will not be attained.

Executive Order 14192

E.O. 14192, titled "Unleashing Prosperity Through Deregulation" (90 FR 9065; February 6, 2025), and the accompanying OMB guidance (OMB M–25–20), dated March 26, 2025, require agencies to identify at least 10 existing rules to be repealed for each new regulation. E.O. 14192 and OMB guidance require agencies to ensure the total incremental costs of new regulations, including repealed regulations, being finalized in fiscal year 2025, shall be significantly less than zero. E.O. 14192 and OMB guidance provide that any new incremental costs associated with new regulations shall, to

the extent permitted by law, be offset by the elimination of existing costs associated with at least 10 prior regulations being repealed.

This rule is not an E.O. 14192 "regulatory action," because this rule is not significant under E.O. 12866.

Initial Regulatory Flexibility Act

According to the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612, when an agency issues a rulemaking, it must prepare a regulatory flexibility analysis to address the impact of the rule on small entities.

This proposed rule, if adopted, may have a significant impact on a substantial number of small businesses in the industries and subindustries covered by this proposed rule. As described above, this rule may affect small businesses seeking Federal contracts, loans under SBA's 7(a), CDC/504, micro EIDL Loan Programs, and assistance under other Federal small business programs.

Immediately below, SBA sets forth an initial regulatory flexibility analysis (IRFA) of this proposed rule addressing the following questions: (1) What are the need for and objective of the rule?; (2) What are SBA's description and estimate of the number of small businesses to which the rule will apply?; (3) What are the projected reporting, record keeping, and other compliance requirements of the rule?; (4) What are the relevant Federal rules that may duplicate, overlap, or conflict with the rule?; and (5) What alternatives will allow the Agency to accomplish its regulatory objectives while minimizing the impact on small businesses?

1. What are the need for and objective of the rule?

Changes in industry structure, technological changes, productivity growth, mergers and acquisitions, and updated industry definitions have changed the structure of many of the industries covered by this proposed rule. Such changes can be enough to support revisions to current size standards for some industries. Based on the analysis of the latest data available, SBA believes that the revised standards in this proposed rule more appropriately reflect the size of businesses that need Federal assistance. The Small Business Jobs Act of 2010 also requires SBA to review every five years all size standards and make necessary adjustments to reflect market conditions. SBA completed the first five-year review of size standards in 2016 and the second five-year review in 2023. This rule is part of the ongoing third five-year review of size standards under the Jobs Act.

2. What are SBA's description and estimate of the number of small businesses to which the rule will apply?

Based on data from the 2017 Economic and Agricultural Census (latest available when this proposed rule was prepared), SBA estimates that there are about 5.04 million small firms covered by this rulemaking under industries with proposed increases to size standards. If the proposed rule is adopted in its present form, SBA estimates that an additional 11,300 businesses will become small.

3. What are the projected reporting, record keeping and other compliance requirements of the rule?

The proposed size standard changes impose no additional reporting or record keeping requirements on small businesses. However, qualifying for Federal procurement and a number of other programs requires that businesses register in SAM and self-certify that they are small at least once annually. Therefore, businesses opting to participate in those programs must comply with SAM requirements. There are no costs associated with SAM registration or certification. Changing size standards alters the access to SBA's programs that assist small businesses but does not impose a regulatory burden because they neither regulate nor control business behavior.

4. What are the relevant Federal rules, which may duplicate, overlap or conflict with the rule?

Under section 3(a)(2)(C) of the Small Business Act, 15 U.S.C. 632(a)(2)(c), Federal agencies must use SBA's size standards to define a small business, unless specifically authorized by statute to do otherwise. In 1995, SBA published in the **Federal Register** a list of statutory and regulatory size standards that identified the application of SBA's size standards as well as other size standards used by Federal agencies (60 FR 57988 (November 24, 1995)). SBA is not aware of any Federal rules that would duplicate or conflict with establishing size standards.

However, the Small Business Act and SBA's regulations allow Federal agencies to develop different size standards if they believe that SBA's size standards are not appropriate for their programs, with the approval of SBA's Administrator (13 CFR 121.903). The Regulatory Flexibility Act authorizes an Agency to establish an alternative small business definition, after consultation with the Office of Advocacy of the U.S. Small Business Administration (5 U.S.C. 601(3)).

5. What alternatives will allow the Agency to accomplish its regulatory

objectives while minimizing the impact on small entities?

By law, SBA is required to develop numerical size standards for establishing eligibility for Federal small business assistance programs. Other than varying size standards by industry and changing the size measures, no practical alternative exists to the systems of numerical size standards.

Executive Order 13563

Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. A description of the need for this regulatory action and benefits and costs associated with this action including possible distributional impacts that relate to Executive Order 13563 is included above in the Regulatory Impact Analysis under Executive Order 12866. Additionally, Executive Order 13563, section 6, calls for retrospective analyses of existing rules.

The review of size standards in the industries covered by this proposed rule is consistent with section 6 of Executive Order 13563 and the Jobs Act which requires SBA to review all size standards and make necessary adjustments to reflect market conditions. Specifically, the Jobs Act requires SBA to review at least one-third of all size standards during every 18-month period from the date of its enactment (September 27, 2010) and to review all size standards not less frequently than once every five years, thereafter. In accordance with the Jobs Act, SBA completed the first five-year comprehensive review of size standards in 2016 and the second five-year comprehensive review in 2023. This proposed rule is part of the third five-year comprehensive review of size standards under the Jobs Act.

