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## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. FAA–2023–2398; Project Identifier AD–2023–00423–T; Amendment 39–23129; AD 2025–18–02]**

**RIN 2120–AA64**

## Airworthiness Directives; The Boeing Company Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** The FAA is adopting a new airworthiness directive (AD) for all The Boeing Company Model 787–8, 787–9, and 787–10 airplanes. This AD was prompted by a report indicating that the oxygen supply tubing can become kinked when certain passenger service unit (PSU) oxygen panel assemblies are installed in the forward-most position of a center stow bin. This AD requires a one-time inspection of the affected PSU oxygen panel assemblies and applicable on-condition actions. This AD also prohibits the installation of affected parts. The FAA is issuing this AD to address the unsafe condition on these products.

**DATES:** This AD is effective October 22, 2025.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of October 22, 2025.

**ADDRESSES:**

*AD Docket:* You may examine the AD docket at *regulations.gov* under Docket No. FAA–2023–2398; 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, 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 Boeing material identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; website *myboeingfleet.com.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* under Docket No. FAA–2023–2398.

**FOR FURTHER INFORMATION CONTACT:** Joshua Baek, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 562–627–6725; email: *Joshua.Y.Baek@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 The Boeing Company Model 787–8, 787–9, and 787–10 airplanes. The NPRM was published in the **Federal Register** on December 22, 2023 (88 FR 88544). The NPRM was prompted by a report indicating that the oxygen supply tubing can become kinked when certain PSU oxygen panel assemblies are installed in the forward-most position of a center stow bin. In the NPRM, the FAA proposed to require a one-time inspection of the affected PSU oxygen panel assemblies and applicable on-condition actions. In the NPRM, the FAA also proposed to prohibit the installation of affected parts. The FAA is issuing this AD to address the incorrect installation of the oxygen supply tubing in the PSU oxygen panel assemblies.

### Discussion of Final Airworthiness Directive

### Comments

The FAA received comments from The Boeing Company (Boeing), American Airlines (American), All Nippon Airways (All Nippon), and United Airlines (United). The following presents the comments received on the NPRM and the FAA's response to each comment.

### Request To Clarify the NPRM Background

Boeing requested the FAA revise the second sentence of the Background paragraph of the NPRM to clarify that the PSU reverse bottle oxygen panel assembly drawing restructure introduced a conflict between the lower- and upper-level assembly drawings for center-installed panel assemblies only, and that PSU reverse bottle oxygen panel assembly drawings for outboard-installed panel assemblies were not impacted. Boeing stated that, following the drawing restructure, only the center-installed PSU reverse bottle oxygen panel assemblies had the lower-level assembly drawings with incorrect routing definition.

Boeing also requested the FAA revise the third sentence of the Background paragraph of the NPRM to clarify that, after the drawing restructure, the upper-level assembly drawings had maintained the correct routing design intent. Boeing stated that the upper-level assembly drawings had the correct routing design intent before and after the drawing restructure, and that the upper-level assembly drawings were not impacted.

The FAA partially agrees. The FAA agrees with Boeing's clarifications of the background information. However, the FAA has not revised the AD because that information is not restated in the Background paragraph of this AD.

### Request To Extend the Compliance Time

American requested that the FAA extend the compliance time to 48 months. All Nippon and United requested it be extended to 36 months. American and All Nippon stated that a 24-month compliance time would require operators to schedule special maintenance visits and possibly require airplanes to be out of service, and United stated it would be burdensome to operators. American, All Nippon, and United also stated that extending the compliance time would allow operators to accomplish the AD requirements during scheduled C-checks, which would have the least impact on operators. United stated that providing an extra 24 months to comply with the AD will not significantly decrease the level of safety.

The FAA agrees to extend the compliance time to 36 months and has

revised paragraphs (h)(1), (2), and (3) of this AD accordingly.

The FAA does not agree to extend the compliance time to 48 months. In developing an appropriate compliance time for this action, the FAA considered the recommendations of the manufacturer, the urgency associated with the unsafe condition, the availability of required parts, and the practical aspect of accomplishing the required actions within a period of time that corresponds to normal scheduled maintenance for most affected operators. In consideration of these items, the FAA has determined that a 36-month compliance time will ensure an acceptable level of safety. Extending the compliance time will allow operators to work within existing maintenance schedules and act as soon as reasonably practical. However, under the provisions of paragraph (k) of this AD, the FAA will consider requests for approval of an extension of the compliance time if sufficient data are submitted to substantiate that the new compliance time would provide an acceptable level of safety.

**Request To Refer to Later Revision of Boeing Service Information**

Boeing requested that the FAA revise the proposed AD to reference Issue 002 of Boeing Alert Requirements Bulletins B787–81205–SB250277–00 RB and B787–81205–SB250278–00 RB instead of Issue 001. Boeing stated it will be releasing Issue 002 of those service bulletins no later than July 12, 2024, in order to reference Revision 2 of Collins Aerospace Service Bulletins 4572105–25–001, 4572175–25–001, and 4572185–25–001.

The FAA does not agree with the request. Issue 002 of the Boeing requirements bulletins have not been issued, and the publication date is yet to be determined. To delay this action until the revised service information is published would be inappropriate since the FAA has determined that an unsafe condition exists and actions must be conducted to ensure continued safety. Operators may apply for approval to use later revisions as an alternative method of compliance (AMOC) with this AD under the provisions of paragraph (k) of this AD. The FAA has not changed this AD in this regard.

**Request To Refer to Later Revisions of Collins Aerospace Service Information**

American, All Nippon, and United requested that Boeing Alert Requirements Bulletins B787–81205–SB250277–00 RB and B787–81205–SB250278–00 RB, both Issue 001, both dated February 15, 2023, be revised to reference Collins Aerospace Service Bulletins 4572105–25–001, 4572175–25–001, and 4572185–25–001, all Revision 2, all dated November 6, 2023.

The FAA acknowledges the commenters' concern. The FAA notes that, among various actions, Issue 001 of the Boeing requirements bulletins specifies to replace the oxygen supply tubing if certain damage is found, using instructions in Revision 1 of the Collins Aerospace service bulletins. The FAA has reviewed Revision 2 of the Collins Aerospace service bulletins and found that the instructions for this replacement have been removed from the service bulletins. In addition, the FAA has found that certain paragraphs in Revision 2 of the Collins Aerospace service bulletins have been reidentified, which has resulted in paragraph misalignment between actions specified in Issue 001 of the Boeing requirements bulletins and Revision 2 of the Collins Aerospace service bulletins. The FAA has therefore determined that the differences between Revision 1 and Revision 2 of the Collins Aerospace service bulletins make it impractical to include an exception in this AD that would allow use of Revision 2 of the Collins Aerospace service bulletins in conjunction with Issue 001 of the Boeing requirements bulletins. As discussed in the previous comment, the FAA has determined that it would be inappropriate to delay this action until the Boeing requirements bulletins are revised to reference Revision 2 of the Collins Aerospace service bulletins. However, under the provisions of paragraph (k) of this AD, operators may apply for approval to use Revision 2 of the Collins Aerospace service bulletins as an AMOC to this AD provided the discrepancies described above are addressed. The FAA has not changed this AD in this regard.

**Request To Refer to Additional Component Maintenance Manuals (CMMs)**

American requested that Boeing Alert Requirements Bulletins B787–81205–SB250277–00 and B787–81205–SB250278–00, both Issue 001, both dated February 15, 2023, be revised to reference Collins Aerospace CMMs 25–23–62 and 25–23–63. American noted that the Boeing service bulletins reference CMM 25–23–60 for PSU oxygen panel assembly part number (P/N) 4572105–XXX–0D0 but are missing references to CMM 25–23–62 for P/N 4572175–XXX–0D0 and CMM 25–23–63 for P/N 4572185–XXX–0D0.

The FAA acknowledges the commenter's concern. The FAA reviewed the Boeing service bulletins and determined that CMM 25–23–60 is referenced as an accepted procedure for cleaning parts before reassembly, and that the procedure is not marked as required for compliance (RC) with this AD. This means operators may deviate from that procedure and use CMM 25–23–62 or 25–23–63, as applicable, without AMOC approval. The FAA has not changed this AD in this regard.

**Request To Add Option To Replace PSU Oxygen Panel Assembly in Lieu of Repair**

American requested that the FAA revise the proposed AD by adding an option to remove a discrepant PSU oxygen panel assembly and replace it with a compliant PSU oxygen panel assembly. American noted that Boeing Alert Requirements Bulletins B787–81205–SB250277–00 and B787–81205–SB250278–00, both Issue 001, both dated February 15, 2023, do not provide an option for removing a discrepant PSU oxygen panel assembly and installing a replacement PSU oxygen panel assembly that either has a manufacture date of June 2020 or after, or manufacture date of May 2020 or before and a supplier service bulletin modification label marked with the applicable service bulletin number and date. American noted that reworking the PSU oxygen panel assemblies on the airplane would be challenging because the applicable Collins Aerospace CMMs require clean space, and this rework would be best to be done in a shop environment.

The FAA agrees and has added paragraph (i) of this AD to allow replacement of an affected PSU oxygen panel assembly with an acceptable part instead of repairing the affected part. An acceptable part is a PSU oxygen panel assembly, P/N 4572105–XXX–0D0, 4572175–XXX–0D0, or 4572185–XXX–0D0, as applicable, where ''XXX'' in the PSU oxygen panel assembly part numbers is any combination of numerals, that has an identification label with either a manufacture date of June 2020 or after, or May 2020 or before and a supplier service bulletin modification label marked with the applicable supplier service bulletin number and date.

**Request To Revise the Number of Affected Airplanes**

American requested that the FAA revise the estimated number of affected U.S.-registered airplanes from 19 to 59 in the Costs of Compliance section of the proposed AD. American stated that, because the PSU oxygen panels are rotable parts, the scope of the AD will

be associated with all 59 of American's Model 787–8 and 787–9 airplanes.

The FAA partially agrees. The FAA agrees to update the estimated number of affected U.S.-registered airplanes but has revised the estimate to 119 airplanes in the Cost of Compliance section. Paragraph (g) of this AD requires a maintenance records check or inspection of all airplane line numbers identified in Boeing Alert Requirements Bulletins B787–81205–SB250277–00 RB, and B787–81205–SB250278–00 RB, both Issue 001, both dated February 15, 2023, which include all 59 of American's Model 787–8 and 787–9 airplanes among other airplanes. The FAA clarifies that the maintenance records check or inspection does not need to be accomplished on airplane line numbers not identified in the Boeing requirements bulletins because the unsafe condition was addressed on those airplanes during production. The FAA has revised the estimated cost of compliance on U.S. operators, accordingly.

**Request To Provide a List of Affected Part Numbers**

United stated it would be prudent for either Boeing or Collins Aerospace to provide a list of the part numbers that would be affected by the proposed AD. United stated that the proposed AD would require operators to check the center stowage bin PSU oxygen panel assemblies for series of P/Ns 4572105–XXX–0D0, 4572175–XXX–0D0, and 4572185–XXX–0D0 series and those manufactured in May 2020 and prior. United asserted that this equates to approximately 64 different part numbers primarily dependent on the number of masks and the duration (capacity) of the compressed oxygen cylinder. United stated it would use the itemized list of exact part numbers to earmark all the affected part numbers as impacted by an AD in order to maintain compliance for its current and future spare supply needs. United also stated this is critical information for operators and suppliers given the proposed requirement to prohibit installation of affected parts on airplanes.

The FAA does not agree with the request because providing an itemized list of affected PSU part numbers increases the chance of omitting a part number. The FAA has determined that the instructions provided in the service information provide adequate information for operators to identify affected PSU part numbers. The FAA has not changed this AD in this regard.

**Request To Clarify if the Unsafe Condition Only Exists on Certain Part Numbers**

United stated it would be prudent for Boeing to clarify in its service information that the unsafe condition only exists on PSU oxygen panel assembly P/Ns 4572105–XXX–0D0, 4572175–XXX–0D0, and 4572185–XXX–0D0 that were manufactured in May 2020 and prior. United questioned whether the pinching condition of the oxygen supply tube and the stowage bin end blade exists on other families of Collins Aerospace PSU oxygen panel assemblies with a different base part number (for example, 4572103–XXX–0D0). United stated it would be beneficial to know if any other family of Collins Aerospace PSU part numbers are not applicable and have been validated to not replicate the pinching condition, either from a ''reverse bottle'' orientation contacting the aft face of a bin blade or from a ''normal'' bottle orientation contacting the forward face of a bin blade.

The FAA acknowledges the commenter's concern. As noted by Boeing's public comment submission, the incorrect routing only applies to PSU reverse bottle oxygen panel assemblies installed on the center stowage bins. The outboard-installed PSU reverse bottle oxygen panel assemblies were not impacted. The FAA has not changed this AD in this regard.

**Request To Explain Missing Table in Boeing Service Information**

United stated that table 5 seems to be missing from Boeing Alert Requirements Bulletins B787–81205–SB250277–00 RB and B787–81205–SB250278–00 RB, both Issue 001, both dated February 15, 2023. United believes this to be a table pagination error between Boeing Alert Service Bulletins B787–81205–SB250277–00 and B787–81205–SB250278–00, both Issue 001, both dated February 15, 2023, and the corresponding Boeing requirements bulletins.

The FAA infers United requests an explanation as to why the Boeing requirements bulletins do not include table 5 while the related Boeing service bulletins do. The FAA agrees to clarify the difference. In the related service bulletin, the information between the locations marked ''RC Start'' and ''RC End'' is identical to the information in the same sections of the requirement bulletins. Information not marked as an RC step in the service bulletin is omitted from the requirements bulletin because it is not required for compliance with the AD. The FAA reviewed the related Boeing service bulletins and determined that the information in table 5 of the service bulletins is not marked as an RC step for AD compliance and therefore was intentionally omitted from the Boeing requirements bulletin. The FAA has not changed this AD in this regard.

**Additional Changes to This AD**

The FAA has added two notes to paragraph (g) of this AD specifying that guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletins B787–81205–SB250277–00 and B787–81205–SB250278–00, both Issue 001, both dated February 15, 2023.

The FAA has revised paragraph (j) of this AD to clarify that the applicable supplier service bulletin numbers are identified in Boeing Alert Service Bulletins B787–81205–SB250277–00 and B787–81205–SB250278–00, both Issue 001, both dated February 15, 2023.

**Conclusion**

The FAA reviewed the relevant data, considered any comments received, and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these products. Except for minor editorial changes, and any other changes described previously, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

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

The FAA reviewed Boeing Alert Requirements Bulletins B787–81205–SB250277–00 RB and B787–81205–SB250278–00 RB, both Issue 001, both dated February 15, 2023. This material specifies procedures for verifying the identification label of the oxygen panel assembly, doing a general visual inspection of the oxygen supply tube and initiator cable assembly for correct installation, and doing a general visual inspection for damage of the oxygen supply tubing. The material also specifies procedures for on-condition actions: replacing the oxygen supply tubing, re-routing of the oxygen supply tubing and initiator cable assembly, and reidentifying equipment. These documents are distinct since they apply to different 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.

**Costs of Compliance**

The FAA estimates that this AD affects 119 airplanes of U.S. registry.

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

ESTIMATED COSTS

| Action | Labor cost | Parts cost | Cost per product | Cost on U.S. operators |
|---|---|---|---|---|
| Inspections and rerouting | Up to 25 work-hours × $85 per hour = Up to $2,125 | $0 | Up to $2,125 ..... | Up to $252,875. |

The FAA estimates the following costs to do any necessary on-condition actions that would be required based on the results of the inspection. The agency has no way of determining the number of aircraft that might need the on-condition actions.

ON-CONDITION COSTS

| Action | Labor cost | Parts cost | Cost per product |
|---|---|---|---|
| Replacement of oxygen supply tube ..... | Up to 9 work-hours × $85 per hour = Up to $765 ..... | $30 | Up to $795. |

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

**2025–18–02 The Boeing Company:** Amendment 39–23129; Docket No. FAA–2023–2398; Project Identifier AD–2023–00423–T.

**(a) Effective Date**

This airworthiness directive (AD) is effective October 22, 2025.

**(b) Affected ADs**

None.

**(c) Applicability**

This AD applies to all The Boeing Company Model 787–8, 787–9, and 787–10 airplanes, certificated in any category.

**(d) Subject**

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

**(e) Unsafe Condition**

This AD was prompted by a report indicating that the oxygen supply tubing can become kinked when certain passenger service unit (PSU) oxygen panel assemblies are installed in the forward-most position of a center stow bin. The FAA is issuing this AD to address incorrect installation of the oxygen supply tubing in the PSU oxygen panel assemblies. The unsafe condition, if not addressed, could result in kinked tubing and consequent injury of the airplane's passengers because of a lack of supplemental oxygen during a cabin depressurization event.

**(f) Compliance**

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

**(g) Inspection of the Affected Parts**

For airplanes identified in Boeing Alert Requirements Bulletins B787–81205–SB250277–00 RB, Issue 001, dated February 15, 2023, and B787–81205–SB250278–00 RB, Issue 001, dated February 15, 2023: Except as specified by paragraph (h) of this AD, at the applicable times specified in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletins B787–81205–SB250277–00 RB, Issue 001, dated February 15, 2023, or B787–81205–SB250278–00 RB, Issue 001, dated February 15, 2023, as applicable, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin B787–81205–SB250277–00 RB, Issue 001, dated February 15, 2023, or B787–81205–SB250278–00 RB, Issue 001, dated February 15, 2023, as applicable.

**Note 1 to paragraph (g):** Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin B787–81205–SB250277–00, Issue 001, dated February 15, 2023, which is

referred to in Boeing Alert Requirements Bulletin B787–81205–SB250277–00 RB, Issue 001, dated February 15, 2023.

**Note 2 to paragraph (g):** Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin B787–81205–SB250278–00, Issue 001, dated February 15, 2023, which is referred to in Boeing Alert Requirements Bulletin B787–81205–SB250278–00 RB, Issue 001, dated February 15, 2023.

**(h) Exceptions to Requirements Bulletin Specifications**

(1) Where the Compliance Time columns of the tables in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin B787–81205–SB250277–00 RB, Issue 001, dated February 15, 2023, refer to a compliance time of within 24 months after the Issue 001 date of the Requirements Bulletin or within 24 months after date of issuance of original standard certificate of airworthiness or original export certificate of airworthiness, whichever occurs later, this AD requires using within 36 months after the effective date of this AD or within 36 months after date of issuance of original standard certificate of airworthiness or original export certificate of airworthiness, whichever occurs later.

(2) Where the Compliance Time columns of the tables in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin B787–81205–SB250278–00 RB, Issue 001, dated February 15, 2023, refer to a compliance time of within 24 months after the Issue 001 date of the Requirements Bulletin or within 24 months after date of issuance of original standard certificate of airworthiness or original export certificate of airworthiness, whichever occurs later, this AD requires using within 36 months after the effective date of this AD or within 36 months after date of issuance of original standard certificate of airworthiness or original export certificate of airworthiness, whichever occurs later.

(3) Where Boeing Alert Requirements Bulletin B787–81205–SB250277–00 RB, Issue 001, dated February 15, 2023, and Boeing Alert Requirements Bulletin B787–81205–SB250278–00 RB, Issue 001, dated February 15, 2023, specify that the corrective actions for Conditions 2, 2.2, 2.2.2, and 3 must be done before further flight, this AD requires that the corrective actions for those conditions be done within 36 months after the effective date of this AD, or within 36 months after the date of issuance of original standard certificate of airworthiness or original export certificate of airworthiness, whichever occurs later.

**(i) Optional Replacement**

Replacement of a PSU oxygen panel assembly, part number (P/N) 4572105–XXX–0D0, 4572175–XXX–0D0, or 4572185–XXX–0D0 that was manufactured in May 2020 or before, with an applicable PSU oxygen panel assembly, P/N 4572105–XXX–0D0, 4572175–XXX–0D0, or 4572185–XXX–0D0 that has the applicable identification label(s) specified in paragraph (i)(1) or (2) of this AD, is acceptable for compliance with the requirements of paragraph (g) of this AD, where ''XXX'' in the PSU oxygen panel assembly part numbers is any combination of numerals.

(1) An identification label with a manufacture date of June 2020 or after.

(2) An identification label with a manufacture date of May 2020 or before and a supplier service bulletin modification label marked with the applicable supplier service bulletin number identified in Boeing Alert Requirements Bulletin B787–81205–SB250277–00 RB, Issue 001, dated February 15, 2023, or Boeing Alert Requirements Bulletin B787–81205–SB250278–00 RB, Issue 001, dated February 15, 2023, and the supplier service bulletin date.

**(j) Parts Installation Prohibition**

As of the effective date of this AD, no person may install, on any airplane, a PSU oxygen panel assembly, P/N 4572105–XXX–0D0, 4572175–XXX–0D0, or 4572185–XXX–0D0, where the ''XXX'' in the affected PSU oxygen panel assembly part numbers is any combination of numerals, that was manufactured in May 2020 or before, and does not have a supplier service bulletin modification label marked with an applicable supplier service bulletin number identified in Boeing Alert Requirements Bulletin B787–81205–SB250277–00 RB, Issue 001, dated February 15, 2023, or Boeing Alert Requirements Bulletin B787–81205–SB250278–00 RB, Issue 001, dated February 15, 2023, and the supplier service bulletin date.