In conjunction with the third five-year review of size standards under the Jobs Act, SBA issued a White Paper entitled "Revised Size Standards Methodology" and published a notice in the December 11, 2023, edition of the **Federal Register** (88 FR 85852) to advise the public that the document is available for public review and comments. Pursuant to section 1344 of the Jobs Act, on June 23 and 25, 2023, SBA held two public forums on size standards to update the public on the status of the quinquennial reviews of size standards under the Jobs Act and seek public feedback on proposed revisions to the size standards methodology. The "Size Standards Methodology" White Paper explains how SBA establishes, reviews, or modifies its small business size

standards. SBA received 21 comments, including one received during the public forums on size standards. SBA considered all input, suggestions, recommendations, and relevant information obtained from industry groups, individual businesses, and Federal agencies in finalizing the Revised Methodology. Along with the publication of a notice in the September 12, 2024, **Federal Register** issue (89 FR 74109), on the same date, SBA issued the final Revised Methodology at its website at www.sba.gov/size. SBA has relied on the Revised Methodology to develop the proposed size standards changes in this proposed rule.

Executive Order 12988

This action meets applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden. The action does not have retroactive or preemptive effect.

Executive Order 13132

For purposes of Executive Order 13132, SBA has determined that this proposed rule will not have substantial, direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, SBA has determined that this proposed rule has no federalism implications warranting preparation of a federalism assessment.

Paperwork Reduction Act

For the purpose of the Paperwork Reduction Act, 44 U.S.C. Ch. 35, SBA has determined that this rule will not impose any new reporting or record keeping requirements.

List of Subjects in 13 CFR Part 121

Administrative practice and procedure, Authority delegations (Government agencies), Government procurement, Government property, Grant programs—business, Individuals with disabilities, Intergovernmental relations, Investigations, Investment companies, Loan programs—business, Reporting and recordkeeping requirements, Small businesses.

For the reasons set forth in the preamble, SBA proposes to amend 13 CFR part 121 as follows:

PART 121—SMALL BUSINESS SIZE REGULATIONS

■ 1. The authority citation for part 121 continues to read as follows:

Authority: 15 U.S.C. 632, 634(b)(6), 636(a)(36) 662, and 694a(9).

- 2. In § 121.201, amend the table “Small Business Size Standards by NAICS Industry” by revising:
- a. Under Subsector 111, the entries for “111110”, “111120”, “111140”, “111150”, “111160”, “111191”, “111199”, “111910”, “111940”, “111991”, “111992”, and “111998”;
- b. Under Subsector 112, the entries for “112111”, “112320”, “112420”, “112920”, and “112990”;
- c. Under Subsector 113, the entries for “113110” and “113210”;
- d. Under Subsector 114, the entries for “114112”, “114119”, and “114210”;
- e. Under Subsector 115, the entries for “115111”, “115112”, “115113”, “115115”, “115116”, “115210”, and “115310”;
- f. Under Subsection 213, the entry for “213115”;
- g. Under Subsector 221, the entries for “221310” and “221330”;
- h. Under Subsector 238, the entry for “238290”;
- i. Under Subsector 441, the entry for “441330”;
- j. Under Subsector 444, the entries for “444120”, “444140”, “444230”, and “444240”;
- k. Under Subsector 445, the entries for “445132”, “445230”, “445240”, “445250”, “445291”, “445292”, “445298”, and “445320”;
- l. Under Subsector 449, the entries for “449110”, “449121”, “449122”, and “449129”;
- m. Under Subsector 456, the entries for “456110” and “456199”;
- n. Under Subsector 457, the entry for “457120”;
- o. Under Subsector 458, the entries for “458210”, “458310”, and “458320”;
- p. Under Subsector 459, the entries for “459110”, “459120”, “459310”, “459420”, “459510”, “459910”, “459920”, “459930”, and “459999”;
- q. Under Subsector 481, the entry for “481219”;
- r. Under Subsector 485, the entries for “485113”, “485210”, “485310”, “485410”, “485510”, “485991”, and “485999”;
- s. Under Subsector 486, the entry for “486210”;
- t. Under Subsector 487, the entries for “487210” and “487990”;