**(k) Alternative Methods of Compliance (AMOCs)**

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

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

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by The Boeing Company Organization Designation Authorization (ODA) that has been authorized by the Manager, AIR–520, Continued Operational Safety Branch, FAA, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

**(l) Related Information**

For more information about this AD, contact Joshua Baek, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 562–627–6725; email: *Joshua.Y.Baek@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) Boeing Alert Requirements Bulletin B787–81205–SB250277–00 RB, Issue 001, dated February 15, 2023.

(ii) Boeing Alert Requirements Bulletin B787–81205–SB250278–00 RB, Issue 001, dated February 15, 2023.

(3) For Boeing material identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; website *myboeingfleet.com.*

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

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

Issued on September 2, 2025.

**Lona C. Saccomando,**

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

[FR Doc. 2025–17984 Filed 9–16–25; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF COMMERCE

## Bureau of Industry and Security

## 15 CFR Part 705

**[Docket No. 250728–0130]**

**RIN 0625–AB30**

## Adoption and Procedures of the Section 232 Automobile Parts Tariff Inclusions Process

**AGENCY:** Bureau of Industry and Security, U.S. Department of Commerce.

**ACTION:** Interim final rule.

**SUMMARY:** On March 26, 2025, the President issued Proclamation 10908, ''Adjusting Imports of Automobiles and Automobile Parts into The United States'' (Automobile Proclamation). The Automobile Proclamation required the Secretary of Commerce to establish a process for including additional automobile parts articles for passenger vehicles and light trucks within the scope of the tariffs imposed by the President in the Automobile Proclamation. This interim final rule (IFR) establishes the requisite process.

**DATES:** This rule is effective September 17, 2025. Comments on this interim final rule must be received by the International Trade Administration no later than November 3, 2025.

**ADDRESSES:** Public comments on this rule are to be made via *https://www.regulations.gov/docket/ITA-2025-0041.* The *regulations.gov* ID for this rule is: ITA–2025–0041. Please refer to RIN 0625–AB30 in all comments. All filers submitting comments in *regulations.gov* should use the name of the person or entity submitting the comments as the name of their files, in accordance with the instructions below. Anyone submitting business confidential information should clearly identify the business confidential portion at the time of submission, file a statement justifying nondisclosure and referring to the specific legal authority claimed, and provide a non-confidential version of the submission.

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

**FOR FURTHER INFORMATION CONTACT:** For questions regarding this interim final rule, contact Emily Davis, Director for Public Affairs, International Trade Administration, U.S. Department of Commerce, 202–482–3809, *Emily.Davis@trade.gov.*

**SUPPLEMENTARY INFORMATION:**

## I. Background

### *A. Section 232 and Adjustments of Imports of Automobile Parts*

On March 26, 2025, the President issued Proclamation 10908, ''Adjusting Imports of Automobiles and Automobile Parts into The United States,'' 90 FR 14705 (April 3, 2025) (Automobile Proclamation), which imposed additional tariffs on certain automobiles and automobile parts. The Automobile Proclamation also required the Secretary of Commerce (Secretary) to establish a process for including additional automobile parts articles within the scope of the tariffs imposed by the President in the Automobile Proclamation. In addition to inclusions made by the Secretary, this process provides for including additional automobile parts articles at the request of a domestic producer of an automobile or automobile parts article, or an industry association representing one or more such producers, where the request establishes that imports of additional automobile parts articles have increased in a manner that threatens to impair the national security or otherwise undermines the objectives set forth in Proclamation 9888 (84 FR 23433, May 17, 2019), the Automobile Proclamation, or any subsequent proclamation addressing the threatened impairment to the national security under Section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862) (Section 232). When the Secretary receives such a request from a domestic producer or industry association, the Secretary, after consultation with the United States International Trade Commission and U.S. Customs and Border Protection, is to issue a determination regarding whether to include the articles within 60 days of receiving the request. Any additional automobile parts articles that the Secretary has determined to be included within the scope of the tariffs described in the Automobile Proclamation are to be so included on or after 12:01 a.m. eastern daylight time the day after a notice in the **Federal Register** describing the Secretary's determination. The notice in the **Federal Register** is to be made as soon as practicable but no later than 14 days after the Secretary's determination.

The International Trade Administration (ITA), in this interim final rule (IFR), establishes the process for including additional automobile parts articles within the scope of the tariffs imposed by the President in the Automobile Proclamation. While the Bureau of Industry and Security (BIS) is promulgating this rule, ITA will administer the process described in the rule.

### *B. Purpose of This IFR*

The Automobile Proclamation required that this process be established within 90 days, meaning no later than June 24, 2025. The Secretary of Commerce established the automobile parts articles inclusion process on June 24, 2025, as required by the Automobile Proclamation. *See https://www.trade.gov/press-release/department-commerce-announces-new-auto-parts-tariff-inclusions-process.* ITA, through BIS, is publishing this IFR to inform the public of the establishment of this process. The automotive industry is in a state of rapid development for various technologies, including in the areas of alternative propulsion systems, autonomous driving capabilities, and other advanced technologies. It is important that manufacturers supporting both the commercial vehicle industry and the defense sector have the opportunity to identify new and emerging automotive products with importance for defense applications to be considered under the scope of this action. In addition, there are many automotive products that fall under broad tariff codes that include parts beyond the automotive sector. While the Department made a best estimate of the most important tariff codes to apply to the scope of the Section 232 action, industry experts may be aware of broad Harmonized Tariff Schedule of the United States (HTSUS) codes that have become increasingly important to automotive uses that were not originally considered under this investigation. It is expected that up to 50 respondents from the private sector will complete submissions to be considered for automobile parts inclusion submissions in connection with Proclamation 10908. Those submissions are estimated to take each respondent eight hours to complete, four times per year, resulting in total estimated respondent burden of approximately 1,600 hours.

### *C. Submitting Public Comments on This Interim Final Rule*

The comment submission process on this IFR is separate and distinct from the comment submission process for the inclusion requests. For submitting comments on this IFR in *regulations.gov,* follow the instructions as specified in the **ADDRESSES** section of this IFR. For submitting comments on inclusion requests, please follow the instructions as provided in the regulatory text within Supplement No. 2 to 15 CFR 705.

## II. Amendments To Establish the Automobiles Inclusions Process

### *A. Submission Phase*

Domestic producers of automobiles or automobile parts articles, or any industry association representing one or more such producers, may submit

automobile parts articles inclusion requests during two-week submission windows that ITA will open four times annually at the beginning of each January, April, July, and October, and the first such window is to open for two weeks on October 1, 2025. All two-week submissions will occur on the first of the prescribed months. Submissions of inclusions requests must be submitted in PDF format via email to *AutoInclusions@trade.gov.* For the request to be considered valid, the requestor must provide the following in their request:

- Clear identification of the requestor (*i.e.,* producer of an automobile or automobile parts article, or an industry association of such producers);
- A precise description of the automobile parts article that is the subject of the request;
- The eight or ten-digit HTSUS classification requested to be included in the scope of the tariffs;
- An explanation of why the article is an automobile parts article;
- Pertinent information on the domestic industry affected;
- Statistics on imports and domestic production;
- A description of how and to what extent imports of the article have increased in a manner that threatens to impair the national security or otherwise undermines the objectives set forth in Proclamation 9888, the Automobile Proclamation, or any subsequent proclamation addressing the threatened impairment to the national security;
- Any business confidential submissions must also include a non-confidential public version; and
- All information submitted must be limited to 30 pages inclusive of all attachments.

ITA will review the received requests on a rolling basis during the two-week submission window to validate that each received request contains all the required elements and does not exceed the page limitation. In the instance where the requestor does not include all the required elements or otherwise improperly filed the submission, at the discretion of the Under Secretary for International Trade, the requestor will be granted a 48-hour window to submit a proper filing. The use of fixed submission windows will provide predictability to industry and will be the most efficient use of ITA resources given the short timeframes to secure and process public comments and provide recommendations.

*B. Review and Public Comment Phase*

ITA will publicly post non-confidential versions of all valid requests for a 14-day public comment window on *regulations.gov* after the conclusion of the two-week submission window. Collecting public comments will ensure a transparent, complete, and legally robust process for conducting analysis and making final determinations of inclusion requests. This action will also represent confirmation of receipt and acceptance by ITA, initiating the 60-day timeline for processing automobile parts articles inclusion requests as directed in the Automobile Proclamation. ITA will begin analysis of each accepted inclusion request concurrently with the start of the public comment window. Each inclusion request will be assessed for: (1) whether the described product at the eight- or ten-digit HTSUS classification is an automobile parts article; and (2) whether imports of such automobile parts articles have increased in a manner that threatens to impair the national security or otherwise undermines the objectives set forth in Proclamation 9888, the Automobile Proclamation, or any subsequent proclamation addressing the threatened impairment to the national security.

Where and How To Submit Public Comments

Public comments on inclusion requests are to be submitted through *regulations.gov,* via the *regulations.gov* IDs through the Federal eRulemaking website at: *https://www.regulations.gov,* within the 14-day public comment window. The following *regulations.gov* IDs correspond to the four annual windows: January *regulations.gov* ID: ITA–2025–0039, April *regulations.gov* ID: ITA–2025–0040, July *regulations.gov* ID: ITA–2025–0037; and October *regulations.gov* ID: ITA–2025–0038. No other submission methods are being used for submitting public comments for the inclusions process. This comment submission process for inclusion requests is separate and distinct from the process for submitting public comments on this IFR. To submit comments on this IFR, follow the instructions as specified in the **ADDRESSES** section of this IFR.

*C. Decision Phase*

With respect to each request, the Secretary or designee will make a positive or negative determination. After the determination, ITA will generate and publicly post a determination memorandum in *regulations.gov* for each inclusions request within 60 days of receiving the requests that: (1) states whether the request was approved or denied; and (2) summarizes the rationale for making this determination. The date of the determination must be prior to the close of the respective 60-day processing period, as directed in the Automobile Proclamation. A **Federal Register** notice will then be issued that announces the modification of Annex I to the Automobile Proclamation with the included products at the eight- to ten-digit HTSUS subheading. Duties on newly included articles will take effect shortly thereafter through coordination with U.S. Customs and Border Protection. The **Federal Register** notice will note the effective date of duties on the newly included notice.

## III. Regulatory Changes

The following provisions are being added as Supplement No. 2 to Part 705:

- An introductory paragraph is added to explain the background and establishment of the Section 232 automobile parts articles inclusion process;
- Paragraph (a) is added to explain the scope of the automobile parts articles inclusion process;
- Paragraph (b) is added to provide information on who may submit an inclusion request;
- Paragraph (c) is added to provide the timeframes for submitting inclusion requests and to provide requestors with information on the submission windows of when to submit their requests;
- Paragraph (d) is added to provide requestors information on where to submit inclusion requests, the general requirements for submitting an inclusion request, and the information required in the request;
- Paragraph (e) is added to explain to requestors the review process of received requests and the process for correcting invalid submissions;
- Paragraph (f) is added to provide information on where and how to submit public comments;
- Paragraph (g) is added to provide information to requestors and commenters on the review and public comment phase; and
- Paragraph (h) is added to detail the procedures ITA takes with determinations made regarding the inclusion requests.

## IV. Rulemaking Requirements

1. Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic,

environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This IFR has been determined to be a ''significant regulatory action,'' although not economically significant under section 3(f)(1), of Executive Order 12866. Pursuant to the Automobile Proclamation, the establishment of procedures for an inclusions process shall be published in the **Federal Register**. This IFR is exempt from Executive Order 14192 because it is being issued with respect to a national security function of the United States.

2. The Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA) provides that an agency generally cannot conduct or sponsor a collection of information, and no person is required to respond to nor be subject to a penalty for failure to comply with a collection of information, unless that collection has obtained Office of Management and Budget (OMB) approval and displays a currently valid OMB Control Number.

The Department of Commerce (Department) requested and OMB authorized emergency processing of information collection involved in this rule, consistent with 5 CFR 1320.13. The Automobile Proclamation required the Secretary to establish within 90 days a process for including additional automobile parts articles within the scope of the tariffs proclaimed in the Automobile Proclamation and this IFR informs the public of the establishment of that process. The Automobile Proclamation sets several requirements for the Department to process petitions requesting the inclusion of automobile parts articles under the Automobile Proclamation. It states that the process shall provide for including additional articles at the direction of the Secretary unilaterally, or at the request of a domestic producer of automobiles or automobile parts articles or an industry association representing one or more such producers. Applications for the inclusion of automobile parts articles must establish that imports have increased in a manner that threatens to impair the national security or otherwise undermines the objectives set forth in Proclamation 9888, the Automobile Proclamation, or any subsequent proclamation addressing the threatened impairment to the national security under Section 232. The Automobile Proclamation directs that the Secretary issue a determination on any such request within 60 days of its receipt. The immediate implementation of an effective inclusions request process, consistent with the intent of the Automobile Proclamation, also requires creating a process to allow any individual or organization in the United States to submit inclusion requests and to submit comments in response to such inclusion requests submitted by the public. The Department has determined the following conditions have been met:

a. The collection of information is needed before the expiration of time periods normally associated with a routine submission for review under the provisions of the PRA in view of the Automobile Proclamation, *https://www.federalregister.gov/documents/2025/04/03/2025-05930/adjusting-imports-of-automobiles-and-automobile-parts-into-the-united-states.*

b. The collection of information is essential to the mission of the Department, in particular to the adjudication of automobile parts articles inclusions requests.

c. The use of normal clearance procedures would prevent the collection of information of automobile parts articles inclusions requests for national security purposes.

*Agency:* Commerce Department.

*Type of Information Collection:* New Collection.

*Title of the Collection:* Inclusions to the Section 232 National Security Adjustments to Automobile Parts Imports.

*Affected Public:* Private Sector—Businesses.

*Total Estimated Number of Respondents:* 50.

*Response Periods per Year:* 4.

*Total Estimated Number of Responses:* 200.

*Average Time per Response:* 8 hours.

*Total Annual Time Burden:* 1,600.

*Type of Information Collection:* Emergency Collection.

*OMB Control Number:* 0625–0284.

3. This rule does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

4. The provisions of the Administrative Procedure Act (APA) (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public comment, and a delay in effective date are inapplicable because this regulation involves a military function of the United States (5 U.S.C. 553(a)(1)) because automobiles and automobile parts production is vital to the U.S. national security. After receiving a report from the Secretary finding that automobiles and automobile parts are being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security of the United States, the President determined that he concurred in the Secretary's finding and determined the nature and duration of the action that, in the judgment of the President, must be taken to adjust the imports of the articles so that such imports will not threaten to impair the national security (as described in Proclamation 9888 and the Automobile Proclamation).

In the President's judgment, that implementation includes the creation of an effective process by which affected domestic parties can submit inclusion requests based on imports that ''threaten to impair the national security'' of the United States. The President has imposed tariffs to reduce or eliminate the threat to national security posed by imports of such products and directed the Secretary to set up this process as part of the adjustment-of-imports system the President adopted to protect critical U.S. national security interests. The immediate implementation of this inclusion process, as directed by the President, is necessary to identify additional automobile parts articles that warrant tariffs to protect U.S. national security interests. Specifically, delaying the adoption of these changes to solicit public comments would further delay the identification and imposition of tariffs on such products to protect U.S. national security.

Even if 553(a)(1) did not apply, the Department also finds that there is good cause to exempt this rule from the APA requirements for public notice and comment under 5 U.S.C. 553(b)(B) and delayed effective date under 5 U.S.C. 553(d)(3) because it would be contrary to the public interest to have a notice and comment period or other delay prior to this action taking effect. Specifically, delaying adoption of this inclusion process would harm the national security of the United States and harm U.S. manufacturers by further delaying their ability to request relief from these imports that are damaging their companies and the U.S. defense industrial base in the process. The U.S. defense industrial base is critical to protecting U.S. national security and implementation of this inclusions process is necessary to be adopted as soon as possible to mitigate any potential national security threat that acts as a detriment to the public interest.

5. Because neither the APA nor any other law requires an opportunity for public comment be given for this rule, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable. Accordingly,

no Final Regulatory Flexibility Analysis is required and none has been prepared.

**List of Subjects in 15 CFR Part 705**

Administrative practice and procedure, Business and industry, Classified information, Confidential business information, Imports, Investigations, National defense.

For the reasons set forth in the preamble, part 705 of subchapter A of 15 CFR chapter VII is amended as follows:

## PART 705—EFFECT OF IMPORTED ARTICLES ON THE NATIONAL SECURITY

■ 1. The authority citation for part 705 continues to read as follows:

**Authority:** Section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862) and Reorg. Plan No. 3 of 1979 (44 FR 69273, December 3, 1979).

■ 2. Add Supplement No. 2 to part 705 to read as follows:

### Supplement No. 2 to Part 705—Requirements for Submissions Requesting Inclusions to the Adjustment of Imports of Automobiles and Automobile Parts Pursuant to Section 232 of the Trade Expansion Act of 1962, as Amended

On March 26, 2025, the President issued Proclamation 10908, ''Adjusting Imports of Automobiles and Automobile Parts into The United States'' (Automobile Proclamation), which imposed additional tariffs on certain automobiles and automobile parts. The Automobile Proclamation also required the Secretary of Commerce to establish a process for including additional automobile parts articles for passenger vehicles and light trucks within the scope of the tariffs imposed by the Automobile Proclamation. In addition to inclusions made by the Secretary of Commerce (the Secretary), the process is to provide for including additional automobile parts articles at the request of a domestic producer of an automobile or automobile parts article, or an industry association representing one or more such producers, where the request establishes that imports of additional automobile parts articles have increased in a manner that threatens to impair the national security or otherwise undermines the objectives set forth in Proclamation 9888, the Automobile Proclamation, or any subsequent proclamation addressing the threatened impairment to the national security under Section 232 of the Trade Expansion Act of 1962, as amended (Section 232). When the Secretary receives such a request from a domestic producer or industry association, the Secretary, after consultation with the United States International Trade Commission and U.S. Customs and Border Protection, is to issue a determination regarding whether to include the articles within 60 days of receiving the request. Any additional automobile parts articles that the Secretary has determined to be included within the scope of the Automobile Proclamation tariffs are to be so included in the **Federal Register** describing the determination. The **Federal Register** notice will note the effective date of duties. The notice in the **Federal Register** is to be made as soon as practicable but no later than 14 days after the Secretary's determination.

(a) *Scope.* This supplement specifies the requirements and process for how directly affected parties located in the United States may submit requests for inclusions to the duties imposed by the President. This supplement also specifies the requirements and process for how parties in the United States may submit inclusion requests (both business confidential and public versions) and public comments in response to submitted inclusion requests for inclusion of automobile parts articles in the tariffs imposed by the President under the Automobile Proclamation (collectively, 232 submissions). This supplement also identifies the time periods for such submissions, the methods of submission, and the information that must be included in such submissions. This supplement also identifies the process for analysis of the submissions and public comments and the action taken upon the final determinations by the Secretary or designee.

(b) *Inclusion requests.* Who may submit an inclusion request?

(1) Producers of automobiles or automobile parts within the United States; or

(2) An industry association representing one or more such producers may submit inclusion requests.

(c) *Timeframe of submitting requests.* The International Trade Administration (ITA) will open a submissions window to receive automobile parts articles inclusion requests from industry during two-week submission windows four times annually, beginning on the first business day of each January, April, July, and October; the first such window is to open starting on October 1, 2025. All two-week submissions will occur on the first of the prescribed months.

(d) *Inclusion request requirements.* For the request to be considered a valid request, the requestor must adhere to the following general requirements and provide the following:

(1) Submission through the automobile inclusions process inbox at *AutoInclusions@trade.gov* within the 14-day public comment window;

(2) Requests must be submitted in PDF format;

(3) Limited to 30 pages inclusive of all attachments;

(4) Any business confidential submissions must also include a non-confidential public version;

(5) Clear identification of the applicant (*i.e.,* individual, company, or trade association);

(6) A precise description of the automobile parts article;

(7) The eight or ten-digit Harmonized Tariff Schedule of the United States (HTSUS) classification that serves as the basis for the determination;

(8) An explanation of why the article is an automobile parts article;

(9) Pertinent information on the domestic industry affected;

(10) Statistics on imports and domestic production; and

(11) A description of how and to what extent imports of the article threaten to impair the national security or otherwise undermines the objectives set forth in Proclamation 9888, the Automobile Proclamation, or any subsequent proclamation addressing the threatened impairment to the national security under Section 232.

(e) *Review of inclusion petition requests.* ITA will review the received requests on a rolling basis during the two-week submission window to validate that the received requests contain all the required elements and do not exceed the page limitation. In the instance where the requestor did not include all the required elements or improperly filed the submission, at the discretion of the Under Secretary for International Trade, the requestor will be granted a 48-hour window to resubmit a proper filing.

(f) *Where and how to submit public comments*—(1) *Where to submit?* Public comments are to be made via *regulations.gov* via the *regulations.gov* ID. The following *regulations.gov* IDs correspond to the four annual windows: January *regulations.gov* ID: ITA–2025–0039, April *regulations.gov* ID: ITA–2025–0040, July *regulations.gov* ID: ITA–2025–0037; and October *regulations.gov* ID: ITA–2025–0038. You may submit business confidential and public version public comments, identified by *the regulations.gov* ID above through the Federal eRulemaking website: *https://www.regulations.gov.* No other submission methods are being used for submitting public comments for the inclusions process. Follow the instructions for submitting public comments. All filers using the *regulations.gov* should use the name of the person or entity submitting the comments as the name of their files, in accordance with the instructions below. Anyone submitting business confidential information should clearly identify the business confidential portion at the time of submission, file a statement justifying nondisclosure and referring to the specific legal authority claimed, and provide a non-confidential version of the submission.

(2) *Business confidential submissions.* For comments submitted electronically containing business confidential information, the file name of the business confidential version should begin with the characters ''BC.'' Any page containing business confidential information must be clearly marked ''BUSINESS CONFIDENTIAL'' on the top of that page. The corresponding non-confidential version of the comments must be clearly marked ''PUBLIC.'' The file name of the non-confidential version should begin with the character ''P.'' The ''BC'' and ''P'' should be followed by the name of the person or entity submitting the comments. Any submissions with file names that do not begin with a ''BC'' or ''P'' will be assumed to be public and will be made publicly available through *https://*

*www.regulations.gov.* Commenters submitting business confidential information are encouraged to scan a hard copy of the non-confidential version to create an image of the file, rather than submitting a digital copy with redactions applied, to avoid inadvertent redaction errors which could enable the public to read business confidential information.

(g) *Review and Public Comment Phase.* ITA will publicly post non-confidential versions of all valid requests for a 14-day public comment window on *https://regulations.gov* after the conclusion of the two-week submission window. Members of the public will have the opportunity to comment on the inclusion requests submitted by parties. Collecting public comments ensures a transparent, complete, and legally robust process for conducting analysis and making final determinations of derivative inclusion requests. ITA will review all accepted inclusion requests and public comments.

(h) *Decision Phase.* The Secretary or designee will sign a positive or negative determination. After the determination, ITA will, for each inclusions request, and, within 60 days of receiving the request, generate and publicly post on *regulations.gov* a determination memorandum that:

(1) States whether the request was approved or denied; and

(2) Summarizes the rationale for making this determination.

(3) The date of signature on the determination memorandum must be prior to the close of the respective 60-day derivative inclusion processing period, as directed in the Automobile Proclamation. A **Federal Register** notice will then be issued that modifies Annex I to the Automobile Proclamation with the included products at the eight- to ten-digit HTSUS subheadings. Duties on newly included articles will take effect on the date specified in that **Federal Register** notice.

**Robby Saunders,**

*Deputy Assistant Secretary for Technology Security.*

[FR Doc. 2025–18015 Filed 9–16–25; 8:45 am]

**BILLING CODE 3510–DR–P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

### 33 CFR Part 100

**[Docket No. USCG–2025–0694]**

## Special Local Regulations; Marine Events Within the Southeast Coast Guard District

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notification of enforcement of regulation.

**SUMMARY:** The Captain of the Port Savannah, Georgia (COTP) will enforce a special local regulation for the Ironman Triathlon on September 28, 2025, to provide for the safety of life on navigable waterways during this event. Our regulation for marine events within the Southeast Coast Guard District identifies the regulated area for this event in Augusta, GA. During the enforcement periods, no person or vessel may enter, transit through, anchor in, or remain within the regulated area unless authorized by the Coast Guard Patrol Commander or a designated representative.

**DATES:** The regulations in 33 CFR 100.701 will be enforced for the Ironman 70.3 regulated area listed in item d.3 in Table 1 to § 100.701, from 6 a.m. until 11 a.m. on September 28, 2025.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this notification of enforcement, call or email Lieutenant Anthony Harris, Marine Safety Unit Savannah, Waterways Division Chief, U.S. Coast Guard; telephone (912) 210–8714, or email *Anthony.E.Harris@uscg.mil*.

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce a special local regulation in 33 CFR 100.701, Table 1 to § 100.701, Paragraph (d), Item 3, for the Ironman Triathlon, from 6 a.m. to 11 a.m., on September 28, 2025. This action is being taken to provide for the safety of life on navigable waterways during this event. Our regulation for marine events within the Southeast Coast Guard District, 33 CFR 100.701, specifies the location of the regulated area for the Ironman Triathlon which encompasses portions of the Savannah River and its branches. During the enforcement periods, as reflected in 33 CFR 100.701(c), all persons and vessels are prohibited from entering the regulated area, except those persons and vessels participating in the event, unless they receive permission to do so from the Coast Guard Patrol Commander, or designated representative. The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in enforcing this regulation.

In addition to this notification of enforcement in the **Federal Register**, the Coast Guard plans to provide notification of this enforcement period via the Local Notice to Mariners (LNM), and Marine Safety Information Broadcasts (MSIB).

**Nathaniel L. Robinson,**

*Commander, U.S. Coast Guard, Captain of the Port Savannah, GA.*

[FR Doc. 2025–17946 Filed 9–16–25; 8:45 am]

**BILLING CODE 9110–04–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 751

**[EPA–HQ–OPPT–2020–0642; FRL–8317.2–01–OCSPP]**

**RIN 2070–AL32**

## Trichloroethylene; Regulation Under the Toxic Substances Control Act (TSCA); Compliance Date Extension

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

**ACTION:** Interim final rule.

**SUMMARY:** The Environmental Protection Agency (EPA or Agency) is taking interim final action on the Regulation of Trichloroethylene (TCE) under the Toxic Substances Control Act (TSCA) to revise certain compliance deadlines finalized in 2024. Specifically, EPA is amending the prohibition compliance date for the use of TCE as a processing aid in the manufacture of nuclear fuel, with corresponding changes to the compliance dates for the manufacturing, processing and distribution in commerce of TCE to support such use, to a prohibition on September 15, 2028. EPA is also amending the prohibition compliance date for the disposal of TCE to wastewater by processors of TCE and processors and industrial and commercial users of TCE as a processing aid, to begin on December 18, 2026. EPA is also amending the compliance deadline for downstream notification, and the text required to be present in Safety Data Sheets, to accurately reflect the new prohibition compliance deadline for TCE used as a processing aid in the manufacture of nuclear fuel. EPA is amending this compliance deadline to allow for 90 days after the publication of the final rule for manufacturers, processors, and distributors in commerce of TCE to make such a change. These revisions are necessary to address new information presented to EPA about inadvertent oversights in the original rulemaking and serious concerns that the facilities at issue will be unable to comply with the relevant requirements by the existing deadlines. EPA is requesting comments on all aspects of this interim final rule and will consider all comments received in determining whether amendments to this rule are appropriate after the conclusion of the comment period.

**DATES:** This interim final rule is effective on September 15, 2025. Comments must be received on or before October 17, 2025.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2020–0642 using the Federal eRulemaking Portal at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *https://www.epa.gov/dockets/.*

**FOR FURTHER INFORMATION CONTACT:**

*For technical information contact:* Gabriela Rossner, Existing Chemicals Risk Management Division, Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: 202–564–2426; email address: *TCE.TSCA@epa.gov.*

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

**SUPPLEMENTARY INFORMATION:**

## I. Executive Summary

### *A. Does this action apply to me?*

This action may apply to you if you manufacture, process, distribute in commerce, or are an industrial and commercial user of TCE used as a processing aid in the manufacture of nuclear fuel. Additionally, you may be potentially affected by this rule if you process TCE as a reactant/intermediate, process TCE for use as a processing aid in certain industries, or use TCE as a processing aid in such industries. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- 211120—Crude Petroleum Extraction
- 221118—Other Electric Power Generation
- 325180—Other Basic Inorganic Chemical Manufacturing
- 325193—Ethyl Alcohol Manufacturing
- 325199—All Other Basic Organic Chemical Manufacturing
- 325211—Plastics Material and Resin Manufacturing
- 325998—All Other Miscellaneous Chemical Product and Preparation Manufacturing
- 332313—Plate Work Manufacturing
- 332410—Power Boiler and Heat Exchanger Manufacturing
- 334513—Instruments and Related Products Manufacturing for Measuring, Displaying, and Controlling Industrial Process Variables
- 335312—Motor and Generator Manufacturing
- 424690—Other Chemical and Allied Products Merchant Wholesalers
- 424720—Petroleum and Petroleum Products Merchant Wholesalers (except Bulk Stations and Terminals)
- 541330—Engineering Services

This list details the types of entities that EPA is aware could potentially be impacted by this action. Other types of entities not listed could also be impacted. To determine whether your entity is impacted by this action, you should carefully examine the applicability criteria found in 40 CFR 751.305 and 705.313. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

### *B. What is the Agency's authority for taking this action?*

Under TSCA section 6(a) (15 U.S.C. 2605(a)), if EPA determines through a TSCA section 6(b) risk evaluation that a chemical substance presents an unreasonable risk of injury to health or the environment under its conditions of use, EPA must by rule apply one or more requirements listed in TSCA section 6(a) to the extent necessary so that the use or uses of the chemical substance or mixture no longer presents such risk.

Unless provided otherwise by law, an agency may change existing positions (*e.g.,* reconsider, revise, or rescind prior actions) so long as it acknowledges the change in position, provides a reasoned explanation for the change, and takes any serious reliance interests into account. *See, e.g., FDA* v. *Wages & White Lion Invs., L.L.C.,* 145 S. Ct. 898, 917 (2025); *Encino Motorcars* v. *Navarro,* 579 U.S. 211, 221 (2016); *FCC* v. *Fox Television Stations, Inc.,* 556 U.S. 502, 515 (2009). Here, and as explained further in Unit II.C, based on new information submitted by regulated entities, the Agency is amending compliance dates to address recently-received information that the original compliance dates for (1) a subset of industrial and commercial use of TCE previously categorized as miscellaneous and now specified as the manufacture of nuclear fuel and (2) the disposal of TCE to wastewater by processors of TCE and processors and industrial and commercial users of TCE as a processing aid are not practicable and do not provide adequate transition time. EPA does not believe that the Agency took a contrary position in the original rule with respect to these issues because the information and concerns discussed here were not before the Agency at the time and the Agency did not intend to create the compliance concerns addressed in this action. Further, EPA does not believe there are significant reliance interests in the current deadline with respect to the narrow issues addressed in this action. Nevertheless, EPA seeks comments on any potential reliance interests and how those reliance interests should be taken into account when assessing whether to revise this action after the close of the comment period.

In addition, under the Administrative Procedure Act (APA) at 5 U.S.C. 553(b)(B), an agency may issue a final rule without providing notice and an opportunity for public comment if it for good cause finds that notice and public procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Further, under the APA at 5 U.S.C. 553(d)(1), an agency may make a rule effective immediately if it ''grants or recognizes an exemption or relieves a restriction,'' which includes this action as it relieves restrictions by extending several of the 2024 rule's compliance deadlines.

As explained further in Unit III, EPA finds good cause to make the rule immediately effective without prior notice and comment because new information has revealed that EPA inadvertently established impracticable compliance deadlines for an application of TCE in the nuclear sector not specifically considered in the rulemaking and, separately, unintentionally established a reasonable transition period under TSCA section 6(d) for certain processing conditions of use without establishing a similar reasonable transition period for wastewater activities necessitated by such processing.

### *C. What action is the Agency taking?*

EPA is amending the 2024 Regulation of Trichloroethylene (TCE) under TSCA codified in subpart D of 40 CFR 751, referred to hereafter as the 2024 final rule (Ref. 1), in the following ways. First, EPA is amending the prohibition compliance date for the use of TCE as a processing aid in the manufacture of nuclear fuel, with corresponding changes to supporting compliance dates, to begin on September 15, 2028. Second, EPA is amending the prohibition compliance date for the disposal of TCE

to wastewater by processors of TCE as a reactant/intermediate and processors for and industrial and commercial users of TCE as a processing aid for: process solvent used in battery manufacture; process solvent used in polymer fiber spinning, fluoroelastomer manufacture and Alcantara manufacture; extraction solvent used in caprolactam manufacture; precipitant used in beta-cyclodextrin manufacture (hereinafter referred to as ''chemical processors''), to begin on December 18, 2026. Third, EPA is amending the compliance date and required safety data sheet text for downstream notification, for an updated compliance date on December 16, 2025.

1. TCE as a Processing Aid in the Manufacture of Nuclear Fuel

EPA is amending the prohibition compliance date for the industrial and commercial use of TCE in other miscellaneous industrial and commercial uses, specifically for the use of TCE as a processing aid in the manufacture of nuclear fuel. EPA is extending the prohibition compliance date by three years, to September 15, 2028, for the industrial and commercial use of TCE as a processing aid in the manufacture of nuclear fuel, and the manufacturing, processing, and distribution of commerce of TCE to support such use (as opposed to the 2024 final rule's compliance date of September 15, 2025). These changes respond to new information received after promulgation of the 2024 final rule about a condition of use with critical national security and energy implications that EPA did not consider during the rulemaking and, as a result, was not reflected in EPA's analysis of the appropriate prohibition compliance date (currently September 15, 2025).

2. Disposal of TCE to Wastewater by Chemical Processors

EPA is also amending the compliance deadline from September 15, 2025, to December 18, 2026, for the prohibition on disposal of TCE to wastewater for processors of TCE as a reactant/intermediate and processors for and industrial and commercial users of TCE as a processing aid for certain industrial sectors. This action aligns the disposal prohibition with the December 18, 2026, prohibition on such uses in the 2024 final rule. This change responds to serious concerns raised to EPA that processing conditions of use subject to a time-limited exemption from the prohibition compliance date (currently September 15, 2025) also involve disposal of TCE to wastewater that inadvertently was not similarly subject to a time-limited exemption.

3. Downstream Notification

As a result of the new prohibition compliance date for the industrial and commercial use of TCE as a processing aid in the manufacture of nuclear fuel, EPA is amending the downstream notification requirements to allow for 90 days from the publication of this rule in the **Federal Register** for manufacturers and processors of TCE to amend their Safety Data Sheets to reflect this new use's prohibition compliance deadline.

*D. Why is the Agency taking this action?*

EPA received petitions on May 29 and June 19, 2025, that provided new information about regulated entities with uses that would be prohibited by the 2024 final rule after September 15, 2025, jeopardizing activities of significant importance. As discussed further in Unit II.C, EPA has considered the information and is taking this action to provide urgent regulatory relief for these regulated entities.

*E. What are the incremental economic impacts?*

1. TCE as a Processing Aid in the Manufacture of Nuclear Fuel

EPA identified five companies that have capabilities to produce Tri-structural Isotropic (TRISO) particle fuel, with only a single primary producing company capable of production at scale. That company uses TCE as a forming fluid. One company may also be using TCE to produce TRISO fuel, although they are not currently licensed by NRC and are not producing TRISO fuel at production scale but would need to transition to a TCE alternative to comply with the 2024 final rule. EPA presumes that the transition costs for this company would be smaller than the costs for the at scale producer because their production is smaller capacity.

The primary producing company estimated that the costs of executing the testing of the manufacturing ability of alternatives and fuel quality analysis studies would be approximately $4 million (Ref. 4). The company notes that there would be additional costs that it was unable to quantify such as equipment testing, operator training, additional irradiation testing, and fuel certification (Ref. 4). The three-year delay in prohibition of TCE for this use would delay the occurrence of these transition costs. The social costs avoided under the interim final rule would be those associated with the critical infrastructure and national security impacts that would occur without it. EPA is unable to address the cost savings from avoiding the delays in the production of TRISO fuel that would occur without the interim final rule.

EPA does not have exposure monitoring data specific to this use and therefore, EPA does not have information to quantify exposure reductions that may occur if facilities continue operations past September 15, 2025. Under the December 2024 rule, the use of TCE by these facilities would be prohibited after September 15, 2025, so exposures to workers would cease at that time. This interim final rule allows operations using TCE to continue additional 3 years allowing for workers' continued exposure to TCE and reducing potential health benefits to those workers. EPA does not have exposure monitoring data specific to this use and therefore, can not quantify that exposure and potential loss of benefits.

2. Disposal of TCE to Wastewater by Chemical Processors

EPA identified 24 facilities that appear to be creating TCE as a byproduct or using byproduct TCE as reactant/intermediate (*e.g.,* as a feedstock for the production of other chemicals) that could potentially have wastewater containing TCE. Without the compliance date extension, these facilities would not be able to dispose of their wastewater and would effectively be forced to cease their operations. EPA does not have an estimated social value for the closure of these facilities. However, the median employment and revenue at the affected facilities is 49 employees and $20 million, respectively. Total employment and revenue at affected facilities is estimated to be 3,465 employees and $1 billion, respectively.

EPA does not have exposure monitoring data specific to this use and therefore, EPA is not able to quantify the foregone exposure reductions that may occur as a result of facilities continuing operations. Under the December 2024 rule, the use of TCE by these facilities would be prohibited after September 15, 2025, so exposures to workers would cease at that time. This interim final rule allows operations using TCE to continue until December 18, 2026, allowing for workers' continued exposure to TCE and reducing potential health benefits to those workers. EPA does not have exposure monitoring data specific to this use and therefore, can not quantify that exposure and loss of potential benefits.

## II. Regulatory Revisions

### *A. Rule Background and Summary*

#### 1. The October 2023 Notice of Proposed Rulemaking

In October 2023, EPA proposed a rule under TSCA section 6(a) to address unreasonable risk of injury to human health presented by TCE under 52 of its 54 total conditions of use (Ref. 21). In the TSCA section 6(b) 2020 Risk Evaluation for TCE, EPA identified non-cancer adverse effects from acute and chronic inhalation exposures to TCE, and for cancer from chronic inhalation exposures to TCE (Ref. 21). The 2023 proposed rule sought to prohibit the manufacture, processing, and distribution in commerce of TCE for all consumer uses; and prohibit the manufacture, processing, distribution in commercefor all industrial and commercial uses, with certain processing and industrial and commercial uses that needed compliance timeframes longer than one year required to implement a workplace chemical protection program (WCPP) in the interim (Ref. 21). In 2023 EPA also proposed providing certain time-limited TSCA section 6(g) exemptions from the prohibition for uses of TCE that would otherwise significantly disrupt national security or critical infrastructure (Ref. 21).

#### 2. The December 2024 Final Rule

On December 17, 2024, EPA published the final regulation for TCE under TSCA section 6(a) (Ref. 1). Many of the provisions in the 2023 proposed rule were finalized as proposed, namely the regulatory action being the eventual prohibition of all conditions of use (Ref. 1). EPA considered information received through public comments, making a number of revisions such as: provide a delayed prohibition for five conditions of use, include a regulatory threshold, revise specific provisions of the WCPP, and modify the times and provisions of the TSCA section 6(g) exemption (Ref. 1). The 2024 final rule addressed the unreasonable risk from TCE through the eventual prohibition of all conditions of use, with certain conditions of use having longer timeframes until prohibition or TSCA section 6(g) exemptions to the prohibition (Ref. 1). The prohibition of the majority of industrial and commercial uses has a compliance date of September 15, 2025 (Ref. 1).

With respect to the use described in Unit I.C.1, while EPA responded to comments and revised provisions of the 2024 final rule in consideration of commenters' concerns on industrial and commercial use of TCE as a processing aid and other miscellaneous industrial and commercial uses of TCE, EPA did not have any information at the time of the 2024 final rule publication related to use of TCE in nuclear fuel manufacturing (Ref. 1).

Similarly, EPA responded to public comments and revised several aspects of the prohibition and phaseout timeline regarding the disposal of TCE to wastewater in the 2024 final rule (Ref. 1). Specifically, based on public comments, EPA revised the prohibition date between the 2023 proposed and 2024 final rules to allow for disposal of TCE to wastewater to continue for the length of time for certain uses of TCE as a processing aid in various aspects of battery separator manufacturing, until that use would be prohibited (after December 18, 2029; December 18, 2039; or December 18, 2044), in recognition of information received on the essential nature of disposal of wastewater for the specific processes described in public comments (Ref. 1). During public comments, EPA did not receive any explicit information about wastewater disposal being essential for other processing uses (Ref. 1).

#### 3. Other TSCA Section 6(a) Risk Management Rules

In 2024, EPA also issued final risk management rules for several other chlorinated solvents, including methylene chloride, perchloroethylene (PCE), and carbon tetrachloride (CTC). Unlike TCE, the manufacturing of each of these chemicals was permitted to continue under a WCPP. EPA determined that ongoing manufacturing, processing, and use of these chemicals would provide several significant benefits, including complementing the Agency's efforts to address climate-damaging hydrofluorocarbons (HFCs) under the American Innovation and Manufacturing Act of 2020 (AIM Act) (42 U.S.C. 7675). More specifically, PCE and CTC will continue to be used in tandem with strict workplace controls for the generation of HFC–125 and HFC–134a, two of the regulated substances that are subject to a 15-year phasedown under the AIM Act. HFCs–134a and –125 can be mixed with other substances to make lower global warming potential blends that are likely to be used to facilitate the transition away from HFC blends with higher global warming potentials in certain applications.