- u. Under Subsector 488, the entries for “488410”, “488490”, “488510”, and “488999”;
- v. Under Subsector 488, eliminate the entry “488510 (Exception)”;
- w. Under Subsector 493, the entry for “493120”;
- x. Under Subsector 512, the entries for “512132”, “512240”, and “512290”;
- y. Under Subsector 517, the entries for “517410” and “517810”;
- z. Under Subsector 518, the entry for “518210”;
- aa. Under Subsector 519, the entry for “519210”;
- bb. Under Subsector 522, the entries for “522110”, “522130”, “522180”, “522210”, “522310” and “522390”;
- cc. Under Subsector 524, the entries for “524210”, “524292”, and “524298”;
- dd. Under Subsector 531, the entries for “531210”, “531311”, “531312”, “531320”, and “531390”;
- ee. Under Subsector 532, the entries for “532284”, “532289”, “532310”, “532411”, and “532412”;
- ff. Under Subsector 541, the entries for “541110”, “541199”, “541211”, “541213”, “541310”, “541320”, “541330”, “541330 (Exception 1)”, “541330 (Exception 2)”, “541330 (Exception 3)”, “541340”, “541350”, “541360”, “541380”, “541410”, “541420”, “541430”, “541490”, “541611”, “541613”, “541614”, “541720”, “541810”, “541820”, “541830”, “541840”, “541860”, “541870”, “541890”, “541910”, “541921”, “541922”, “541930”, and “541940”;
- gg. Under Subsector 561, the entries for “561110”, “561330”, “561410”, “561421”, “561422”, “561439”, “561440”, “561450”, “561492”, “561499”, “561510”, “561599”, “561612”, “561613”, “561621”, “561710”, “561730”, “561740”, “561790”, “561910”, “561920”, and “561990”;
- hh. Under Subsector 562, the entry for “562991”;
- ii. Under Subsector 611, the entries for “611110”, “611310”, “611410”, “611420”, “611430”, “611511”, “611512”, “611513”, “611610”, “611620”, “611630”, “611691”, “611692”, and “611710”;

- jj. Under Subsector 621, the entries for “621111”, “621210”, “621310”, “621320”, “621330”, “621340”, “621391”, “621399”, “621410”, “621493”, “621498”, “621511”, “621512”, “621610”, “621910”, and “621999”;
- kk. Under Subsector 623, the entries for “623210”, “623220”, “623312”, and “623990”;
- ll. Under Subsector 624, the entries for “624110”, “624120”, “624190”, “624210”, “624221”, “624229”, “624230”, “624310”, and “624410”;
- mm. Under Subsector 711, the entries for “711120”, “711130”, “711190”, “711219”, “711320”, “711410”, and “711510”;
- nn. Under Subsector 712, the entries for “712120” and “712190”;
- oo. Under Subsector 713, the entries for “713120”, “713920”, “713930”, “713940”, “713950”, and “713990”;
- pp. Under Subsector 721, the entries for “721191”, “721199”, “721211”, “721214”, and “721310”;
- qq. Under Subsector 722, the entries for “722320”, “722330”, “722410”, “722511”, and “722513”;
- rr. Under Subsector 811, the entries for “811111”, “811114”, “811121”, “811122”, “811191”, “811192”, “811198”, “811310”, “811411”, “811412”, “811420”, “811430”, and “811490”;
- ss. Under Subsector 812, the entries for “812111”, “812112”, “812113”, “812199”, “812210”, “812310”, “812320”, “812910”, “812921”, and “812990”;
- tt. Under Subsector 813, the entries for “813110”, “813311”, “813312”, “813319”, “813410”, “813910”, “813920”, “813930”, “813940”, and “813990”.

- 3. Include a new footnote, Footnote 19, to entries “541330”, “541330 (Exception 1)”, “541330 (Exception 2)”, and “541330 (Exception 3)”.

The revisions read as follows:

§ 121.201 What size standards has SBA identified by North American Industry Classification System codes?

* * * * *

SMALL BUSINESS SIZE STANDARDS BY NAICS INDUSTRY

NAICS code	NAICS U.S. industry title	Size standards in millions of dollars	Size standards in number of employees
Sector 11—Agriculture, Forestry, Fishing and Hunting			
Subsector 111—Crop Production			
111110	Soybean Farming	\$2.75	

SMALL BUSINESS SIZE STANDARDS BY NAICS INDUSTRY—Continued

NAICS code	NAICS U.S. industry title	Size standards in millions of dollars	Size standards in number of employees
111120	Oilseed (except Soybean) Farming	2.75	
*	*	*	*
111140	Wheat Farming	2.5	
111150	Corn Farming	2.75	
111160	Rice Farming	2.75	
111191	Oilseed and Grain Combination Farming	2.75	
111199	All Other Grain Farming	2.75	
*	*	*	*
111910	Tobacco Farming	2.75	
*	*	*	*
111940	Hay Farming	2.75	
111991	Sugar Beet Farming	3.0	
111992	Peanut Farming	3.0	
111998	All Other Miscellaneous Crop Farming	3.0	
Subsector 112—Animal Production and Aquaculture			
112111	Beef Cattle Ranching and Farming	2.75	
*	*	*	*
112320	Broilers and Other Meat Type Chicken Production	3.75	
*	*	*	*
112420	Goat Farming	2.75	
*	*	*	*
112920	Horses and Other Equine Production	3.0	
*	*	*	*
112990	All Other Animal Production	3.25	
Subsector 113—Forestry and Logging			
113110	Timber Tract Operations	26.0	
113210	Forest Nurseries and Gathering of Forest Products	21.5	
*	*	*	*
Subsector 114—Fishing, Hunting and Trapping			
*	*	*	*
114112	Shellfish Fishing	15.0	
114119	Other Marine Fishing	25.5	
114210	Hunting and Trapping	14.5	
Subsector 115—Support Activities for Agriculture and Forestry			
115111	Cotton Ginning	17.0	
115112	Soil Preparation, Planting, and Cultivating	12.0	
115113	Crop Harvesting, Primarily by Machine	21.5	
*	*	*	*
115115	Farm Labor Contractors and Crew Leaders	20.0	
115116	Farm Management Services	22.0	
115210	Support Activities for Animal Production	14.0	
115310	Support Activities for Forestry	13.5	
*	*	*	*
Sector 21—Mining, Quarrying, and Oil and Gas Extraction			
*	*	*	*
Subsector 213—Support Activities for Mining			