### *B. Petitions*

In June 2025, BWXT, a manufacturer of TRISO nuclear fuel, contacted EPA with concerns regarding the impact of the prohibition of TCE on their nuclear fuel production which has national security and critical use applications, and furnishes several existing Department of Defense (DOD) and Department of Energy (DOE) contracts and requested EPA provide an exemption from the prohibition (Ref. 2). EPA treated this request as a petition under the APA, 5 U.S.C. 553(e). EPA conducted outreach to the nuclear fuel manufacturer, as well as with DOD, DOE, and the Nuclear Regulatory Commission (NRC) to gather information related to this newly identified use of TCE (Refs. 2, 3, 4, 5, 6, and 7).

In May 2025 EPA received a TSCA Section 21 Petition from the American Chemistry Council (ACC) with concerns regarding the impact of the September 15, 2025, prohibition on disposal of TCE to wastewater on other processors of TCE and industrial and commercial users of TCE as a processing aid (Ref. 16). EPA conducted outreach with ACC and several of its member companies to gather information about processing and disposal to wastewater (Ref. 17).

### *C. Compliance Challenges*

#### 1. TCE as a Processing Aid in the Manufacture of Nuclear Fuel

EPA is issuing this interim final rule to address an unanticipated emergency that the Agency inadvertently created for nuclear fuel manufacturers and Federal Agencies with advanced nuclear reactor projects by imposing a general prohibition compliance date of September 15, 2025, for a miscellaneous condition of use not specifically analyzed or discussed in the 2024 final rule. Until receipt of the June 19, 2025, petition from BWXT, EPA was not aware of this particular condition of use of TCE (Ref. 1). EPA now understands that TCE is used as a processing aid in the manufacture of nuclear fuel, specifically Tri-structural Isotropic (TRISO) nuclear fuel pellets (Refs. 2, 3, 4, 5, 6, and 7). These TRISO pellets are the nuclear fuel for advanced nuclear reactors (Refs. 2, 3, 4, 5, 6, and 7).

TRISO nuclear fuel pellets are a type of nuclear fuel in which each pellet is made of a uranium, carbon, and oxygen fuel kernel encapsulated in carbon- and ceramic-based materials (Refs. 2, 3 and 4). An important characteristic of TRISO pellets is that they cannot melt in a commercial high-temperature reactor, and are able to be heated to high temperatures that are beyond the threshold of current nuclear fuels (Refs. 2, 3, 4, 5, 6, and 7). TRISO pellets also represent a significant safety advancement in that they encapsulate

small amounts of uranium, whereas traditional nuclear fuel rods contain significantly larger amounts of uranium (Refs. 2, 3, 4, 5, 6, and 7). This encapsulation of radioactive material means that nuclear reactors that use TRISO may not have to build a traditional nuclear containment dome, which eliminates the traditional need for a significant physical footprint with high engineering demands (Ref. 7). As such, TRISO fuel is key for advanced nuclear reactors, and in particular advanced nuclear reactors that do not need containment domes such as those needed for DOD installations (Refs. 2, 6, and 7).

TCE is used as processing aid for a forming fluid during the first steps of TRISO pellet manufacture, as part of the internal gelation sol-gel production pathway (Refs. 2, 3, 4, and 5). In this process, a chilled uranium solution is pumped to a forming nozzle with very small holes, which then drops the uranium organic solution into a TCE forming fluid bath (Refs. 2, 3, 4, and 5). TCE has specific qualities that allow it to serve two purposes in the forming process. The TCE is used as a method for heat transfer, which warms the chilled uranium that is dropped into a TCE bath and triggers the chemical reaction that is the gelation part of the process, transforming the liquid droplet into a semi solid sphere. TCE also has a specific surface tension and density relative to the uranium mixture that ensures that as the uranium passes through the TCE bath it retains a spherical shape (Refs. 3 and 4). The use of TCE as a processing aid is one of the first steps in the manufacture of TRISO fuel. This step is a critical part of the process which ensures that the uranium is safely encapsulated through gelation and that the TRISO pellets are as spherical as possible—both of which are criteria in the highly specific safety standards TRISO fuel must meet (Refs. 3, 4, and 5).

EPA received information in June 2025 regarding the importance of TCE as processing aid currently used in the manufacture of nuclear fuel, specifically TRISO nuclear fuel pellets, and an extension is necessary to avoid disruption to national security and critical infrastructure. EPA received the initial request from the nuclear fuel manufacturer less than 90 days before the use would be prohibited by the September 15, 2025, compliance timeframe in the 2024 final rule. The time between being notified about this use and the prohibition was insufficient for EPA to prepare and propose a rule, seek public comment, and finalize a rule. Given this short timeframe, EPA is promulgating this interim final rule in order to avoid the critical impacts on national security of a TCE ban on manufacturing nuclear fuel. TRISO fuel has many critical infrastructure and national security applications, and the timing of TRISO manufacturers transitioning out of TCE is linked to the need to fulfill critical military and government contracts (Refs. 2, 3, 4, 5, 6, and 7). DOD has indicated that TRISO fuel is an essential part of Project Pele, a program in which an advanced nuclear reactor fueled by TRISO would help power an installation for DOD (Refs. 3, 7, 8, 9, and 10). Project Pele is a DOD effort to meet the goals set out in Executive Order (E.O.) 14299, ''Deploying Advanced Nuclear Reactor Technologies for National Security'' (Refs. 3, 7, 8, 9, 10, and 11). At DOE, TRISO fuel is used in the Idaho National Lab's advanced nuclear reactor and microreactor program. Furthermore, TRISO fuel is planned to be used for testing at the National Reactor Innovation Center's Demonstration of Microreactor Experiments (Ref. 4).

Currently, only one company is licensed at a Category I level by the Nuclear Regulatory Commission (NRC) to manufacture TRISO fuel—BWX Technologies (BWXT), which uses TCE in their nuclear fuel manufacturing process (Refs. 2, 3, 4, 5, 6, and 7). There are several other companies that manufacture TRISO fuel, but at a much smaller production volume and not at an industrial scale (Refs. 4, 5, 6, 7, 22, and 23). BWXT, as the only TRISO nuclear fuel manufacturer at a large production scale, is the primary supplier of TRISO fuel used in DOD and DOE advanced nuclear reactors (Refs. 2, 3, 4, 5, 6, and 7). In its petition, BWXT credibly represented that the company cannot discontinue using TCE by September 15, 2025, because there is no readibly available alternative at the scale needed by DOD and DOE (Refs. 2, 3, 4, 5, 6, and 7). Additionally, BWXT cannot immediately begin a transition away from TCE because critical infrastructure and national security needs for TRISO nuclear fuel are only growing (Refs. 2, 3, 4, 5, 6, and 7). BWXT is under several existing contracts with the Federal government to provide TRISO fuel for critical projects (Refs. 2, 3, 4, 5, 6, and 7). For example, all of Project Pele's fuel is provided by BWXT, and it is critical that DOD be able to rely on consistent production of TRISO fuel through the Project Pele and E.O. 14299 timeframe of 2028 (Refs. 3, 7, and 11). This is an active contract, with BWXT expected to start production on more TRISO fuel to fulfill DOD requirements as soon as uranium is released to furnish the contract (Refs. 3 and 5). Additionally, BWXT is set to provide TRISO fuel for the National Reactor Innovation Center's Demonstration of Microreactor Experiments in the coming years (Ref. 4).

In order to continue to meet the existing demands from critical national security programs for TRISO fuel, and in consideration of the time it would take for regulatory licensing and testing of alternative technologies, a reasonable transition timeline away from TCE must extend beyond the September 15, 2025, prohibition deadline. As discussed earlier in this unit, this is because there are limited manufacturers able to produce TRISO fuel at scale for military and government applications (Refs. 2, 5, 6, and 7). BWXT is the only major supplier of TRISO fuel at a Category 1 facility in the US, which is able to make TRISO at a production scale and does so using TCE (Refs. 3, 4, 5, 6, and 7). There are several other manufacturers of TRISO that manufacture the nuclear fuel at a smaller scale, in quantities more appropriate for lab use and testing (Refs. 5, 6, and 7). Some of these other smaller scale manufacturers use TCE in their production process, while others use alternative processing aids, such as a silicon based forming fluid (Refs. 5, 6, and 7). Because TCE used as a processing aid is one of the first steps of making TRISO fuel, transitioning away from TCE temporarily halts all the manufacturing of nuclear fuel in a production line (Refs. 3, 4, 5, and 6). However, in order to meet current existing needs for TRISO for critical Federal applications, the TRISO primary supplier would need to continue producing a supply of TRISO for at least 2.5 years before shutting down their production line to implement an alternative forming fluid to replace TCE (Refs. 3, 4, 5, 6, aand 7). Regarding military and national security applications, the primary TRISO supplier cannot take down their production line until Project Pele's test of an advanced nuclear reactor to power a military installation which is projected to occur at the end of 2028 (Refs. 3, 7, 8, and 9). There is additionally the need for the primary supplier to be continuously producing TRISO fuel for the next 2.5 years to supply the reactors planned for testing at the National Reactor Innovation Center's Demonstration of Microreactor Experiments (Ref. 4). Only after the time that current contracts for critical military and government applications are satisfied would the primary TRISO

supplier be able to cease operations for their manufacturing line of TRISO fuel (Refs. 3, 4, 5, 6, 7). News sources suggest that there are likely to be other producers of TRISO fuel that do not use TCE for manufacturing TRISO fuel at production scale in a few years (Refs. 24).

Potential alternatives to TCE as a processing aid in the manufacture of nuclear fuel have been identified, but as previously noted, this transition is not immediate, and must be timed with consideration for production needs. First a company would have to research alternative forming fluids (Ref. 4). Once a suitable alternative was identified, a nuclear fuel manufacturer would have to update its safety analysis and submit a license amendment to NRC, which could take six months to one year to process (Ref. 6). In order to begin testing the actual manufacturing ability with alternative forming fluids, a TRISO nuclear manufacturer would need to shut down its entire production line and retrofit its currently existing space and process (Refs. 2, 3, and 4). This is due to restrictions placed on a Category 1 nuclear fuel production facility, in which licensees are often not allowed to change the physical footprint of their building and as such the supplier could not create a new production area to test TCE alternatives while also continuing to run its TRISO production line simultaneously (Ref.15). This aspect of the transition would take six to 18 months (Refs. 2, 3, and 4). Once a new forming fluid is in place in the manufacturing process, the TRISO produced would need to undergo quality analysis studies and potential irradiation testing at a National Laboratory (Ref. 4). The TRISO fuel produced by a nuclear fuel manufacturer using a non-TCE alternative may also have to undergo post-production irradiation testing, depending on specifications on the contract for DOE or DOD. This irradiaition testing could take from 18 months to three years before the TRISO fuel pellets can be used (Refs. 3, 4, 5, and 6). This compliance extension represents the minimum timeframe possible to transition out of TCE, with BWXT continuously producing TRISO fuel for the next 2.5 years and then indicating that they could retrofit their production process in the subsequent six months (Refs. 2, 3, 4, and 7).

For similar reasons as noted above, EPA is not finalizing a WCPP for this continuing use. EPA expects that users of TCE in the manufacture of nuclear fuel reduce risks to the extent practicable due to the exposure controls typical of nuclear processing facilities until prohibition (Refs. 3 and 4). At BWXT, TCE is used only in a ventilated enclosure with an air flow of 125 linear feet per minute (Refs. 3 and 4). During use of TCE as a processing aid, workers wear PPE that includes coveralls, gloves, and eye protection (Refs. 3 and 4). When repackaging the TCE, workers at BWXT wear the aforementioned PPE, as well as respirators (Refs. 3 and 4). As explained above, there are time sensitive emergency national security needs for TRISO fuel, and EPA placing additional workplace protection requirements beyond the highly specialized workplace practices already in place on this use could significantly disrupt national security or critical infrastructure. The implementation of the TSCA WCPP would itself take time, as well as potentially require the amendment of a license with NRC which would delay production for months.

Additionally, Executive Order (E.O.) 14299, ''Deploying Advanced Nuclear Reactor Technologies for National Security,'' signed in May 2025, highlights this Administration's priorities, which include using advanced nuclear technology for both installation and operational energy (Ref. 11). The E.O. directs DOD to commence the operation of a nuclear reactor, regulated by the United States Army, at a domestic military base or installation no later than Sept. 30, 2028 (Ref. 11). DOD is explicit that TRISO fuel is necessary to meet the timeline and goal of having a operational DOD advanced nuclear reactor—TRISO fuel has already been rigorously tested by DOE, and its unique design of encapsulating each nucelar particle meets specific DOD needs for nuclear safety and portability without requiring large containment physical infrastructure (Refs. 7, 8, 9, and 10). Furthermore, a slate of four recent Executive Orders regarding nuclear energy will also lead to commercial demand for TRISO fuel in order to power commercial advanced nuclear reactors (Refs. 5, 6, 11, 12, 13, and 14). These Executive Orders have underscored this Administration's commitment to nuclear power and specifically call on advanced nuclear reactors (which use TRISO fuel) to support our national security and critical infrastructure (Refs. 11, 12, 13, and 14).

Due to the critical infrastructure and national security impacts of TRISO fuel that is currently manufactured with TCE, EPA finds it appropriate to amend the 2024 final rule to allow for three more years until the prohibition. This timeframe would immediately allow the primary TRISO manufacturer to finish fulfilling current government contracts before shutting down production in order to reformulate (Refs. 2, 3, 4, 5, 6, and 7).

2. Disposal of TCE to Wastewater by Chemical Processors

EPA is issuing this interim final rule to address the significant compliance challenges that certain TCE users would face due to the September 15, 2025, prohibition on disposal of TCE to industrial pre-treatment, industrial treatment, or publicly owned treatment works (Ref. 1). In particular, this restriction would have adverse effects on processors and users of TCE that were permitted to continue their activities beyond the prohibition date, yet the disposal prohibition would result in the unanticipated cessation of such activities and the manufacture of other essential chemistries, described in more detail in this unit (Refs. 16 and 17).

More specifically EPA's 2024 final rule promulgated a prohibition, beginning December 18, 2026, on processing TCE as a reactant/intermediate, and the industrial and commercial use of TCE as a processing aid (and processing for such use) in: process solvent used in battery manufacture; process solvent used in polymer fiber spinning, fluoroelastomer manufacture and Alcantara manufacture; extraction solvent used in caprolactam manufacture; precipitant used in beta-cyclodextrin manufacture (hereinafter referred to as ''chemical processors''). In the preamble to the 2024 final rule, EPA explained that the processing as a reactant/intermediate condition of use includes reuse of byproduct or residual TCE as a reactant. The reuse of TCE that was manufactured as a byproduct frequently occurs in the production of other chlorinated solvents, namely methylene chloride, perchloroethylene (PCE), and carbon tetrachloride (CTC) (Refs. 1, 16, and 17).

In May 2025, EPA was made aware of concerns regarding the impact of the prohibition of disposal of TCE to wastewater for those chemical processors (Ref. 16). Namely, chemical processors of TCE, who also process other chlorinated organics such as methylene chloride, PCE, and CTC), reuse TCE that is unintentionally present as a byproduct in their feedstock streams as a reactant/intermediate in further manufacturing of such chemicals. The manufacturers of these other chlorinated solvents provided new information explaining that wastewater from these processes contains TCE, and cannot be disposed of using an alternative disposal method (*e.g.,*

landfill) (Refs. 16 and 17). If these manufacturers are not permitted to dispose of TCE wastewater to industrial treatment or pre-treatment (as a necessary pre-cursor to surface water disposal as regulated by Clean Water Act permits), the manufacture of these other chlorinated solvents may cease or be significantly disrupted if they have no method for disposal (Refs 16 and 17). Such wastewater discharges are regulated under existing wastewater discharge permits and have limits for volatile organic compounds such as TCE. More specifically, EPA has been informed that chemical processors with feedstock and waste streams that contain TCE need to dispose of millions of gallons of wastewater per year, a volume that any other form of disposal other than wastewater discharge (such as incineration) does not have the capacity to handle (Refs. 16 and 17). If these chemical processors were not able to dispose of TCE to wastewater, the cost would be so great it could cause company closures (Ref. 17).

Given this new information, EPA understands that chemical processors need to dispose of wastewater containing TCE in order to continue operations (Refs. 16 and 17). TCE is present as an unintentional byproduct of many important industrial solvents—including methylene chloride, perchloroethylene, carbon tetrachloride, and 1,2-dichloroethane, simply due to the nature of how chlorinated organics gain and lose chlorine atoms (Refs. 16 and 17). Due to this, the ability to dispose of TCE to wastewater is critical not only for the processing of TCE, but for the processing of these various other solvents (Refs. 16 and 17). EPA has published other section 6 TSCA rules for other chlorinated solvents, namely methylene chloride, PCE, and CTC (Refs. 18, 19, and 20). In these rules, EPA has determined the necessity of allowing certain uses of those chemicals to continue to meet various critical needs (Refs. 18, 19, and 20). In order to fulfill the intent of those TSCA section 6(a) regulations, this interim final rule for TCE amends the 2024 final rule as to not inadvertently shut down the chemical manufacturing and processing for methylene chloride, PCE, and CTC.

Moreover, in the 2024 final rule, EPA permitted several other users with extended compliance timeframes to continue to dispose of TCE to for the timeframe of the phase-out. At the time, EPA was not aware of the need for chemical processors to continue to dispose of TCE to to industrial treatment or pre-treatment. This rule merely aligns the disposal options for these ongoing uses with other proessing aid uses with extended phase-outs.

EPA expects that owners and operators that will be permitted to continue to dispose of TCE-containing wastewater to industrial treatment or pre-treatment under this rule will already be complying with the workplace chemical protection program (WCPP) at 40 CFR 751.315. Uses that were permitted to continue beyond one year, including chemical processors, were required to complete initial monitoring by June 16, 2025, and ensure that TCE inhalation exposures do not exceed the interim ECEL for all potentially exposed persons by September 15, 2025. Based on the new information received, chemical processors are not sending the TCE-containing wastewater to POTWs, and therefore, EPA believes that the industrial treatment or pre-treatment is occuring at the same workplace already complying with the WCPP. To avoid unnecessary and potentially duplicative workplace protections, EPA is not extending the workplace requirements for wastewater to chemical processors and clarifying that the workplace requirements for chemical processors are sufficient for the remaining, short duration of those uses (*i.e.,* until December 2026) and therefore adding an exclusion to 40 CFR 751.315(a)(15) to make this point clear.

3. Downstream Notification

As a result of the new compliance date for industrial and commercial use of TCE as a processing aid in the manufacture of nuclear fuel, EPA needs to amend the downstream notification requirements of the 2024 final rule to reflect accurately the restrictions on TCE. Accurate downstream notification is necessary to spread awareness throughout the supply chain of the restrictions on use of TCE under TSCA, as well as provide information to commercial end users about allowable uses of TCE until the prohibition compliance dates. EPA recognizes that the 2024 final rule compliance deadline for updating the SDS of June 16, 2025, has already passed and as such, manufacturers, processors, and distributors in commerce of TCE would need to update or amend their SDS shortly after doing so already. EPA finds that 90 days is a practicable time to update the SDS for manufacturers, processors, and distributors in commerce of TCE.

*D. Specific Regulatory Revisions*

1. TCE as a Processing Aid in the Manufacture of Nuclear Fuel

EPA is amending the prohibition compliance date for the industrial and commercial use of TCE in other miscellaneous industrial and commercial uses, specifically for the use of TCE as a processing aid in the manufacture of nuclear fuel to September 15, 2028. EPA is extending the prohibition compliance date for the industrial and commercial use of TCE as a processing aid in the manufacture of nuclear fuel, and the manufacturing, processing, and distribution in commerce of TCE to support such use, with full compliance with the prohibition to be required on September 15, 2028, three years from the 2024 final rule's compliance date of September 15, 2025.

2. Disposal of TCE to Wastewater by Chemical Processors

EPA is also amending the compliance deadline for the prohibition on disposal of TCE to wastewater from September 15, 2025, to December 18, 2026, for processors of TCE as a reactant/intermediate and processors and industrial and commercial users of TCE as a processing aid (and processing for such use) in: process solvent used in battery manufacture; process solvent used in polymer fiber spinning, fluoroelastomer manufacture and Alcantara manufacture; extraction solvent used in caprolactam manufacture; precipitant used in beta-cyclodextrin manufacture; except for certain uses. This compliance date aligns with the December 18, 2026, prohibition on processing TCE and with the prohibition on the processing and industrial and commercial use of TCE as a processing aid for those uses.

3. Downstream Notification

EPA is amending the downstream notification requirements to allow for 90 days from the publication of this rule in the **Federal Register** for manufacturers, processors, and distributors in commerce of TCE amend their SDS to reflect this new use's prohibition compliance deadline for the industrial and commercial use of TCE in nuclear fuel manufacturing.

## III. Rulemaking Procedures

As noted in section I.B. of this preamble, EPA's authority for the rulemaking procedures followed in this action is provided by APA at 5 U.S.C. 553(b)(B), which allows an agency to forgo notice-and-comment requirements ''when the agency for good cause finds

(and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.''

EPA finds good cause to issue this notice without prior notice and comment because such procedures are impracticable. Specifically, there is insufficient time before the September 15, 2025, compliance dates to address the new information submitted by petitioners on compliance difficulties absent immediate action. It is urgent to address these compliance difficulties because of the expected negative consequences. Although the information available to EPA at the time of rulemaking indicated that the manufacture of nuclear fuel either did not involve TCE or did not require an extended compliance deadline to avoid disruption to national security and critical infrastructure, EPA subsequently received information indicating additional time was needed for compliance. Specifically, information provided in the June 19, 2025, petition submitted by BWXT, as discussed in detail in section II.C.1. Similarly, information available to EPA at the time of rulemaking indicated ACC petitioners could meet certain deadlines regarding the disposal of wastewater in the 2024 final rule without disrupting critical infrastructure and the national economy. However, subsequent information provided in the May 27, 2025, petition submitted by ACC, as discussed in detail in section II.C.2, informed EPA of significant compliance issues that could result in the shutting down of chemical processors and manufacturers for multiple chlorinated organics to reach compliance. The information provided by the petitioners supports the need for extending the compliance dates.

Because the September 15, 2025, compliance deadlines for both petitioners are imminent, EPA has determined that it would be impracticable to undertake prior notice and comment before the compliance deadlines to provide petitioners sufficient time to comply without adverse consequences to national security and the manufacture of multiple chlorinated organics. Under these circumstances, refraining from amending the compliance deadlines before they go into effect would mean meaningful compliance by petitioners would not be possible by the existing deadline. Further, this would needlessly jeopardize EPA's ability to work with petitioners to achieve the long-term protective outcomes in the 2024 final rule.

EPA is making this rule effective immediately as a rule which ''grants or recognizes an exemption or relieves a restriction'' under the APA at 5 U.S.C. 553(d)(1). This action relieves restrictions by extending several of the 2024 final rule's compliance deadlines.

## IV. Requests for Comment

As explained above, EPA finds good cause to take this interim final action without prior notice or opportunity for public comment. However, EPA is providing an opportunity for comment on the extension of the compliance dates and requests comment on the revisions described in this rule. EPA will review and respond to any comments received, including by making changes to this action, if appropriate. EPA is not reopening for comment any provisions of the 2024 final rule other than the specific provisions that are expressly amended in this interim final rule.

### *A. TCE as a Processing Aid in the Manufacture of Nuclear Fuel*

As a result of the information from stakeholders and Federal Agencies, EPA is amending the compliance dates applicable to industrial and commercial use of TCE as a processing aid in the manufacture of nuclear fuel. Under this interim final rule, the prohibition for users of TCE in industrial and commercial use for the manufacture of nuclear fuel, and the upstream manufacturing, processing, and distribution to support such use, would be extended by three years. Manufacturers of nuclear fuel would have until September 15, 2028, to comply with the prohibition on TCE use. In EPA's view, this newly finalized compliance date will prevent an emergency in national security and critical infrastructure, and represents a reasonable transition period under TSCA section 6(d).

EPA requests comments and specific information addressing:

- The ability of TRISO nuclear fuel manufacturers to comply with the phaseout timeframe in this interim final rule.
- Alternative compliance timeframes for manufacturers of nuclear fuel to comply with a prohibition on TCE that are as soon as practicable and provide a reasonable transition period.
- Information related to use of TCE in the manufacture of nuclear fuel, that may not have been previously available to EPA during risk management and should now be considered.
- The number of potentially exposed persons who operate in various facilities that manufacture nuclear fuel and the worker protections in place at such facilities.
- Information related to use of TCE that may not have been previously available to EPA during risk management and should now be considered.

### *B. Disposal of TCE to Wastewater by Chemical Processors*

As a result of the information from stakeholders, EPA is delaying the compliance with the prohibition of disposal of TCE to wastewater for chemical processors until December 2026. EPA requests comments and specific information addressing:

- Information related to disposal of TCE that may not have been previously available to EPA during risk management and should now be considered.
- The ability of chemical processors to comply with the Workplace Chemical Protection Program for disposal of TCE to wastewater until prohibition.

## V. References

The following is a listing of the documents that are specifically referenced in this document. The docket includes these documents and other information considered by EPA, including documents that are referenced within the documents that are included in the docket, even if the referenced document is not physically located in the docket. For assistance in locating these other documents, please consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

1. EPA. Trichloroethylene; Regulation under the Toxic Substances Control Act; Final Rule. RIN 2070–AK83. **Federal Register** (89 FR 102568, December 17, 2024) (FRL–8317–02–OCSPP). *https://www.govinfo.gov/content/pkg/FR-2024-12-17/pdf/2024-29274.pdf.*
2. Howard B. Markle II. BWXT—Nuclear Operations Group Inc (BWXT). BWX Technologies, Inc.—Nuclear Operations Group (BWXT NOG) Exemption Request to 40 CFR 751 Subpart D. June 19, 2025.
3. EPA. BWX Technologies Inc Meeting Memo. July 15, 2025.
4. Howard B. Markle II. BWXT—Nuclear Operations Group Inc (BWXT). Additional Information supporting BWX Technologies, Inc.—Nuclear Operations Group (BWXT NOG) Exemption Request to 40 CFR 751 Subpart D. August 6, 2025.
5. EPA. Department of Energy Meeting Memo. July 16, 2025.
6. EPA. Nuclear Regulatory Commission Meeting Memo. July 29, 2025.
7. EPA. Department of Defense Meeting Memo. August 4, 2025.

8. Department of Defense, Office of the Under Secretary of Defense, Research and Engineering. Project Pele Mobile Nuclear Reactor. Accessed July 15, 2025. *https://www.cto.mil/pele_eis/.*
9. BWXT. Project Pele Begins Taking Shape with Start of Core Manufacturing. Accessed July 15, 2025. *https://www.bwxt.com/project-pele-begins-taking-shape-with-start-of-core-manufacturing/.*
10. Jeff Waksman. Project Pele Overview Mobile Nuclear Power For Future DoD Need, Slides Supporting Presentation Materials for May 2022. Accessed July 15, 2025. *https://www.nrc.gov/docs/ML2212/ML22126A059.pdf.*
11. Executive Order 14299. Deploying Advanced Nuclear Reactor Technologies for National Security. **Federal Register** (90 FR 22581, May 29, 2025). *https://www.govinfo.gov/content/pkg/FR-2025-05-29/pdf/2025-09796.pdf.*
12. Executive Order 14300. Ordering the Reform of the Nuclear Regulatory Commission. **Federal Register** (90 FR 22587, May 29, 2025). *https://www.govinfo.gov/content/pkg/FR-2025-05-29/pdf/2025-09798.pdf.*
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14. Executive Order 14302. Reinvigorating the Nuclear Industrial Base. **Federal Register** (90 FR 22595, May 29, 2025). *https://www.govinfo.gov/content/pkg/FR-2025-05-29/pdf/2025-09801.pdf.*
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23. United States Nuclear Regulatory Commission. FRAMATOME. Accessed August 8, 2025. *https://www.nrc.gov/info-finder/fc/areva-np-lc.html.*
24. EPA. Economic Analysis of the Regulation of Trichloroethylene Under TSCA Section 6(a) Amendment to the 2024 Final Rule—Interim Final Rule. September 10, 2025.

## VI. Statutory and Executive Order Reviews

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

### *A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review*

This action is a significant regulatory action that was submitted to the Office of Management and Budget (OMB) for review under Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011). Any changes made in response to OMB recommendations have been documented in the docket. In addition, EPA prepared an economic analysis of the potential costs and benefits associated with this action (Ref. 24). This analysis is also available in the docket.

### *B. Executive Order 14192: Unleashing Prosperity Through Deregulation*

This action is an Executive Order 14192 deregulatory action. This interim final rule provides burden reduction by providing relief against existing compliance deadlines.

### *C. Paperwork Reduction Act (PRA)*

The information collection activities in this interim final rule have been submitted for approval to OMB under the PRA, 44 U.S.C. 3501 *et seq.* The underlying requirements are approved under OMB control number 2070–0232. However, EPA has submitted a request for additional approval to OMB under PRA because the interim final rule alters the language of a required language of a disclosure statement that is covered by the currently approved collection of information. The Information Collection Request (ICR) document that the EPA prepared has been assigned EPA ICR number 2775.03. You can find a copy of the ICR in the docket for this rule, and it is briefly summarized here. The information collection requirements are not enforceable until OMB approves them.

The provision that may increase burden under the PRA is downstream notification, which is required to be carried out by updates to the relevant SDS and required for manufacturers, processors, and distributors in commerce of TCE for the industrial and commercial use of TCE in nuclear fuel manufacturing, who would provide notice to companies downstream upon shipment of TCE about the prohibitions. The information submitted to downstream companies through the SDS would provide knowledge and awareness of the restrictions to these companies.

*Respondents/affected entities:* Persons that manufacture (including import), process, and distribute in commerce products containing TCE.

*Respondent's obligation to respond:* Mandatory. 15 U.S.C. 2605(a) and 40 CFR part 751.

*Estimated number of respondents:* 11.

*Frequency of response:* Once.

*Total estimated burden:* 7.3 hours (per year). Burden is defined at 5 CFR 1320.3(b).

*Total estimated cost:* $744, (per year), includes $0 annualized capital or operation & maintenance costs.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for the EPA's regulations in 40 CFR are listed in 40 CFR part 9. When OMB approves this ICR, the Agency will announce that approval in the **Federal Register** and publish a technical amendment to 40 CFR part 9 to display the OMB control number for the approved information collection activities contained in this interim final rule.

### *D. Regulatory Flexibility Act (RFA)*

This action is not subject to the RFA, 5 U.S.C. 601 *et seq.* The RFA applies only to rules subject to notice and comment rulemaking requirements under the Administrative Procedure Act (APA), 5 U.S.C. 553, or any other statute. This rule is not subject to notice and comment requirements because the Agency has invoked the APA ''good cause'' exemption under 5 U.S.C. 553(b). Regardless, EPA's analysis concludes that only 5 entities affected by this action meet the SBA definition of a small entity and none of these affected entities would have cost impacts exceeding 1% of their revenues.

Therefore this action will not have a significant economic impact on a substantial number of small entities.

*E. Unfunded Mandates Reform Act (UMRA)*

This action does not contain an unfunded mandate of $100 million (in 1995 dollars and adjusted annually for inflation) or more as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The costs involved in this action are estimated not to exceed $187 million in 2024$ ($100 million in 1995$, adjusted for inflation using the GDP implicit price deflator) in any one year.

*F. Executive Order 13132: Federalism*

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

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

This action does not have tribal implications as specified in Executive Order 13175 (65 FR 67249, November 9, 2000) because it does not have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. Thus, Executive Order 13175 does not apply to this action.

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

This action is not a ''covered regulatory action'' under Executive Order 13045 (62 FR 19885, April 23, 1997) because it is not a significant regulatory action under section 3(f)(1) of Executive Order 12866 and because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children.

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

This action is not a ''significant energy action'' as defined in Executive Order 13211 (66 FR 28355, May 22, 2001) because it is not likely to have a significant adverse effect on the supply, distribution or use of energy. Further, we have concluded that this action is not likely to have any adverse energy effects because it will avert substantial, negative near-term consequences for national security and critical infrastructure, including for the supply of energy, in particular by allowing for continuity of operations with respect to the manufacture of TRISO nuclear fuel.

*J. National Technology Transfer and Advancement Act (NTTAA)*

This action does not involve technical standards under the NTTAA section 12(d), 15 U.S.C. 272.

*K. Congressional Review Act (CRA)*

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

**List of Subjects in 40 CFR Part 751**

Environmental protection, Chemicals, Export notification, Hazardous substances, Import certification, Reporting and recordkeeping.

**Lee Zeldin,**

*Administrator.*

For the reasons set forth in the preamble, 40 CFR part 751 is amended as follows:

## PART 751—REGULATION OF CERTAIN CHEMICAL SUBSTANCES AND MIXTURES UNDER SECTION 6 OF THE TOXIC SUBSTANCES CONTROL ACT

■ 1. The authority citation for part 751 continues to read as follows:

**Authority:** 15 U.S.C. 2605, 15 U.S.C. 2625(l)(4).

■ 2. Amend § 751.305 by:
■ a. Revising paragraph (b)(9); and
■ b. Adding paragraph (b)(27).

The revisions and additions read as follows:

**§ 751.305 Prohibitions of manufacturing, processing, distribution in commerce, use and disposal.**

* * * * *

(b) * * *

(9) After December 18, 2026, except for those uses specified in paragraphs (b)(14), (23), (24), and (27) of this section, all persons are prohibited from:

(i) Processing TCE as a reactant/intermediate, except for the use as specified in paragraph (b)(18) of this section;

(ii) Processing for and industrial and commercial use of TCE as a processing aid in: process solvent used in battery manufacture; process solvent used in polymer fiber spinning, fluoroelastomer manufacture and Alcantara manufacture; extraction solvent used in caprolactam manufacture; precipitant used in beta-cyclodextrin manufacture; and

(iii) The disposal of TCE from the uses specified in (b)(9)(i) and (ii) of this section to industrial pre-treatment, industrial treatment, or publicly owned treatment works.

* * * * *

(27) After September 15, 2028, all persons are prohibited from the industrial and commercial use of TCE as a processing aid in the manufacture of nuclear fuel, and manufacturing (including importing), processing, and distribution in commerce of TCE for such use.

■ 3. Amend § 751.313 by:
■ a. Revising paragraph (e); and
■ b. Adding paragraph (h)

The revisions and additions read as follows:

**§ 751.313 Phase-out of disposal of TCE to industrial pre-treatment, treatment, or publicly owned treatment works.**

* * * * *

(e) The owner or operator of the location where disposal of TCE to industrial pre-treatment, treatment, or to a publicly owned treatment works occurs must comply with the Workplace Chemical Protection Program provisions in § 751.315, except for the disposal permitted in § 751.305(b)(9).

* * * * *

(h) Except for those uses specified in paragraphs (b), (c), and (d) of this section, all persons engaged in the uses specified in paragraphs (h)(i) or (ii) of this section are prohibited from disposal of TCE to industrial pre-treatment, industrial treatment, or publicly owned treatment works after December 18, 2026:

(i) Processing TCE as a reactant/intermediate;

(ii) Processing TCE for industrial and commercial use of TCE as a processing aid, or are the industrial and commercial users of TCE as a processing aid, in: process solvent used in battery manufacture; process solvent used in polymer fiber spinning, fluoroelastomer manufacture and Alcantara manufacture; extraction solvent used in caprolactam manufacture; precipitant used in beta-cyclodextrin manufacture.

■ 4. Amend § 751.315 by revising paragraph (a)(15) to read as follows:

**§ 751.315 Workplace chemical protection program.**

* * * * *

(a) * * *

(15) Disposal of TCE to industrial pre-treatment, industrial treatment, or publicly owned treatment works, except for the disposal permitted in § 751.305(b)(9) and to the extent that the activity is covered by the workplace protections in § 751.319.

* * * * *

■ 5. Revise and republish § 751.321 to read as follows:

**§ 751.321 Downstream notification.**

(a) After February 18, 2025, and before December 16, 2025, each person who manufactures (including imports) TCE for any use must, prior to or concurrent with the shipment, notify companies to whom TCE is shipped, in writing, of the restrictions described in this subpart in accordance with paragraph (c) of this section.

(b) After June 16, 2025, and before December 16, 2025, each person who processes or distributes in commerce TCE or any TCE-containing products for any use must, prior to or concurrent with the shipment, notify companies to whom TCE is shipped, in writing, of the restrictions described in this subpart in accordance with paragraph (c) of this section.

(c) The notification required under paragraphs (a) and (b) of this section must occur by inserting the following text in section 1(c) and 15 of the Safety Data Sheet (SDS) provided with the TCE or with any TCE-containing product:

''After June 16, 2025, this chemical/product is and can only be domestically manufactured, imported, processed, or distributed in commerce for the following purposes until the following prohibitions take effect: (1) Processing as an intermediate (a) for the manufacture of HFC–134a until June 18, 2033, and (b) for all other processing as a reactant/intermediate until December 18, 2026; (2) Industrial and commercial use as a solvent for open-top batch vapor degreasing until December 18, 2025; (3) Industrial and commercial use as a solvent for closed-loop batch vapor degreasing until December 18, 2025, except for industrial and commercial use in batch vapor degreasing for land-based DOD defense systems by Federal agencies and their contractors until December 18, 2029, and except for industrial and commercial use as a solvent for closed-loop batch vapor degreasing necessary for rocket engine cleaning by Federal agencies and their contractors until December 18, 2031, and except for industrial and commercial use of TCE in closed-loop and open-top batch vapor degreasing for essential aerospace parts and components and narrow tubing used in medical devices until December 18, 2031, and except for industrial and commercial use as a solvent for closed-loop batch vapor degreasing for rayon fabric scouring for end use in rocket booster nozzle production by Federal agencies and their contractors until December 18, 2034; (4) Industrial and commercial use in processing aid (a) for lithium battery separator manufacturing until December 18, 2029, and (b) for lead-acid battery separator manufacturing until December 18, 2044, and (c) for specialty polymeric microporous sheet material manufacturing until December 18, 2039, and (d) in process solvent used in battery manufacture; in process solvent used in polymer fiber spinning, fluoroelastomer manufacture and Alcantara manufacture; in extraction solvent used in caprolactam manufacture; and in precipitant used in beta-cyclodextrin manufacture until December 18, 2026; (5) Industrial and commercial uses for vessels of the Armed Forces and their systems, and in the maintenance, fabrication, and sustainment for and of such vessels and systems until December 18, 2034; and (6) Industrial and commercial use for laboratory use (a) for essential laboratory activities until December 18, 2074 and (b) for asphalt testing and recovery using manual centrifuge processes until December 18, 2029 and for asphalt testing and recovery until December 18, 2034.''

(d) Beginning on December 16, 2025, each person who manufactures (including imports), processes, or distributes in commerce TCE or any TCE-containing products must, prior to or concurrent with the shipment, notify companies to whom TCE is shipped, in writing, of the restrictions described in this subpart in accordance with paragraph (e) of this section.

(e) The notification required under paragraph (d) of this section must occur by inserting the following text in section 1(c) and 15 of the Safety Data Sheet (SDS) provided with the TCE or with any TCE-containing product:

''After June 16, 2025, this chemical/product is and can only be domestically manufactured, imported, processed, or distributed in commerce for the following purposes until the following prohibitions take effect: (1) Processing as an intermediate (a) for the manufacture of HFC–134a until June 18, 2033, and (b) for all other processing as a reactant/intermediate until December 18, 2026; (2) Industrial and commercial use as a solvent for open-top batch vapor degreasing until December 18, 2025; (3) Industrial and commercial use as a solvent for closed-loop batch vapor degreasing until December 18, 2025, except for industrial and commercial use in batch vapor degreasing for land-based DOD defense systems by Federal agencies and their contractors until December 18, 2029, and except for industrial and commercial use as a solvent for closed-loop batch vapor degreasing necessary for rocket engine cleaning by Federal agencies and their contractors until December 18, 2031, and except for industrial and commercial use of TCE in closed-loop and open-top batch vapor degreasing for essential aerospace parts and components and narrow tubing used in medical devices until December 18, 2031, and except for industrial and commercial use as a solvent for closed-loop batch vapor degreasing for rayon fabric scouring for end use in rocket booster nozzle production by Federal agencies and their contractors until December 18, 2034; (4) Industrial and commercial use in processing aid (a) for lithium battery separator manufacturing until December 18, 2029, and (b) for lead-acid battery separator manufacturing until December 18, 2044, and (c) for specialty polymeric microporous sheet material manufacturing until December 18, 2039, and (d) in process solvent used in battery manufacture; in process solvent used in polymer fiber spinning, fluoroelastomer manufacture and Alcantara manufacture; in extraction solvent used in caprolactam manufacture; and in precipitant used in beta-cyclodextrin manufacture until December 18, 2026; (5) Industrial and commercial uses for vessels of the Armed Forces and their systems, and in the maintenance, fabrication, and sustainment for and of such vessels and systems until December 18, 2034; (6) Industrial and commercial use for laboratory use (a) for essential laboratory activities until December 18, 2074 and (b) for asphalt testing and recovery using manual centrifuge processes until December 18, 2029 and for asphalt testing and recovery until December 18, 2034; and (7) Industrial and commercial use as a processing aid in the manufacture of nuclear fuel until September 15, 2028.''