SMALL BUSINESS SIZE STANDARDS BY NAICS INDUSTRY—Continued

NAICS code	NAICS U.S. industry title	Size standards in millions of dollars	Size standards in number of employees
* * * * *			
213115	Support Activities for Nonmetallic Minerals (except Fuels) Mining	27.0	
Sector 22—Utilities			
Subsector 221—Utilities			
* * * * *			
221310	Water Supply and Irrigation Systems	41.5	
* * * * *			
221330	Steam and Air-Conditioning Supply	36.0	
Sector 23—Construction			
* * * * *			
Subsector 238—Specialty Trade Contractors			
* * * * *			
238120	Structural Steel and Precast Concrete Contractors	19.5	
* * * * *			
238290	Other Building Equipment Contractors	27.5	
* * * * *			
Sector 44–45—Retail Trade			
* * * * *			
Subsector 441—Motor Vehicle and Parts Dealers			
* * * * *			
441330	Automotive Parts and Accessories Retailers	29.5	
* * * * *			
Subsector 444—Building Material and Garden Equipment and Supplies Dealers			
* * * * *			
444120	Paint and Wallpaper Retailers	38.5	
444140	Hardware Retailers	22.0	
* * * * *			
444230	Outdoor Power Equipment Retailers	13.5	
444240	Nursery, Garden Center, and Farm Supply Retailers	25.0	
Subsector 445—Food and Beverage Stores			
* * * * *			
445132	Vending Machine Operators	28.5	
445230	Fruit and Vegetable Retailers	14.0	
445240	Meat Retailers	11.5	
445250	Fish and Seafood Retailers	12.0	
445291	Baked Goods Retailers	16.5	
445292	Confectionery and Nut Retailers	21.5	
445298	All Other Specialty Food Retailers	11.5	
445320	Beer, Wine, and Liquor Retailers	14.0	
Subsector 449—Furniture, Home Furnishings, Electronics, and Appliance Retailers			
449110	Furniture Retailers	26.0	

SMALL BUSINESS SIZE STANDARDS BY NAICS INDUSTRY—Continued

NAICS code	NAICS U.S. industry title	Size standards in millions of dollars	Size standards in number of employees
449121	Floor Covering Retailers	14.5	
449122	Window Treatment Retailers	13.0	
449129	All Other Home Furnishings Retailers	34.5	
*	*	*	*
Subsector 456—Health and Personal Care Retailers			
456110	Pharmacies and Drug Retailers	38.0	
*	*	*	*
456199	All Other Health and Personal Care Retailers	15.0	
Subsector 457—Gasoline Stations and Fuel Dealers			
*	*	*	*
457120	Other Gasoline Stations	36.0	
*	*	*	*
Subsector 458—Clothing, Clothing Accessories, Shoe, and Jewelry Retailers			
*	*	*	*
458210	Shoe Retailers	34.5	
458310	Jewelry Retailers	23.5	
458320	Luggage and Leather Goods Retailers	41.0	
Subsector 459—Sporting Goods, Hobby, Musical Instrument, Book, and Miscellaneous Retailers			
459110	Sporting Goods Retailers	28.5	
459120	Hobby, Toy, and Game Retailers	35.5	
*	*	*	*
459310	Florists	10.5	
*	*	*	*
459420	Gift, Novelty, and Souvenir Retailers	19.0	
459510	Used Merchandise Retailers	17.0	
459910	Pet and Pet Supplies Retailers	33.5	
459920	Art Dealers	24.0	
459930	Manufactured (Mobile) Home Dealers	26.0	
*	*	*	*
459999	All Other Miscellaneous Retailers	34.0	
Sector 48–49—Transportation and Warehousing			
Subsector 481—Air Transportation			
*	*	*	*
481219	Other Nonscheduled Air Transportation	28.0	
*	*	*	*
Subsector 485—Transit and Ground Passenger Transportation			
*	*	*	*
485113	Bus and Other Motor Vehicle Transit Systems	41.0	
*	*	*	*
485210	Interurban and Rural Bus Transportation	34.00	
485310	Taxi and Ridesharing Services	37.0	
*	*	*	*
485410	School and Employee Bus Transportation	31.5	
485510	Charter Bus Industry	20.0	
485991	Special Needs Transportation	19.5	