[FR Doc. 2025–17948 Filed 9–15–25; 4:15 pm]

**BILLING CODE 6560–50–P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

### Radio Broadcast Services

### CFR Correction

This rule is being published by the Office of the Federal Register to correct an editorial or technical error that appeared in the most recent annual revision of the Code of Federal Regulations.

In Title 47 of the Code of Federal Regulations, Parts 70 to 79, revised as of October 1, 2024, in section 73.3555, the following paragraphs are added to the end of Note 7:

**§ 73.3555 Multiple ownership.**

* * * * *

**Note 7 to § 73.3555:** * * *

We will entertain waiver requests as follows:

1. If one of the broadcast stations involved is a ''failed'' station that has not been in operation due to financial distress for at least four consecutive months immediately prior to the application, or is a debtor in an involuntary bankruptcy or insolvency proceeding at the time of the application.

2. If one of the television stations involved is a ''failing'' station that has an all-day audience share of no more than four per cent; the station has had negative cash flow for three consecutive years immediately prior to the application; and consolidation of the two stations would result in tangible and verifiable public interest benefits that outweigh any harm to competition and diversity.

3. If the combination will result in the construction of an unbuilt station. The permittee of the unbuilt station must demonstrate that it has made reasonable efforts to construct but has been unable to do so.

* * * * *

[FR Doc. 2025–18013 Filed 9–16–25; 8:45 am]

BILLING CODE 0099–10–P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### 50 CFR Part 622

**[Docket No. 140501394–5279–02; RTID 0648–XF190]**

## Fisheries of the South Atlantic; Re-Opening of Commercial Harvest for Blueline Tilefish in the South Atlantic

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Temporary rule; re-opening.

**SUMMARY:** NMFS announces the re-opening of commercial harvest for blueline tilefish in the exclusive economic zone (EEZ) of the South Atlantic through this temporary rule. The most recent data for commercial landings of blueline tilefish indicate the commercial annual catch limit (ACL) for the 2025 fishing year has not yet been reached. Therefore, NMFS re-opens the commercial sector to harvest blueline tilefish in the South Atlantic EEZ for 6 days. The purpose of this temporary rule is to allow for the commercial ACL of blueline tilefish to be harvested while managing the risk of exceeding the commercial ACL.

**DATES:** This temporary rule is effective from September 21 through September 26, 2025.

**FOR FURTHER INFORMATION CONTACT:** Mary Vara, NMFS Southeast Regional Office, telephone: 727–824–5305, email: *mary.vara@noaa.gov.*

**SUPPLEMENTARY INFORMATION:** The snapper-grouper fishery of the South Atlantic includes blueline tilefish and is managed under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). The FMP was prepared by the South Atlantic Fishery Management Council and NMFS, was approved by the Secretary of Commerce, and is implemented by NMFS through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). All weights in this temporary rule are given in round weight.

Regulations at 50 CFR 622.193(z)(1)(i) specify the commercial ACL and in-season accountability measure for blueline tilefish in the South Atlantic. The commercial ACL is 117,148 pounds or 53,137 kilograms. NMFS is required to close the commercial harvest of blueline tilefish when NMFS projects commercial landings will reach or have reached the sector ACL. Previously in this 2025 fishing year, NMFS projected that commercial landings of blueline tilefish would reach the commercial ACL on July 23, 2025, and therefore closed commercial harvest on that date and for the rest of the year (90 FR 34186, July 21, 2025). However, a recent update of commercial landings data indicates that the commercial ACL for blueline tilefish was not reached on July 23, 2025.

In accordance with regulations at 50 CFR 622.8(c), NMFS temporarily re-opens the commercial sector for blueline tilefish for 6 days from September 21 through September 26, 2025. The commercial sector will be closed again on September 27, 2025, and remain closed until January 1, 2026, the start of the next fishing year. NMFS has determined that this re-opening will allow an additional opportunity to commercially harvest blueline tilefish while managing the risk of exceeding the commercial ACL.

The operator of a vessel with a valid Federal commercial vessel permit for South Atlantic snapper-grouper with blueline tilefish on the vessel must have landed and bartered, traded, or sold such blueline tilefish no later than September 26, 2025. During the subsequent commercial closure from September 27 through the rest of 2025, all sale or purchase of blueline tilefish is prohibited. Further, the recreational sector for blueline tilefish in the South Atlantic EEZ is closed each year from January 1 through April 30 and from September 1 through December 31, and during these periods, the bag and possession limits for blueline tilefish in or from the South Atlantic EEZ are zero. Therefore, after the effective period of this temporary rule, all harvest and possession of blueline tilefish in or from the South Atlantic EEZ is prohibited. Additionally, these bag and possession limits apply to the harvest of blueline tilefish in both state and Federal waters in the South Atlantic on a vessel with a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper.

### Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is taken under 50 CFR 622.8(c), issued pursuant to section 304(b) of the Magnuson-Stevens Act, and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment is

unnecessary. Such procedure is unnecessary, because the regulations associated with the commercial ACL of blueline tilefish and a re-opening to provide an opportunity for the commercial ACL to be harvested have already been subject to notice and public comment, and all that remains is to notify the public of the commercial sector re-opening.

For the reasons stated earlier, the Assistant Administrator for Fisheries also finds good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: September 12, 2025.

**Kelly Denit,**

*Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2025–17974 Filed 9–16–25; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### 50 CFR Part 648

**[Docket No. 240405–0100; RTID 0648–XF181]**

## Fisheries of the Northeastern United States; Mackerel, Squid, and Butterfish Fishery; 2025 Commercial Atlantic Mackerel Fishery Closure

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Temporary rule; reduction of possession limit.

**SUMMARY:** NMFS is closing the commercial Atlantic mackerel fishery through December 31, 2025. This closure is required by regulation because NMFS projects that 80 percent of the mackerel domestic annual harvest has been harvested. This action is necessary to comply with the regulations implementing the Mackerel, Squid, and Butterfish Fishery Management Plan and is intended to prevent overharvest of Atlantic mackerel.

**DATES:** Effective 0001 hours (hr) local time, September 16, 2025, through 2400 hr local time on December 31, 2025.

**FOR FURTHER INFORMATION CONTACT:** Maria Fenton, Fishery Policy Analyst, 978–281–9196.

**SUPPLEMENTARY INFORMATION:** The procedures for setting initial annual specifications for the species managed under the Mackerel, Squid, and Butterfish Fishery Management Plan (FMP) are described at 50 CFR part 648.22. The regulations at § 648.22(a)(3) require annual catch limits, commercial annual catch targets (including research set-aside, domestic annual harvest (DAH), Tier 3 landings caps, and domestic annual processing), joint venture processing, total allowable levels of foreign fishing, and recreational annual catch targets (including research set-aside) to be specified for the Atlantic mackerel fishery for a period of up to 3 years.

The Regional Administrator monitors mackerel fishery catch based on dealer reports and other available information. When the Regional Administrator projects that 80 percent of the DAH is harvested, the regulations at § 648.24(b)(1)(i) require NMFS to close the commercial mackerel fishery in Federal waters for the remainder of the fishing year. During November and December, NMFS has the discretion to not close the commercial mackerel fishery if there is a determination that landings projected for the remainder of the fishing year will not exceed the DAH. The regulations at § 648.26(a)(2)(i) state that while such a closure is in effect, vessels issued a Tier 1, 2, or 3 limited access mackerel permit are prohibited from taking and retaining, possessing, or landing more than 10,000 lb (4.54 mt) of mackerel per trip at any time, and from landing mackerel more than once per calendar day. Additionally, the regulations at § 648.26(a)(2)(ii) state that while such a closure is in effect, vessels issued an open access mackerel permit are prohibited from taking and retaining, possessing, or landing more than 2,500 lb (1.13 mt) of mackerel per trip at any time, and from landing mackerel more than once per calendar day. The regulations at § 648.24(d) require that upon determining that a closure is necessary, NMFS must: Notify the Executive Directors of the relevant Fishery Management Councils; notify permit holders at least 72 hrs before the effective date of the closure; provide adequate notice of the closure to recreational participants in the fishery; and publish notification of the closure in the **Federal Register**.

Based on dealer reports and other available information, the Regional Administrator projects that 80 percent of the mackerel DAH has been harvested as of September 4, 2025. The projected landings for the remainder of the fishing year 2025 are expected to exceed the DAH without reductions to trip limits. Therefore, effective 0001 hr local time on September 16, 2025, limited access mackerel vessels may not take and retain, possess, or land more than 10,000 lb (4.54 mt) of mackerel per trip at any time, and may only land mackerel once per calendar day, through 2400 hr local time on December 31, 2025. Limited access mackerel vessels that enter port before 0001 hr local time on September 16, 2025, may land and sell more than 10,000 lb (4.54 mt) of mackerel from that trip, consistent with possession restrictions at § 648.26(a)(1)(i). Additionally, effective 0001 hr local time on September 16, 2025, open access mackerel vessels may not take and retain, possess, or land more than 2,500 lb (1.13 mt) of mackerel per trip at any time, and may only land mackerel once per calendar day, through 2400 hr local time on December 31, 2025. Open access mackerel vessels that enter port before 0001 hr local time on September 16, 2025, may land and sell more than 2,500 lb (1.13 mt) of mackerel from that trip, consistent with possession restrictions at 648.26(a)(1)(ii).

Also, effective 0001 hr local time on September 16, 2025, through 2400 hr local time on December 31, 2025, federally permitted dealers may not purchase more than 10,000 lb (4.54 mt) of mackerel from a limited access mackerel vessel unless the vessel enters port before 0001 hr local time on September 16, 2025. Federally permitted dealers may not purchase more than 2,500 lb (1.13 mt) of mackerel from an open access mackerel vessel unless the vessel enters port before 0001 hr local time on September 16, 2025. The possession limits for the mackerel fishery will reset to the amounts outlined at §§ 648.26(a)(1)(i) and (ii) on January 1, 2026.

Regulations at § 648.22(d)(1) state that if annual mackerel specifications are not published in the **Federal Register** prior to the start of the fishing year, the previous year's annual specifications (excluding specifications of total allowable level of foreign fishing) will remain in effect. The previous year's specifications will be superseded as of the effective date of the final rule implementing the current year's annual specifications. On May 13, 2025, NMFS proposed reaffirming projected 2025 mackerel specifications which, if they become final, would remain unchanged from 2024 (90 FR 20265). The mackerel fishery has been operating under 2024 specifications since the start of the fishing year on January 1, 2025. Because the projected 2025 DAH is identical to the 2024 DAH, this commercial fishery closure would remain in effect if and when the 2025 specifications are finalized because the closure trigger (*i.e.,* 80 percent of the DAH harvested)

would still be met. The possession limits for the mackerel fishery will reset to the amounts outlined at §§ 648.26(a)(1)(i) and (ii) on January 1, 2026.

**Classification**

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

NMFS finds good cause pursuant to 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment because it would be contrary to the public interest and impracticable. The 2025 mackerel fishing year began in January 1, 2025. Data and other information indicating that 80 percent of the mackerel DAH has been harvested have only recently become available. Landings data are updated on a weekly basis, and NMFS monitors catch data on a daily basis as catch increases toward the limit. Further, high-volume catch and landings in this fishery increase total catch relative to the DAH quickly. Atlantic mackerel is currently being managed under a rebuilding plan, and exceeding the DAH may harm the stock's rebuilding progress. The regulations at § 648.24(b)(1)(i) require NMFS to implement this action to ensure that mackerel vessels do not exceed the DAH. If implementation of this action is delayed to solicit prior public comment, the mackerel DAH may be exceeded, thereby undermining the conservation objectives of the FMP. Furthermore, the public had prior notice and full opportunity to comment on this process when these provisions were put in place. Based on these considerations, NMFS further finds, pursuant to 5 U.S.C. 553(d)(3), good cause to waive the 30-day delayed effectiveness period for the reasons stated above.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: September 15, 2025.

**Kelly Denit,**

*Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2025–17988 Filed 9–15–25; 4:15 pm]

**BILLING CODE 3510–22–P**

# Proposed Rules

**Federal Register**

Vol. 90, No. 178

Wednesday, September 17, 2025

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

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

**21 CFR Part 74**

**[Docket No. FDA–2025–C–3543]**

## Proposal To Remove the Color Additive Listing for Use of Orange B on Casings or Surfaces of Frankfurters and Sausages

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Proposed amendment; proposed order.

**SUMMARY:** The Food and Drug Administration (FDA or we) is proposing to issue an order that would remove the color additive regulation that allows for the use of Orange B for coloring the casings or surfaces of frankfurters and sausages. Based on certification data, it appears that Orange B is no longer used for coloring the casings or surfaces of frankfurters and sausages and has not been certified for use as a color additive in food marketed in the United States since 1978. Because the authorized use of Orange B appears to have been abandoned, we have tentatively concluded that this color additive regulation is outdated and unnecessary.

**DATES:** Submit electronic or written comments on the proposed order by October 17, 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 17, 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 comment, 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–C–3543 for ''Proposal to Remove the Color Additive Listing for Use of Orange B on Casings or Surfaces of Frankfurters and Sausages.'' 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.'' We will review this copy, including the claimed confidential information, in our 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:** Shayla West-Barnette, Office of Premarket Additive Safety, Human Foods Program, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240–402–1262; or Meridith L. Kelsch, Office of Policy, Regulations, and Information, Human Foods Program, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240–402–2378.

**SUPPLEMENTARY INFORMATION:**

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## I. Background

President Trump has directed the heads of executive departments and agencies to eliminate unnecessary and burdensome regulations (Executive Order 14192, ''Unleashing Prosperity Through Deregulation'' (90 FR 9065, Feb. 6, 2025)). Independently, Secretary Kennedy has expressed support for deregulatory initiatives across all HHS components to focus on the core mission to Make America Healthy Again (see ''Request for Information (RFI): Ensuring Lawful Regulation and Unleashing Innovation to Make America Healthy Again'' (90 FR 20478, May 14, 2025)). Removing the color additive regulation for Orange B, which we tentatively conclude is no longer used for its authorized use in food in the United States, is consistent with these directives. It is also consistent with Executive Order 13563, ''Improving Regulation and Regulatory Review'' (76 FR 3821, Jan. 21, 2011), which requires agencies to periodically conduct retrospective analyses of existing regulations to identify those ''that may be outmoded, ineffective, insufficient, or excessively burdensome, and to modify, streamline, expand, or repeal them,'' accordingly.

The Federal Food, Drug, and Cosmetic Act (FD&C Act) authorizes us to regulate ''color additives'' (see section 721(b) of the FD&C Act (21 U.S.C. 379e(b))). The FD&C Act defines ''color additive,'' in relevant part, as a material which is a dye, pigment, or other substance made by a process of synthesis or similar artifice, or extracted, isolated, or otherwise derived, with or without intermediate or final change of identity, from a vegetable, animal, mineral, or other source, and that when added or applied to a food, drug, or cosmetic, or to the human body or any part thereof, is capable (alone or through reaction with another substance) of imparting color (see section 201(t) of the FD&C Act (21 U.S.C. 321(t))). Color additives used in or on a food, drug, cosmetic, or certain medical devices are deemed unsafe and prohibited except to the extent that we approve their use through issuance of a regulation and, when subject to certification, are batch certified (see section 721(a) of the FD&C Act).

Sections 701(e), (f), and (g) of the FD&C Act (21 U.S.C. 371(e), (f), and (g)) apply to the issuance, amendment, or repeal of color additive regulations (see section 721(d) of the FD&C Act). Section 701(e) of the FD&C Act provides that any action for the issuance, amendment, or repeal of a color additive regulation may be initiated by a proposal made by the Secretary or by a petition of any interested persons. It further requires that FDA publish such a proposal, provide an opportunity for interested parties to present their views, and then by order act upon such proposal.

FDA may issue a regulation listing a color additive for use in or on food, drugs, devices, or cosmetics only if it determines that the additive is suitable and safe for such use (see section 721(b)(2)(A) of the FD&C Act). The regulation that permits the use of a color additive includes appropriate limitations and requirements for its safe use and specifies whether certification is required (see section 721(a)(1), (c) of the FD&C Act; 21 CFR 71.20). (For additional information on certification of color additives, see Color Certification FAQs, available at: *https://www.fda.gov/industry/color-certification/color-certification-faqs*.)

FDA determines the need for batch certification based on whether the color additive composition needs to be controlled to protect the public health (see 21 CFR 71.20(b)). Some color additives, in their uncertified forms, might contain impurities at levels that pose a health concern. When batch certification is required for a color additive, the color additive must be batch certified by FDA. If it is not batch certified, it is deemed unsafe under the relevant adulteration provision, for example, under section 402(c) of the FD&C Act for food (see section 721(a)(1) of the FD&C Act). To receive certification for a color additive, a request must be filed with FDA, along with a batch sample. FDA assesses the information in the request and analyzes whether the batch sample conforms to the applicable identity and specifications stated in the listing regulation for the color additive. If FDA finds that the batch sample meets the applicable requirements for composition and purity stated in the listing regulation, FDA will issue a certificate indicating the lot number for the batch and stating that the batch is certified (see 21 CFR 80.21, 80.31).

## II. Description of the Proposed Order

On January 4, 1966 (31 FR 8), we issued a regulation allowing for the use of Orange B as a color additive in casings for frankfurters and sausages, subject to certain specifications, restrictions, labeling requirements, and certification. Under § 74.250 (21 CFR 74.250), Orange B is authorized for coloring the casings or surfaces of frankfurters and sausages subject to the restriction that the quantity of the color additive does not exceed 150 parts per million by weight of the finished food. It is not authorized for other uses as a color additive. The regulation also specifies that all batches of Orange B must be certified in accordance with our regulations under 21 CFR part 80.

Our records indicate that Orange B was last batch certified in 1978 and that FDA has not received any requests to batch certify Orange B since that time (Ref. 1). We tentatively conclude that the absence of requests to certify a batch of Orange B since 1978 indicates that the color additive is no longer manufactured for uses established in § 74.250. Without a certification, Orange B may not be used as a color additive in food in the United States. Considering this information, we tentatively conclude that the authorized use of Orange B has been abandoned. Therefore, we tentatively conclude that the color additive listing for Orange B at § 74.250 is outdated and unnecessary and we propose to repeal this color additive regulation. We would consider this action to also partially respond to the Center for Science in the Public Interest's (CSPI) 2008 citizen petition (Docket No. FDA–2008–P–0349), which requests, in part, that FDA revoke the color additive approval of Orange B.

If this proposed order is finalized, in accordance with 21 CFR 80.32(h), all certificates for any existing batches and portions of batches of Orange B would cease to be effective for use in food on the effective date for the removal of § 74.250, and any lots of Orange B would be regarded as uncertified after that date. The use of Orange B in any food after its certificate ceases to be effective would result in such food being adulterated.

## III. Proposed Effective Date of a Final Order

We propose that any final order based on this proposed order be effective 45 days following its publication in the **Federal Register**.

## IV. Analysis of Environmental Impact

We have determined under 21 CFR 25.32(m) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

## V. Paperwork Reduction Act of 1995

FDA tentatively concludes that this proposed order contains no collection of

information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) is not required.

### VI. References

The following reference is on display at the Dockets Management Staff (see **ADDRESSES**) and is available for viewing by interested persons between 9 a.m. and 4 p.m., Monday through Friday; it also is available electronically at *https://www.regulations.gov.* Although FDA verified the website addresses in this document, please note that websites are subject to change over time.

1. Memorandum from S. West-Barnette, Division of Food Ingredients, Regulatory Review Branch, Human Foods Program, FDA, to M. Honigfort, Division of Food Ingredients, Regulatory Review Branch, Human Foods Program, FDA, August 19, 2025.

### List of Subjects in 21 CFR Part 74

Color additives, Cosmetics, Drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, we propose to amend 21 CFR part 74 as follows:

## PART 74—LISTING OF COLOR ADDITIVES SUBJECT TO CERTIFICATION

■ 1. The authority citation for part 74 continues to read as follows:

**Authority:** 21 U.S.C. 321, 341, 342, 343, 348, 351, 352, 355, 361, 362, 371, 379e.

**§ 74.250 [Removed]**

■ 2. Remove § 74.250.

**Grace R. Graham,**

*Deputy Commissioner for Policy, Legislation, and International Affairs.*

[FR Doc. 2025–18023 Filed 9–16–25; 8:45 am]

**BILLING CODE 4164–01–P**

## DEPARTMENT OF EDUCATION

### 34 CFR Part 75

**[Docket ID ED–2025–OS–0745]**

## Proposed Priority and Definitions—Secretary's Supplemental Priority and Definitions on Promoting Patriotic Education

**AGENCY:** U.S. Department of Education.

**ACTION:** Proposed priority and definitions.

**SUMMARY:** The Secretary proposes one additional priority and related definitions for use in currently authorized discretionary grant programs or programs that may be authorized in the future. The Secretary may choose to use the entire priority for a grant program or a particular competition or use one or more of the priority's component parts. This priority and definitions augment other Secretary's Supplemental Priorities, such as the initial set of three Secretary's Supplemental Priorities on Evidence-Based Literacy, Educational Choice, and Returning Education to the States published as final priorities on September 9, 2025, (90 FR 43514) and the additional Secretary's Supplemental Priority on Artificial Intelligence published as a proposed priority on July 21, 2025 (90 FR 34203).