SMALL BUSINESS SIZE STANDARDS BY NAICS INDUSTRY—Continued

NAICS code	NAICS U.S. industry title	Size standards in millions of dollars	Size standards in number of employees
485999	All Other Transit and Ground Passenger Transportation	19.5	
Subsector 486—Pipeline Transportation			
*	*	*	*
486210	Pipeline Transportation of Natural Gas	46.00	
*	*	*	*
Subsector 487—Scenic and Sightseeing Transportation			
*	*	*	*
487210	Scenic and Sightseeing Transportation, Water	18.0	
487990	Scenic and Sightseeing Transportation, Other	27.5	
Subsector 488—Support Activities for Transportation			
*	*	*	*
488410	Motor Vehicle Towing	11.0	
488490	Other Support Activities for Road Transportation	24.0	
488510	Freight Transportation Arrangement ¹⁰	¹⁰ 34.0	
*	*	*	*
488999	All Other Support Activities for Transportation	31.0	
*	*	*	*
Subsector 493—Warehousing and Storage			
*	*	*	*
493120	Refrigerated Warehousing and Storage	39.5	
*	*	*	*
Sector 51—Information			
Subsector 512—Motion Picture and Sound Recording Industries			
*	*	*	*
512132	Drive-In Motion Picture Theaters	18.0	
*	*	*	*
512240	Sound Recording Studios	13.5	
*	*	*	*
512290	Other Sound Recording Industries	27.5	
*	*	*	*
Subsector 517—Telecommunications			
*	*	*	*
517410	Satellite Telecommunications	45.0	
517810	All Other Telecommunications	45.5	
Subsector 518—Computing Infrastructure Providers, Data Processing, Web Hosting, and Related Services			
518210	Computing Infrastructure Providers, Data Processing, Web Hosting, and Related Services.	40.5	
Subsector 519—Web Search Portals, Libraries, Archives, and Other Information Services			
519210	Libraries and Archives	24.0	

SMALL BUSINESS SIZE STANDARDS BY NAICS INDUSTRY—Continued

NAICS code	NAICS U.S. industry title	Size standards in millions of dollars	Size standards in number of employees
*	*	*	*
Sector 52—Finance and Insurance			
Subsector 522—Credit Intermediation and Related Activities			
522110	Commercial Banking ⁸	⁸ 925 million in assets	
522130	Credit Unions ⁸	⁸ 925 million in assets	
522180	Savings Institutions and Other Depository Credit Intermediation ⁸	⁸ 925 million in assets	
522210	Credit Card Issuing ⁸	⁸ 925 million in assets	
*	*	*	*
522310	Mortgage and Nonmortgage Loan Brokers	23.5	
*	*	*	*
522390	Other Activities Related to Credit Intermediation	37.0	
*	*	*	*
Subsector 524—Insurance Carriers and Related Activities			
*	*	*	*
524210	Insurance Agencies and Brokerages	19.0	
*	*	*	*
524292	Pharmacy Benefit Management and Other Third Party Administration of Insurance and Pension Funds	47.0	
524298	All Other Insurance Related Activities	32.0	
*	*	*	*
Sector 53—Real Estate and Rental and Leasing			
Subsector 531—Real Estate			
*	*	*	*
531210	Offices of Real Estate Agents and Brokers ¹⁰	¹⁰ 19.5	
531311	Residential Property Managers	17.5	
531312	Nonresidential Property Managers	32.5	
531320	Offices of Real Estate Appraisers	16.0	
531390	Other Activities Related to Real Estate	25.0	
Subsector 532—Rental and Leasing Services			
*	*	*	*
532284	Recreational Goods Rental	14.0	
532289	All Other Consumer Goods Rental	15.5	
532310	General Rental Centers	13.0	
532411	Commercial Air, Rail, and Water Transportation Equipment Rental and Leasing ...	47.0	
532412	Construction, Mining, and Forestry Machinery and Equipment Rental and Leasing	42.0	
*	*	*	*
Sector 54—Professional, Scientific and Technical Services			
Subsector 541—Professional, Scientific and Technical Services			
541110	Offices of Lawyers	19.0	
*	*	*	*
541199	All Other Legal Services	24.5	
541211	Offices of Certified Public Accountants	31.5	
541213	Tax Preparation Services	26.0	

SMALL BUSINESS SIZE STANDARDS BY NAICS INDUSTRY—Continued

NAICS code	NAICS U.S. industry title	Size standards in millions of dollars	Size standards in number of employees
*	*	*	*
541310	Architectural Services	16.0	
541320	Landscape Architectural Services	11.0	
541330	Engineering Services ¹⁹	19 29.0	
541330 (Exception 1).	Military and Aerospace Equipment and Military Weapons ¹⁹	19 47.0	
541330 (Exception 2).	Contracts and Subcontracts for Engineering Services Awarded Under the Na- tional Energy Policy Act of 1992 ¹⁹	19 47.0	
541330 (Exception 3).	Marine Engineering and Naval Architecture ¹⁹	19 47.0	
541340	Drafting Services	12.0	
541350	Building Inspection Services	12.5	
541360	Geophysical Surveying and Mapping Services	29.0	
*	*	*	*
541380	Testing Laboratories and Services	23.5	
541410	Interior Design Services	11.5	
541420	Industrial Design Services	19.5	
541430	Graphic Design Services	11.5	
541490	Other Specialized Design Services	17.0	
*	*	*	*
541611	Administrative Management and General Management Consulting Services	27.0	
*	*	*	*
541613	Marketing Consulting Services	19.5	
541614	Process, Physical Distribution, and Logistics Consulting Services	21.0	
*	*	*	*
541720	Research and Development in the Social Sciences and Humanities	31.0	
541810	Advertising Agencies ¹⁰	10 30.0	
541820	Public Relations Agencies	20.0	
541830	Media Buying Agencies	37.5	
541840	Media Representatives	27.0	
*	*	*	*
541860	Direct Mail Advertising	23.0	
541870	Advertising Material Distribution Services	36.5	
541890	Other Services Related to Advertising	20.0	
541910	Marketing Research and Public Opinion Polling	28.0	
541921	Photography Studios, Portrait	22.5	
541922	Commercial Photography	12.0	
541930	Translation and Interpretation Services	25.0	
541940	Veterinary Services	14.5	
*	*	*	*
Sector 56—Administrative and Support and Waste Management and Remediation Services			
Subsector 561—Administrative and Support Services			
561110	Office Administrative Services	15.5	
*	*	*	*
561330	Professional Employer Organizations	47.0	
561410	Document Preparation Services	20.0	
561421	Telephone Answering Services	21.5	
561422	Telemarketing Bureaus and Other Contact Centers	29.5	
*	*	*	*
561439	Other Business Service Centers (including Copy Shops)	31.5	
561440	Collection Agencies	27.5	
561450	Credit Bureaus	46.5	
*	*	*	*
561492	Court Reporting and Stenotype Services	20.5	
561499	All Other Business Support Services	26.0	
561510	Travel Agencies ¹⁰	10 33.5	
*	*	*	*
561599	All Other Travel Arrangement and Reservation Services	35.0	