**DATES:** We must receive your comments on or before October 17, 2025.

**ADDRESSES:** Comments must be submitted via the Federal eRulemaking Portal at *Regulations.gov.* See the **SUPPLEMENTARY INFORMATION** section for more details.

**FOR FURTHER INFORMATION CONTACT:** Zachary Rogers, U.S. Department of Education, 400 Maryland Avenue SW, Room 7W213, Washington, DC 20202–6450. Telephone: (202) 260–1144. Email: *SSP@ed.gov.*

If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7–1–1.

**SUPPLEMENTARY INFORMATION:**

*Invitation to Comment:* We invite you to submit comments regarding the proposed priority and definitions. Comments must be submitted via the Federal eRulemaking Portal at *Regulations.gov.* However, if you require an accommodation or cannot otherwise submit your comments via *Regulations.gov,* please contact the program contact person listed under **FOR FURTHER INFORMATION CONTACT**. The Department will not accept comments by fax or by email, or comments submitted after the comment period closes. To ensure that the Department does not receive duplicate copies, please submit your comments only once. Additionally, please include the Docket ID at the top of your comments.

*Federal eRulemaking Portal:* Go to *www.Regulations.gov* to submit your comments electronically. Information on using *Regulations.gov,* including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under ''FAQ.'' Also included on *Regulations.gov* is a commenter checklist that addresses how to submit effective comments.

In instances where individual submissions appear to be duplicates or near duplicates of comments prepared as part of a writing campaign, the Department may choose to post to *Regulations.gov* one representative sample comment along with the total comment count for that campaign. The Department will consider these comments along with all other comments received. In instances where individual submissions are bundled together (submitted as a single document or packaged together), the Department will post all of the substantive comments included in the submissions along with the total comment count for that document or package to *Regulations.gov.* Comments containing personal threats will not be posted to *Regulations.gov* and may be referred to the appropriate authorities.

During and after the comment period, you may inspect public comments about the proposed priority and definitions by accessing *Regulations.gov.* To inspect comments in person, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

*Privacy Note:* The Department's policy is to generally make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at *Regulations.gov.* Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

*Assistance to Individuals with Disabilities in Reviewing the Rulemaking Record:* On request, we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for this document. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

*Program Authority:* 20 U.S.C. 1221e–3, 3474.

*Proposed Priority:* This document contains one proposed priority.

*Proposed Priority: Promoting Patriotic Education.*

*Background:* The success of the American experiment in self-government requires the cultivation of both citizenship competency and informed patriotism among the American People. Citizens must understand why our free-market economy is a highly evolved system of cooperation fostered by our constitutional republic, and how it functions to secure the blessings of liberty for all Americans. This understanding can only be acquired and prove to be lasting when rooted in a

recognition of the nobility of America's foundational principles and ideals, and an accurate and honest account of American history that shows how the United States has worked through private and public efforts to live up to them better.

All too often, government is misunderstood to be synonymous with those things that We the People do together when in fact it is merely a subset thereof. Rather, our voluntary individual actions channeled through the intermediary institutions of civil society—such as our companies, places of worship, schools, fraternal organizations, and civic associations—are critically important to the proper functioning of the American economic, social, and political system. In the American system of liberty, educated citizens who know their rights and meet their responsibilities cooperate to build a more perfect Union and inherit the opportunities of a free society.

To provide a common foundation and shared conception of this more perfect Union, we must transmit to all American students a shared understanding of our political, economic, intellectual, and cultural history—including our national symbols and heroes. At the same time, this American political tradition must be situated within the broader context of the political, economic, intellectual, and cultural history of Western Civilization.

This priority focuses grant funds on programs that promote a patriotic education that cultivates citizen competency and informed patriotism among and communicates the American political tradition to students at all levels, including activities and programs accessible to students with special needs.

*Proposed Priority:* Projects that are designed to provide an introduction to and understanding of the founding documents and primary sources of the American political tradition, in a manner consistent with the principles of a patriotic education. Projects may address one or more of the following topics:

(a) United States Constitution, government, and civics.

(b) United States history and geography.

(c) United States military and diplomatic history.

(d) United States literature and rhetoric.

(e) United States art (architecture, painting, music, photography, theater, cinema, and sculpture, etc.).

(f) The founding documents and primary sources of Western Civilization and the American founding and their influence on the American political tradition.

(g) The influence of Western Europe upon the American political tradition.

*Types of Priorities:*

When inviting applications for a competition using one or more priorities, we designate the type of each priority as absolute, competitive preference, or invitational through a notice in the **Federal Register**. The effect of each type of priority follows:

*Absolute priority:* Under an absolute priority, we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

*Competitive preference priority:* Under a competitive preference priority, we give competitive preference to an application by (1) awarding additional points, depending on the extent to which the application meets the priority (34 CFR 75.105(c)(2)(i)); or (2) selecting an application that meets the priority over an application of comparable merit that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

*Invitational priority:* Under an invitational priority, we are particularly interested in applications that meet the priority. However, we do not give an application that meets the priority a preference over other applications (34 CFR 75.105(c)(1)).

*Proposed Definitions:*

*Background:* The Secretary proposes the following definitions for use in any Department discretionary grant program in which the proposed priority is used.

*American political tradition* includes the founding documents, essential principles of republican government, and historical development of America's government; key works of history, literature, humanities, and art; the influence of Western Civilization, including ancient Greece, Rome, and Judeo-Christianity; the history of Western Europe linked to the history and development of the United States; the role of faith; and the founding documents and primary sources of the American founding (ideas, traditions, institutions, and texts essential to American constitutional government) with a focus on the first principles of the founding, their inclusion in the Constitution and the Bill of Rights, and their development over time that have shaped America's culture.

*Patriotic education* means a presentation of the history of America grounded in an accurate, honest, unifying, inspiring, and ennobling characterization of the American founding and foundational principles; a clear examination of how the United States has admirably grown closer to its noble principles throughout its history; and the concept that commitment to America's aspirations is beneficial and justified.

**Note:** Nothing in this definition should be construed as implicating a particular curriculum, program of instruction, or specific academic content.

*Final Priority and Definitions:* The Department will announce the final priority and definitions in a document in the **Federal Register**. We will determine the final priority and definitions after considering responses to the proposed priority and definitions and other information available to the Department. This document does not preclude us from proposing additional priorities, requirements, or definitions, subject to meeting applicable rulemaking requirements.

**Note:** This document does *not* solicit applications. In any year in which we choose to use any of the final priority and definitions, we invite applications through a notice in the **Federal Register**.

**Executive Orders 12866, 13563, and 14192**

*Regulatory Impact Analysis:*

This proposed regulatory action is not a significant regulatory action subject to review by the Office of Management and Budget under section 3(f) of Executive Order 12866. Since this regulatory action is not a significant regulatory action under section 3(f) of Executive Order 12866, it is not considered an ''Executive Order 14192 regulatory action.''

We have also reviewed this proposed regulatory action under Executive Order 13563. We are issuing the proposed priority and definitions only on a reasoned determination that their benefits would justify their minimal costs. The Department believes that this regulatory action is consistent with the principles in Executive Order 13563.

We also have determined that this regulatory action would not unduly interfere with State, local, and Tribal governments in the exercise of their governmental functions.

In accordance with these Executive Orders, the Department has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action. The potential costs are those resulting from statutory requirements and those we have determined are necessary for administering the Department's programs and activities.

*Discussion of Costs and Benefits:*

The proposed priority and definitions would impose no or minimal costs on entities that receive discretionary grant award funds from the Department.

Additionally, the benefits of implementing the proposed priority and definitions outweigh any associated costs, to the extent these de minimis costs even exist, because the proposed priority and definitions would result in higher quality grant application submissions.

Application submission and participation in competitive grant programs that might use this proposed priority and definitions is voluntary. We believe, based on the Department's administrative experience, that entities preparing an application would not need to expend more resources than they otherwise would have in the absence of this proposed priority and definitions. Therefore, any potential costs to applicants would be de minimis. Moreover, because the costs of carrying out activities would be paid for with program funds, the costs of implementation would not be a burden for any eligible applicants that earn a grant award, including small entities. We invite the public to comment on this discussion of estimated costs and benefits. We are specifically interested in high quality comments supported with quantitative data.

*Intergovernmental Review:* This action is subject to Executive Order 12372 and the regulations in 34 CFR part 79.

This document provides early notification of our specific plans and actions for this program.

*Regulatory Flexibility Act Certification:*

This section considers the effects that the final regulations may have on small entities in the educational sector as required by the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* The Secretary certifies that this proposed regulatory action would not have a substantial economic impact on a substantial number of small entities.

The U.S. Small Business Administration Size Standards define proprietary institutions as small businesses if they are independently owned and operated, are not dominant in their field of operation, and have total annual revenue below $7,000,000. Nonprofit institutions are defined as small entities if they are independently owned and operated and not dominant in their field of operation. Public institutions are defined as small organizations if they are operated by a government overseeing a population below 50,000.

*Paperwork Reduction Act:* The proposed priority and definitions do not contain information collection requirements or affect the currently approved data collection.

*Accessible Format:* On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, compact disc, or another accessible format.

*Electronic Access to This Document:* The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* You may also access documents of the Department published in the **Federal Register** by using the article search feature at *www.federalregister.gov.*

**Signing Authority**

This document of the U.S. Department of Education was signed on September 12, 2025, by Linda McMahon, Secretary of Education. That document with the original signature and date is maintained by the U.S. Department of Education. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned has been authorized to sign the document in electronic format for publication, as an official document of the U.S. Department of Education. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

**Tracey St. Pierre,**

*Director, Office of the Executive Secretariat, Office of the Secretary, U.S. Department of Education.*

[FR Doc. 2025–17960 Filed 9–16–25; 8:45 am]

**BILLING CODE 4000–01–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

### 49 CFR Part 395

**[Docket No. FMCSA–2025–0193]**

### Hours of Service of Drivers; Pilot Program To Allow Commercial Drivers To Split Sleeper Berth Time

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

**ACTION:** Notification of proposed pilot program; request for comments.

**SUMMARY:** FMCSA proposes a pilot program allowing temporary regulatory relief from the Agency's regulation requiring one rest period of at least 7 consecutive hours in the sleeper berth for drivers who elect to split their time in the sleeper berth. Participation in the pilot program would be limited to approximately 256 drivers of commercial motor vehicles (CMVs) who possess a valid commercial driver's license (CDL) and regularly utilize the sleeper berth. Both drivers who wish to participate in the pilot and their employing motor carriers would be required to meet specific eligibility criteria to participate. Drivers selected for participation would provide FMCSA with data for a 4-month period, divided into a ''baseline'' period of 1 month, during which they would comply with the current sleeper berth regulations, and another period of 3 months, during which they would operate under an exemption allowing additional flexibility in how they may split their sleeper berth time. The Agency would use the data collected to compare drivers' safety performance and fatigue levels between the baseline and exemption periods. The goal of the analysis would be to assess whether additional flexibility in how sleeper berth time may be split achieves a level of safety equivalent to that which would be achieved absent the regulatory relief.

**DATES:** Comments must be received on or before November 17, 2025.

**ADDRESSES:** You may submit comments identified by Docket Number FMCSA–2025–0193 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov/docket/FMCSA-2025-0193/document.* Follow the online instructions for submitting comments.
- *Mail:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.
- *Fax:* (202) 493–2251.

**FOR FURTHER INFORMATION CONTACT:** Dr. Samuel White, Applied Research Division, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001; *Samuel.White@dot.gov;* (202)

875–1029. If you have questions on viewing or submitting material to the docket, call Dockets Operations at (202) 366–9826.

**SUPPLEMENTARY INFORMATION:**

## I. Public Participation and Request for Comments

### *A. Submitting Comments*

If you submit a comment, please include the docket number for this notice (FMCSA–2025–0193), indicate the specific section of this document to which your comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *https://www.regulations.gov/docket/FMCSA-2025-0193/document,* click on this notice, click ''Comment,'' and type your comment into the text box on the following screen.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing.

FMCSA will consider all comments and material received during the comment period.

Confidential Business Information (CBI)

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to the notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to the notice, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission that constitutes CBI as ''PROPIN'' to indicate it contains proprietary information. FMCSA will treat such marked submissions as confidential under the Freedom of Information Act, and they will not be placed in the public docket of the notice. Submissions containing CBI should be sent to Brian Dahlin, Chief, Regulatory Evaluation Division, Office of Policy, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001 or via email at *brian.g.dahlin@dot.gov.* At this time, you need not send a duplicate hardcopy of your electronic CBI submissions to FMCSA headquarters. Any comments FMCSA receives not specifically designated as CBI will be placed in the public docket for this notice.

### *B. Viewing Comments and Documents*

To view any documents mentioned as being available in the docket, go to *https://www.regulations.gov/docket/FMCSA-2025-0193/document* and choose the document to review. To view comments, click this notice, then click ''Browse Comments.'' If you do not have access to the internet, you may view the docket online by visiting Dockets Operations on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

### *C. Privacy*

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, including any personal information the commenter provides, to *www.regulations.gov* as described in the system of records notice DOT/ALL 14 (Federal Docket Management System (FDMS)), which can be reviewed at *https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices.* The comments are posted without edits and are searchable by the name of the submitter.

## II. Legal Basis

FMCSA has authority under 49 U.S.C. 31315(c) to conduct pilot programs. These programs are research studies where one or more temporary exemptions are granted to a person or class of persons subject to certain Federal Motor Carrier Safety Regulations (FMCSRs), to allow for the testing of innovative alternatives to those regulations. (49 U.S.C. 31315(c)(1); see also 49 CFR 381.400). FMCSA must publish in the **Federal Register** a detailed description of each pilot program, including the exemptions being considered, and provide such notice and an opportunity for public comment before the effective date of the program. The Agency is required to ensure that the safety measures in the pilot programs are designed to achieve a level of safety that is equivalent to, or greater than, the level of safety that would be achieved through compliance with the safety regulations. Pilot programs are limited to not more than 3 years from the starting date. (49 U.S.C. 31315(c)(2)). The requirements in 49 CFR part 395—Hours of Service of Drivers, are eligible for pilot program exemptions. (49 CFR 381.400(f)(8)).

At the conclusion of each pilot program, FMCSA must submit a report to Congress concerning the findings, conclusions, and recommendations, including suggested amendments to laws and regulations that would enhance motor carrier, CMV, and driver safety, and improve compliance with the FMCSRs (49 U.S.C. 31315(e)).

## III. Background

### *Earlier Proposals*

In December 2013, the American Trucking Associations, Inc., and the Minnesota Trucking Association submitted a joint proposal [1] for a ''flexible sleeper-berth pilot program.'' FMCSA's current proposal is based, in part, on that joint proposal for a pilot program. To reduce the potential for negative impacts on safety and ensure the collection of high-quality data, FMCSA also considered past research on sleep.

On June 6, 2017, FMCSA proposed a pilot program allowing temporary regulatory relief from the Agency's then-current sleeper berth regulations and permitting a variety of sleeper berth ''splits'' (82 FR 26232), as shown in the following table:

[1] A copy of the proposal is available in the docket for this notice.

TABLE 1—EXAMPLES OF SLEEPER BERTH ''SPLITS''

| Examples of Sleeper Berth ''Splits'' | | | | |
|---|---|---|---|---|
| Type of split | Period I (sleeper berth) (hours) | Period II (sleeper berth, off duty, or combination) (hours) | Allowed under current regulations | Allowed under proposed pilot program |
| None | ≥10 | N/A | Yes | Yes. |
| ''8/2'' | ≥8 | ≥2 | Yes | Yes. |
| ''7/3'' | ≥7 | ≥3 | Yes | Yes. |
| ''6/4'' | ≥6 | ≥4 | No | Yes. |
| ''5/5'' | ≥5 | ≥5 | No | Yes. |

However, when developing the August 22, 2019, hours of service (HOS) notice of proposed rulemaking (NPRM), FMCSA determined that additional data collection on the ''7/3'' split was unnecessary, as there existed sufficient literature and data supporting the inclusion of this flexibility in the HOS rulemaking (84 FR 44190). Consequently, FMCSA elected to not pursue the ''flexible sleeper berth pilot program'' at that time, instead using the HOS NPRM to ask the public whether data already existed on the ''6/4'' or ''5/5'' splits. No data was provided in response to the NPRM, but the need remains for additional flexibility in how drivers may comply with the hours-of-service regulations. Therefore, FMCSA has decided to move forward with a revised version of the previously proposed pilot program to collect data on the safety impacts of allowing drivers to utilize ''6/4'' and ''5/5'' splits.

*Applicable Regulations*

As described in 49 CFR 395.1(g)(1), a driver who operates a property-carrying CMV who uses the sleeper berth to obtain the off-duty time required by § 395.3(a)(1) must accumulate at least 10 hours of off-duty time before starting a work shift.[2] The 10 hours may either be accumulated consecutively, or alternatively, split into 1 consecutive period of at least 7 hours in the sleeper berth and a second period of at least 2 consecutive hours of time in the sleeper berth, off duty time, or any combination thereof, provided that the total of the periods is at least 10 hours. In practice, this allows drivers to utilize any split of sleeper berth time including and between a ''7/3'' split and an ''8/2'' split.

In comparison, the Flexible Sleeper Berth Pilot Program would reduce the minimum length of the required sleeper berth period from 7 hours to 5 hours. In practice, this would allow participating drivers to utilize additional splits, including, for example, a ''6/4'' split or a ''5/5'' split.

*Previous Research*

In 2010, the Agency held three listening sessions intended to solicit comments and information on potential HOS regulations (see 75 FR 285 (Jan. 5, 2010), 75 FR 2467 (Jan. 15, 2010), and 75 FR 9376 (Mar. 10, 2010)). Many drivers said they would like some regulatory flexibility (*i.e.,* an exemption from consolidated sleeper berth time) to be able to sleep when they get tired or as a countermeasure to traffic congestion. Although the Agency's 2011 final rule (76 FR 81134 (Dec. 27, 2011)) did not include a provision allowing sleeper berth time to be taken non-consecutively (''split''), FMCSA determined that the issue should be explored in greater depth to determine whether additional flexibility achieves an equivalent or improved level of safety relative to compliance with the current regulations.

The Agency conducted a literature review on the topic of split sleep in 2015, the results of which suggested that sleep split into multiple segments is restorative,[3] and when implemented strategically, does not negatively impact performance.[4] [5] Further, split sleep does not negatively affect daytime ''neurobehavioral performance'' when compared to a consolidated sleep period of the same total duration. Table 2 provides a list of selected studies that support the safety benefits of split sleep for transportation operators.

[2] A ''sleeper berth'' is a sleeping compartment installed on a CMV that complies with the specifications in § 393.76.

[3] See: *https://downloads.regulations.gov/FMCSA-2016-0260-0313/attachment_9.pdf.*

[4] See: *https://downloads.regulations.gov/FMCSA-2016-0260-0313/attachment_2.pdf.*

[5] Also noted by the authors of the 2013 proposal, which is included in the docket for this notice.