SMALL BUSINESS SIZE STANDARDS BY NAICS INDUSTRY—Continued

NAICS code	NAICS U.S. industry title	Size standards in millions of dollars	Size standards in number of employees
* * * * *		*	*
561612	Security Guards and Patrol Services	34.0	
561613	Armored Car Services	45.0	
561621	Security Systems Services (except Locksmiths)	30.0	
* * * * *		*	*
561710	Exterminating and Pest Control Services	19.5	
* * * * *		*	*
561730	Landscaping Services	13.0	
561740	Carpet and Upholstery Cleaning Services	11.5	
561790	Other Services to Buildings and Dwellings	10.5	
561910	Packaging and Labeling Services	23.5	
561920	Convention and Trade Show Organizers	23.5	
561990	All Other Support Services	20.5	
Subsector 562—Waste Management and Remediation Services			
* * * * *		*	*
562991	Septic Tank and Related Services	12.0	
* * * * *		*	*
Sector 61—Educational Services			
Subsector 611—Educational Services			
611110	Elementary and Secondary Schools	22.0	
* * * * *		*	*
611310	Colleges, Universities, and Professional Schools	38.0	
611410	Business and Secretarial Schools	25.5	
611420	Computer Training	22.5	
611430	Professional and Management Development Training	17.5	
611511	Cosmetology and Barber Schools	14.0	
611512	Flight Training	34.5	
611513	Apprenticeship Training	15.0	
* * * * *		*	*
611610	Fine Arts Schools	10.5	
611620	Sports and Recreation Instruction	12.5	
611630	Language Schools	22.0	
611691	Exam Preparation and Tutoring	17.0	
611692	Automobile Driving Schools	12.0	
* * * * *		*	*
611710	Educational Support Services	27.5	
Sector 62—Health Care and Social Assistance			
Subsector 621—Ambulatory Health Care Services			
621111	Offices of Physicians (except Mental Health Specialists)	19.0	
* * * * *		*	*
621210	Offices of Dentists	10.5	
621310	Offices of Chiropractors	10.0	
621320	Offices of Optometrists	11.0	
621330	Offices of Mental Health Practitioners (except Physicians)	10.5	
621340	Offices of Physical, Occupational and Speech Therapists, and Audiologists	16.0	
621391	Offices of Podiatrists	10.5	
621399	Offices of All Other Miscellaneous Health Practitioners	15.0	
621410	Family Planning Centers	21.5	
* * * * *		*	*
621493	Freestanding Ambulatory Surgical and Emergency Centers	25.5	
621498	All Other Outpatient Care Centers	28.5	
621511	Medical Laboratories	42.5	
621512	Diagnostic Imaging Centers	22.0	

SMALL BUSINESS SIZE STANDARDS BY NAICS INDUSTRY—Continued

NAICS code	NAICS U.S. industry title	Size standards in millions of dollars	Size standards in number of employees
621610	Home Health Care Services	22.5	
621910	Ambulance Services	28.5	
*	*	*	*
621999	All Other Miscellaneous Ambulatory Health Care Services	22.5	
*	*	*	*
Subsector 623—Nursing and Residential Care Facilities			
*	*	*	*
623210	Residential Intellectual and Developmental Disability Facilities	21.0	
623220	Residential Mental Health and Substance Abuse Facilities	21.0	
*	*	*	*
623312	Assisted Living Facilities for the Elderly	26.0	
623990	Other Residential Care Facilities	19.5	
Subsector 624—Social Assistance			
624110	Child and Youth Services	19.0	
624120	Services for the Elderly and Persons with Disabilities	17.0	
624190	Other Individual and Family Services	20.5	
624210	Community Food Services	22.0	
624221	Temporary Shelters	16.0	
624229	Other Community Housing Services	22.0	
624230	Emergency and Other Relief Services	44.5	
624310	Vocational Rehabilitation Services	18.0	
624410	Child Care Services	13.0	
Sector 71—Arts, Entertainment and Recreation			
Subsector 711—Performing Arts, Spectator Sports and Related Industries			
*	*	*	*
711120	Dance Companies	21.5	
711130	Musical Groups and Artists	18.5	
711190	Other Performing Arts Companies	42.0	
*	*	*	*
711219	Other Spectator Sports	19.5	
*	*	*	*
711320	Promoters of Performing Arts, Sports, and Similar Events without Facilities	32.5	
711410	Agents and Managers for Artists, Athletes, Entertainers, and Other Public Figures	23.0	
711510	Independent Artists, Writers, and Performers	12.0	
Subsector 712—Museums, Historical Sites and Similar Institutions			
*	*	*	*
712120	Historical Sites	21.0	
*	*	*	*
712190	Nature Parks and Other Similar Institutions	22.5	
Subsector 713—Amusement, Gambling and Recreation Industries			
*	*	*	*
713120	Amusement Arcades	25.0	
*	*	*	*
713920	Skiing Facilities	40.0	
713930	Marinas	13.5	
713940	Fitness and Recreational Sports Centers	20.5	
713950	Bowling Centers	16.0	
713990	All Other Amusement and Recreation Industries	12.0	

SMALL BUSINESS SIZE STANDARDS BY NAICS INDUSTRY—Continued

NAICS code	NAICS U.S. industry title	Size standards in millions of dollars	Size standards in number of employees
Sector 72—Accommodation and Food Services			
Subsector 721—Accommodation			
*	*	*	*
721191	Bed-and-Breakfast Inns	11.0	
721199	All Other Traveler Accommodation	14.0	
721211	RV (Recreational Vehicle) Parks and Campgrounds	13.5	
721214	Recreational and Vacation Camps (except Campgrounds)	13.0	
721310	Rooming and Boarding Houses, Dormitories, and Workers' Camps	19.0	
Subsector 722—Food Services and Drinking Places			
*	*	*	*
722320	Caterers	11.0	
722330	Mobile Food Services	10.5	
722410	Drinking Places (Alcoholic Beverages)	11.0	
722511	Full-Service Restaurants	13.5	
722513	Limited-Service Restaurants	16.0	
*	*	*	*
Sector 81—Other Services (Except Public Administration)			
Subsector 811—Repair and Maintenance			
811111	General Automotive Repair	10.5	
811114	Specialized Automotive Repair	10.5	
811121	Automotive Body, Paint, and Interior Repair and Maintenance	13.5	
811122	Automotive Glass Replacement Shops	21.5	
811191	Automotive Oil Change and Lubrication Shops	14.5	
811192	Car Washes	13.0	
811198	All Other Automotive Repair and Maintenance	13.5	
*	*	*	*
811310	Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance	18.0	
811411	Home and Garden Equipment Repair and Maintenance	11.0	
811412	Appliance Repair and Maintenance	25.0	
811420	Reupholstery and Furniture Repair	10.5	
811430	Footwear and Leather Goods Repair	12.0	
811490	Other Personal and Household Goods Repair and Maintenance	12.0	
Subsector 812—Personal and Laundry Services			
812111	Barber Shops	12.5	
812112	Beauty Salons	12.0	
812113	Nail Salons	10.0	
*	*	*	*
812199	Other Personal Care Services	10.5	
812210	Funeral Homes and Funeral Services	15.5	
*	*	*	*
812310	Coin-Operated Laundries and Drycleaners	16.5	
812320	Drycleaning and Laundry Services (except Coin-Operated)	10.0	
*	*	*	*
812910	Pet Care (except Veterinary) Services	10.5	
812921	Photofinishing Laboratories (except One-Hour)	33.0	
*	*	*	*
812990	All Other Personal Services	22.0	
Subsector 813—Religious, Grantmaking, Civic, Professional and Similar Organizations			
813110	Religious Organizations	16.0	

SMALL BUSINESS SIZE STANDARDS BY NAICS INDUSTRY—Continued

NAICS code	NAICS U.S. industry title	Size standards in millions of dollars	Size standards in number of employees
*	*	*	*
813311	Human Rights Organizations	34.5	*
813312	Environment, Conservation and Wildlife Organizations	24.0	
813319	Other Social Advocacy Organizations	22.0	
813410	Civic and Social Organizations	13.0	
813910	Business Associations	19.0	
813920	Professional Organizations	27.0	
813930	Labor Unions and Similar Labor Organizations	20.5	
813940	Political Organizations	16.0	
813990	Other Similar Organizations (except Business, Professional, Labor, and Political Organizations).	18.5	
*	*	*	*

Footnotes:

¹ *NAICS code 115310*—Support Activities for Forestry—Forest Fire Suppression and Fuels Management Services are two components of Support Activities for Forestry. Forest Fire Suppression includes establishments which provide services to fight forest fires. These firms usually have fire-fighting crews and equipment. Fuels Management Services firms provide services to clear land of hazardous materials that would fuel forest fires. The treatments used by these firms may include prescribed fire, mechanical removal, establishing fuel breaks, thinning, pruning, and piling.

² *NAICS code 237990*—Dredging: To be considered small for purposes of Government procurement, a firm must perform at least 40 percent of the volume dredged with its own equipment or equipment owned by another small dredging concern.

⁸ *NAICS codes 522110, 522130, 522180, and 522210*—A financial institution's assets are determined by averaging the assets reported on its four quarterly financial statements for the preceding year. "Assets" for the purposes of this size standard means the assets defined according to the Federal Financial Institutions Examination Council 041 call report form for NAICS codes 522110, 522180, and 522210 and the National Credit Union Administration 5300 call report form for NAICS code 522130.

⁹ *NAICS codes 531110, 531120, 531130, and 531190*—Leasing of Building Space to the Federal Government by Owners: For Government procurement, a size standard of \$47 million in gross receipts applies to the owners of building space leased to the Federal Government. The standard does not apply to an agent.

¹⁰ *NAICS codes 488510, 531210, 541810, 561510, 561520, and 561920*—As measured by total revenues, but excluding funds received in trust for an unaffiliated third party, such as bookings or sales subject to commissions. The commissions received are included as revenues.

¹² *NAICS code 561210*—Facilities Support Services:

(a) If one or more activities of Facilities Support Services as defined in paragraph (b) (below in this footnote) can be identified with a specific industry and that industry accounts for 50 percent or more of the value of an entire procurement, then the proper classification of the procurement is that of the specific industry, not Facilities Support Services.

(b) "Facilities Support Services" requires the performance of three or more separate activities in the areas of services or specialty trade contractors industries. If services are performed, these service activities must each be in a separate NAICS industry. If the procurement requires the use of specialty trade contractors (plumbing, painting, plastering, carpentry, etc.), all such specialty trade contractors activities are considered a single activity and classified as "Building and Property Specialty Trade Services." Since "Building and Property Specialty Trade Services" is only one activity, two additional activities of separate NAICS industries are required for a procurement to be classified as "Facilities Support Services."

¹³ *NAICS code 238990*—Building and Property Specialty Trade Services: If a procurement requires the use of multiple specialty trade contractors (i.e., plumbing, painting, plastering, carpentry, etc.), and no specialty trade accounts for 50 percent or more of the value of the procurement, all such specialty trade contractors activities are considered a single activity and classified as Building and Property Specialty Trade Services.

¹⁵ *NAICS code 513210*—For purposes of Government procurement, the purchase of software subject to potential waiver of the nonmanufacturer rule pursuant to § 121.1203(d) should be classified under this NAICS code.

¹⁶ *NAICS code 611519*—Job Corps Centers. For classifying a Federal procurement, the purpose of the solicitation must be for the management and operation of a U.S. Department of Labor Job Corps Center. The activities involved include admissions activities, life skills training, educational activities, comprehensive career preparation activities, career development activities, career transition activities, as well as the management and support functions and services needed to operate and maintain the facility. For SBA assistance as a small business concern, other than for Federal Government procurements, a concern must be primarily engaged in providing the services to operate and maintain Federal Job Corps Centers.

¹⁹ *NAICS code 541330*—

(a) "Engineering Services" means applying physical laws and principles of engineering in the design, development, and utilization of machines, materials, instruments, structures, processes, and systems. These may involve any of the following activities: provision of advice, preparation of feasibility studies, preparation of preliminary and final plans and designs, provision of technical services during the construction or installation phase, inspection and evaluation of engineering projects, and related services.

(b) Exception 1—Military Equipment, Aerospace Equipment, and Military Weapons: This exception applies when agencies procure highly specialized engineering services that are specifically and directly related to military and aerospace platforms, systems, and technologies. This includes work on military equipment, such as tanks, armored vehicles, drones, missile systems, C4ISR systems, radar and sonar systems, and other tactical or ground-based technologies. It also includes aerospace systems, such as satellites, launch vehicles, spacecraft, navigation and propulsion systems, and defense-related aeronautical engineering. Additionally, the exception covers military weapons and weapon systems, including guns, torpedoes, ballistic missile defense, nuclear weapons systems, and emerging technologies like directed energy weapons (e.g., lasers). Associated specialized services, such as systems integration, sustainment engineering, testing and evaluation, tech refreshes, and modeling/simulation designed for military or aerospace purposes also qualify. This exception is not limited to military contracts; it can also apply to civilian agencies or commercial efforts that involve defense-related equipment or applications. However, it excludes standard civil and commercial engineering services (e.g., roads, bridges, utilities, and facilities), and non-defense aerospace projects.

(c) Exception 2—Contracts and Subcontracts for Engineering Services Awarded Under the National Energy Policy Act of 1992: This exception applies to contracts and subcontracts for engineering services, as defined in (a) above, awarded under the National Energy Policy Act of 1992 (NEPA). Section 3021 of NEPA provides that for purposes of contracts and sub-contracts requiring engineering services, the applicable size standard shall be that established for military and aerospace equipment and military weapons (106 Stat. 2776; Pub. L. 102–486; October 24, 1992).

(d) Exception 3—Marine Engineering and Naval Architecture under NAICS 541330: This exception applies when work involves highly specialized engineering services that are specifically and directly related to marine vessels and naval systems. Covered areas include ship and vessel design, such as Navy ships, submarines, Coast Guard cutters, commercial or military cargo vessels, and special-purpose vessels like ice-breakers and autonomous ships. It also includes marine engineering, such as propulsion and steering systems, HVAC, electrical, fuel, ballast, and onboard fluid handling systems, as well as the integration of weapons systems and onboard system modeling. Naval architectural services, such as hull form development, hydrodynamic performance, buoyancy and stability analysis, weight distribution, seakeeping, and propulsion system design are also included. Also covered are support services, such as ship modification, modernization, damage control, survivability engineering, sea trials instrumentation, and assistance with regulatory certifications. Excluded from this exception are general civil marine structures (e.g., docks, piers, canals), environmental engineering not related to ships, and architectural services for shipyards or administrative buildings.

Kelly Loeffler,
Administrator.

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