TABLE 2—SELECTED STUDIES SUPPORTING THE BENEFITS OF SPLIT SLEEP FOR TRANSPORTATION OPERATORS

| Reference | Description |
|---|---|
| Thomas G. Raslear, Judith Gertler, and Amanda DiFiore (2013): ''Work schedules, sleep, fatigue, and accidents in the U.S. railroad industry,'' *Fatigue: Biomedicine, Health & Behavior,* 1:1–2, 99–115.[6] | Study analyzes results from five surveys administered between 2006 and 2011 and provides a comprehensive description of fatigue in U.S. railroad workers employed in safety-sensitive positions. |
| Gianluca Ficca, John Axelsson, Daniel J. Mollicone, Vincenzo Muto, Michael V. Vitiello (2010): ''Naps, cognition and performance,'' *Sleep Medicine Reviews 14,* 249–258.[7] | Literature review explores daytime split-sleep schedules and their effects on recovery (compared with consolidated sleep schedules) and the benefits of naps in terms of wakefulness performance and cognition. |
| Daniel J. Mollicone, Hans P.A. Van Dongen, David F. Dinges (2007): ''Optimizing sleep/wake schedules in space: Sleep during chronic nocturnal sleep restriction with and without diurnal naps,'' *Acta Astronautica 60,* 354—361.[8] | Laboratory study of 93 adults investigates physiological sleep obtained in a range of restricted sleep schedules. |
| Daniel J. Mollicone, Hans P.A. Van Dongen, Ph.D., Naomi L. Rogers, Ph.D., and David F. Dinges, Ph.D. (2008): ''Response Surface Mapping of Neurobehavioral Performance: Testing the Feasibility of Split Sleep Schedules for Space Operations,'' *Acta Astronautica 63* (7–10): 833–840.[9] | Laboratory study of 90 adults examined feasibility of split-sleep schedules for astronauts with mission-critical space operations involving restricted nighttime sleep. |
| J. Horne (2011): ''Obesity and short sleep: unlikely bedfellows?,'' *Obesity Reviews,* 12: e84–e94.[10] | Analysis critically examines the link between habitual short sleep and obesity, using a previously collected data set. |
| L. Di Milia, G. Kecklund (2013): ''The distribution of sleepiness, sleep and work hours during a long-distance morning trip: A comparison between night- and non-night workers,'' *Accident Analysis and Prevention,* 53:17–22.[11] | Study estimates the prevalence of chronic sleepiness and sleep restriction in a sample of 649 drivers. |
| Gregory Belenky, M.D., Steven R. Hursh, Ph.D., James Fitzpatrick, Hans P. A. Van Dongen, Ph.D. (2008): ''Split Sleeper Berth Use and Driver Performance: A Review of the Literature and Application of a Mathematical Model Predicting Performance from Sleep/Wake History and Circadian Phase,'' American Trucking Associations.[12] | Study reviews the literature to examine the recuperative value of split versus consolidated sleep for performance and applies a mathematical model to evaluate the effects on performance of 288 sleeper berth provision compliant and non-compliant schedules. |
| Gregory Belenky, M.D., Melinda L. Jackson, Ph.D., Lindsey Tompkins, Brieann Satterfield, Amy Bender (2012): ''Investigation of the Effects of Split Sleep Schedules on Commercial Vehicle Driver Safety and Health,'' FMCSA.[13] | In-residence laboratory study of 53 healthy participants provides between-group comparisons of nighttime, split, or daytime sleep across a 5-day simulated workweek. |

FMCSA sponsored an in-residence laboratory study [14] titled ''Investigation of the Effects of Split Sleep Schedules on Commercial Vehicle Driver Safety and Health.'' The study was conducted from January 2010 through May 2011. Three sleep conditions were examined: consolidated nighttime sleep, split sleep (utilizing a ''5/5'' split analogous to the ''5/5'' split referenced in this notice), and consolidated daytime sleep. With respect to objectively measured sleep, during the 5-day simulated workweek, participants in the nighttime condition slept the most (8.4 hours ± 13.4 minutes), participants in the daytime condition slept the least (6.4 hours ± 15.3 minutes), and participants in the split-sleep condition fell somewhere in between (7.16 hours ± 14.2 minutes).

The study found that consolidated daytime sleep resulted in less total sleep time, increased subjective ratings of self-assessed sleepiness, and increases in blood glucose and testosterone at the end of the workweek (which are indicative of ''metabolic perturbation'') relative to the start. However, neither cognitive task performance nor driving performance in a driving simulator task were affected by a participant's sleep condition. The findings suggest that, with respect to total sleep time, consolidated sleep is better than split sleep if the consolidated sleep opportunity takes place at night, but that split sleep is better than consolidated sleep if the consolidated sleep opportunity takes place during the day. This laboratory study and the studies referenced in Table 2 (as well as others) provide the scientific basis for the present pilot program.

Previous sleep studies that have shown detrimental effects caused by split sleep are described in Table 3.

[6] Available at: *https://downloads.regulations.gov/FMCSA-2016-0260-0313/attachment_1.pdf.*

[7] Available at: *https://downloads.regulations.gov/FMCSA-2016-0260-0313/attachment_2.pdf.*

[8] Available at: *https://downloads.regulations.gov/FMCSA-2016-0260-0313/attachment_3.pdf.*

[9] Available at: *https://downloads.regulations.gov/FMCSA-2016-0260-0313/attachment_5.pdf.*

[10] Available at: *https://downloads.regulations.gov/FMCSA-2016-0260-0313/attachment_4.pdf.*

[11] Available at: *https://downloads.regulations.gov/FMCSA-2016-0260-0313/attachment_6.pdf.*

[12] Available at: *https://downloads.regulations.gov/FMCSA-2016-0260-0313/attachment_7.pdf.*

[13] Available at: *https://downloads.regulations.gov/FMCSA-2016-0260-0313/attachment_9.pdf.*

[14] Available at: *https://downloads.regulations.gov/FMCSA-2016-0260-0313/attachment_4.pdf.*

TABLE 3—SELECTED STUDIES SHOWING NEGATIVE IMPACTS OF SPLIT SLEEP FOR TRANSPORTATION OPERATORS

| Reference | Description |
|---|---|
| NTSB (1995). *Factors that affect Fatigue in Heavy Truck Accidents.* Volume I: Analysis. Safety Study NTSB Number: SS–95/01, NTIS Number: PB95–917001, Washington, DC.[15] | Study determined that split-shift sleeper berth use increased the risk of fatality and that duration of last sleep as well as continuous sleep were the most important predictors of fatigue-related accidents. |
| Hertz, R.P., ''Tractor-Trailer Driver Fatality: The Role of Nonconsecutive Rest in a Sleeper Berth,'' Insurance Institute for Highway Safety, October 1987. Revised Feb. 1988. *http://www.fmcsa.dot.gov/rules-regulations/administration/rulemakings/final/05-16498-HOS-Final-Rule-8-25-05.htm.*[16] | Study found that CMV driver fatality was significantly associated with split sleeper berth use and that the quality and quantity of sleep obtained in the sleeper berth was less than that obtained when sleeping at home. |
| Dingus, et al., ''Impact of Sleeper Berth Usage on Driver Fatigue,'' NHTSA, 2002. *https://www.regulations.gov/document/FMCSA-2004-19608-1994.*[17] | Concluded that sleeping in a moving vehicle impaired the quality of rest.[18] |
| Pilcher, JJ and Huffcutt, Al. ''Effects of sleep deprivation on performance: a meta-analysis.'' Pubmed.gov, May 1996. *https://www.ncbi.nlm.nih.gov/pubmed/8776790.*[19] | Found that a single, longer sleeping period was more refreshing than splitting sleep into multiple shorter periods and that fatigue and micro sleeps were more likely when an individual experienced disturbed sleep. |

The studies shown in Table 3 have findings that may be outdated due to advances in methods of conducting studies as well as advances in the understanding of fatigue, fatigue management, and how different sleep patterns affect performance and fatigue. More recent studies provide evidence that the circadian rhythm affects fatigue more than splitting sleep does, and that splitting sleep may be more beneficial than sleeping in a single rest period during daylight hours. A literature review performed by Belenky, et al., in 2008 [9] provided further evidence supporting the proposed pilot program, notwithstanding the findings shown in Table 3, and addressed the majority of the publications cited in Table 3 with respect to the question of revisiting the subject of split sleep.

## IV. Pilot Program Requirements

Specific requirements for pilot programs are found in 49 U.S.C. 31315(c) and subparts D and E of 49 CFR part 381. A pilot program is a study in which participants are given exemptions from one or more provisions of the FMCSRs for up to 3 years to gather data to evaluate alternatives or innovative approaches to regulations, while ensuring that an equivalent level of safety is maintained.

A pilot program must include the following elements in each pilot program plan:

(A) A scheduled life of each pilot program of not more than 3 years.

(B) A specific data collection and safety analysis plan that identifies a method for comparison.

(C) A reasonable number of participants necessary to yield statistically valid findings.

(D) An oversight plan to ensure that participants comply with the terms and conditions of participation.

(E) Adequate countermeasures to protect the health and safety of study participants and the general public.

(F) A plan to inform State partners and the public about the pilot program and to identify approved participants to safety compliance and enforcement personnel and to the public.

At the conclusion of each pilot program, FMCSA reports to Congress the findings and conclusions of the program and any recommendations it considers appropriate, including suggested amendments to laws and regulations that would enhance motor carrier, CMV, and driver safety and improve compliance with the FMCSRs (§ 381.520, see also 49 U.S.C. 31315(c)(5)).

### *Scheduled Life of Pilot Program*

The pilot program will take approximately 34 months (up to 36 months) to complete in its entirety.

### *Specific Data Collection and Safety Analysis Plan*

As detailed in this notice, the data collection portion of the pilot program will be 4 months per participating driver. Of that time, for each driver, 1 month will involve the collection of data while the driver operates under ''baseline'' conditions (*i.e.,* according to the current regulations). The remaining 3 months of the data collection period will consist of operations under the exemption.

Details of the data collection plan for this pilot program are subject to change based on comments to the docket and further review by analysts. Proposed information to be collected from each participating motor carrier and driver before the pilot program begins (*i.e.,* during the application phase) are discussed in Section VIII of this notice. Following a pre-study briefing, participants would receive a study-provided smartphone installed with data collection applications necessary for the research (*e.g.,* fatigue measurement apps, survey apps, etc.). These would not include any automated data collection applications that collect and record information without the driver's consent. Drivers would also receive a wearable wrist actigraphy device (*e.g.,* a ''smartwatch'').[20] At a minimum, FMCSA would gather the following data during the study:

- Records of duty status prepared using an electronic logging device, to evaluate participants' use of the split duty period exemption.
- Roadside inspection data and crash records.
- Wrist actigraphy data, to evaluate total sleep time, time of day sleep was taken, and sleep quality, *e.g.,* sleep latency and intermittent wakefulness.
- Psychomotor Vigilance Test (PVT) data, to evaluate drivers' behavioral alertness/effects of fatigue, based on reaction times. For this study, drivers would be required to complete daily iterations of a brief PVT, a 3-minute behavioral alertness test which measures drivers' alertness levels by timing their reactions to visual stimuli.

[15] Available at: *https://downloads.regulations.gov/FMCSA-2016-0260-0313/attachment_12.pdf.*

[16] Available at: *https://downloads.regulations.gov/FMCSA-2016-0260-0313/attachment_8.pdf.*

[17] Available: *https://downloads.regulations.gov/FMCSA-2016-0260-0313/attachment_11.pdf.*

[18] Note that the referenced study is applicable to team driving scenarios.

[19] Available at: *https://downloads.regulations.gov/FMCSA-2016-0260-0313/attachment_10.pdf.*

[20] Participants will wear wrist actigraphy devices throughout their participation in the study. Actigraphy is a minimally obtrusive, validated approach to assessing sleep/wake patterns.

• Subjective sleepiness ratings, using the Karolinska Sleepiness Scale (KSS),[21] to measure drivers' perceptions of their fatigue levels.

• Survey data (*e.g.,* driver pre- and post-study surveys to provide contextual information).

• Other information necessary to complete the analyses may be collected through the participating motor carrier. Every effort will be made to reduce the burden on the motor carrier in collecting and reporting this data.

The ''method of comparison'' for the ''safety analysis plan'' will vary depending on the data, but may include *t*-tests, $\chi^2$ tests, other inferential/descriptive statistics, and/or qualitative analyses to include case narratives (*e.g.,* for crash events). To make effective comparisons between drivers operating in compliance with the current regulations and drivers operating under the conditions of the exemption, the study has been structured as a *within subjects* research design, which will compare data for the same drivers operating under both conditions.

FMCSA acknowledges the potential for employing motor carriers, shippers, and receivers to pressure participating drivers to use the exemption in a manner which benefits their business needs but not the driver's own schedule, restfulness, and safe driving behavior. This is not FMCSA's intended outcome for the proposed pilot program, nor the intended usage of the exemption covered by the proposed pilot program. During the proposed pilot program, FMCSA would actively monitor and watch for any indication that shippers, receivers, or employing motor carriers are inappropriately influencing or misusing a driver's ability to determine how and when to utilize the flexibility provided by the exemption.

*Reasonable Number of Participants Necessary To Yield Statistically Valid Findings*

FMCSA is not aware of any past research which could be used to guide estimates of effect sizes for fatigue/self-reported sleepiness/actigraphy data as it pertains to the proposed pilot program's flexible sleeper berth split options. Therefore, preliminary power analyses were performed to estimate ranges of required sample sizes given rough benchmarks for practically significant effect sizes. Because FMCSA is proposing to use a within-subjects research design, the analyses began with a power analysis for a *t*-test examining the difference between dependent means, using a rough benchmark for a moderate effect size, $d_z$ of 0.25, $\alpha$ error probability = 0.05, and statistical power of $(1-\beta) = 0.95$. This yielded a sample size estimate of 175 participants.

Because the true effect sizes are unknown and may be smaller than estimated in the previous paragraph, further analyses focused on accepting slightly decreased statistical power (*e.g.,* 0.80) while increasing sample size to increase the chances of detecting smaller effects using the same type of *t*-test. Based on those additional analyses, FMCSA selected an increased target sample size of 256 drivers.

This number is advantageous in that it provides a moderately improved probability of detecting ''small'' effect sizes relative to a sample size of 175, while providing adaptability to changes in research needs that might arise going forward (*e.g.,* a change to a mixed design vs. the present plan to utilize a within subjects design).

*Oversight Plan To Ensure That Participants Comply With the Terms and Conditions of Participation*

Eligibility criteria for participation in the proposed pilot program are covered in section VII of this notice.

To ensure that drivers and motor carriers continue to meet these criteria, that the use of the exemption is according to the terms and conditions covered in this notice, and that drivers and motor carriers continue to provide the agreed-upon data, the following oversight plan, or a variation of it, will be used:

(1) Carriers' SMS data, including out-of-service rates and other performance parameters, will be reviewed on a monthly basis during the data collection portion of the pilot program.

(2) Carriers' crash records, including any crashes involving participating drivers, will be reviewed at frequency of not less than every two days during the data collection portion of the pilot program.

(3) Carriers' Motor Carrier Management Information System data, including licensing and insurance data, will be reviewed at a frequency of not less than every three days during the data collection portion of the pilot program.

(4) Incoming data, including, for example, actigraph records and records of duty status prepared using an electronic logging device, will be reviewed daily to weekly, depending on the element being reviewed.

*Adequate Countermeasures To Protect the Health and Safety of Study Participants and the General Public*

FMCSA believes that the same measures which would be used to verify motor carrier/driver compliance with the terms and conditions of the pilot program represent adequate countermeasures to protect the health and safety of study participants and the general public.

In addition, FMCSA would reserve the right to remove any motor carrier or driver from the pilot program for reasons related to, but not limited to, the failure to meet all program requirements or a determination of increased safety concerns. (see 49 U.S.C. 31315(c)(3)). FMCSA would additionally reserve the right to terminate the pilot program at any time such as if there is evidence of increased safety risk resulting from the use of the exemption to split time in the sleeper berth (see 49 U.S.C. 31315(c)(4)).

*Plan To Inform State Partners and the Public About the Pilot Program and To Identify Approved Participants to Safety Compliance and Enforcement Personnel and to the Public*

FMCSA plans to inform State partners about the program through a variety of means, including email announcement, announcement on the FMCSA website, and discussion of the program at events frequently attended by representatives of State partner agencies.

FMCSA will identify approved participants to safety compliance and enforcement personnel via a document provided to each participant that must be carried by the driver during the data collection portion of the pilot program which identifies them as an approved participant. In addition, FMCSA will provide a list of participating motor carriers and drivers to State and Federal enforcement officials via FMCSA's Query Central system. Query Central is a non-public system accessible to State and Federal enforcement officials. Separately, FMCSA will provide a list of participating motor carriers (but not participating drivers) on its public website.

FMCSA plans to identify participating motor carriers to the public via a page on the FMCSA website, updated periodically as necessary to reflect changes in participation status.

## V. Proposed Structure of the Pilot Program

The purpose of this pilot program would be to examine whether providing additional regulatory flexibility related to the sleeper berth provision achieves an equivalent level of safety relative to current regulations.

[21] The KSS is a nine-point Likert-type scale ranging from ''extremely alert'' to ''extremely sleepy'' and has been widely used in the literature as a subjective assessment of alertness.

At present, a driver may accumulate the equivalent of at least 10 consecutive hours off-duty by taking not more than two periods of either sleeper berth time or a combination of off-duty time and sleeper berth time if:

(A) Neither rest period is shorter than 2 consecutive hours;

(B) One rest period is at least 7 consecutive hours in the sleeper berth;

(C) The total of the two periods is at least 10 hours; and

(D) Driving time in the period immediately before and after each rest period, when added together:

(1) Does not exceed 11 hours under § 395.3(a)(3); and

(2) Does not violate the 14-hour duty-period limit under § 395.3(a)(2).

The pilot program would be conducted in the form of a research study in which drivers selected for participation would provide FMCSA with data for a 4-month period, divided into a ''baseline'' period of 1 month, during which the drivers would comply with the current sleeper berth regulations, and another period of 3 months, during which they would operate under an exemption from current sleeper berth regulations. Participating drivers would be exempt from the requirements of § 395.1(g)(1)(ii)(B) and instead would be required to take one rest period of at least 5 consecutive hours in the sleeper berth. This change would result in drivers having the option to select alternative split formats for sleeper berth time, including ''5/5'' and ''6/4'' splits.

This pilot program would recruit motor carriers and CDL drivers who operate a CMV equipped with a sleeper berth and who regularly use the sleeper berth provision. The sample would incorporate drivers from small, medium, and large carriers, including owner-operators. FMCSA plans to collect data from approximately 256 participants. The pilot program would involve the collection of various safety performance and fatigue-related data from participating drivers (see subsection titled ''Specific Data Collection and Safety Analysis Plan'' in Section IV of this notice).

## VI. Management of the Pilot Program

FMCSA has designated a program manager for the pilot program. FMCSA will develop the applications, agreements, and forms to be used by interested carriers and potential study group members. Participating carriers will be publicly announced.

Proposed eligibility requirements and procedural matters are discussed in Sections VII and VIII of this notice.

## VII. Proposed Eligibility Criteria To Participate

### *A. Motor Carriers*

The Agency proposes that participation in the pilot program is contingent upon a motor carrier meeting the following eligibility criteria:

1. Must have proper operating authority and registration;

2. Must have the minimum levels of financial responsibility, if applicable;

3. Must not be a high or moderate risk carrier, as defined in the Agency's **Federal Register** notice titled ''Notification of Changes to the Definition of a High-Risk Motor Carrier and Associated Investigation Procedures'' (81 FR 11875 (Mar. 7, 2016));

4. Must not have a conditional or unsatisfactory safety rating;

5. Must not have any enforcement actions within the past 3 years; [22]

6. Must not have a driver out of service (OOS) rate above 5.97%; [23] and,

7. Must not have a vehicle OOS rate above the 21.41%.[24]

In addition, unpaid civil penalties may be grounds to be disapproved from participating in the pilot program.

Motor carriers participating in the pilot program would be required to meet the following requirements:

- Grant permission for drivers to participate in the Flexible Sleeper Berth Pilot Program.
- Agree to comply with all pilot program procedures, which will be established and made available in written form to motor carrier applicants prior to initiation of the pilot program.
- Grant permission for researchers to gather records of duty status prepared using an electronic logging device for each participating driver throughout the study duration, which will allow the researchers to determine whether drivers are utilizing the flexible sleeper berth exemption and how. Records of duty status provided for this pilot program will be:
  - ○ Transferred by the motor carrier directly to third-party researchers contracted by FMCSA.
  - ○ Stored securely and used by the researchers contracted by FMCSA only for the purposes of research for this pilot program as described in this **Federal Register** notice and as approved by an Institutional Review Board.
  - ○ Described in the results section of a research report resulting from this pilot program only in an aggregate or anonymized manner.

Records of duty status provided to the researchers for this pilot program will not be:

- ○ Transferred to FMCSA.
- ○ Possessed by FMCSA.
- ○ Reviewed by FMCSA.
- ○ Used by FMCSA for enforcement actions against a motor carrier or driver for noncompliance.

- Grant permission for drivers participating in the study to operate under the flexible sleeper berth exemption.

### *B. Drivers*

The Agency proposes the following eligibility criteria for a driver to participate in the Flexible Sleeper Berth pilot program. A driver would not be eligible for participation in the pilot program if, during the 2-year period immediately preceding the date of participation, the driver had his or her license suspended, revoked, cancelled, or has been disqualified for a conviction of one of the disqualifying offenses listed in § 383.51. In addition, drivers would be required to:

- For the purposes of the study, operate the same CMV (equipped with a sleeper berth) as operated for their main source of employment and regularly use the sleeper berth;
- Possess a valid CDL;
- Maintain a valid medical certificate from a healthcare professional on the Agency's National Registry of Certified Medical Examiners while participating in the pilot program;
- Be employed by a motor carrier who has been approved for participation in the pilot program and/or certify as an owner-operator;

Agree to comply with the study procedures, including the use of a wearable actigraph, the completion of tests/surveys related to fatigue/sleepiness, and the preparation of records of duty status using an electronic logging device. Records of duty status, actigraph data, and data collected using test/survey instruments will be transferred to third-party researchers contracted by FMCSA to perform the research services for the pilot program. The researchers will not transfer any of this data or information to FMCSA. It will not be used by FMCSA for the purposes of enforcement actions against a participating motor carrier or driver. It will only be used by the researchers for the research

[22] Enforcement actions include, for example, federal out of service orders and/or monetary penalties issued by FMCSA to a motor carrier or driver for non-compliance.

[23] Lowest annual average national driver out-of-service rate for past 5 calendar years (2021–2025) per FMCSA's Analysis & Information website at time of this notice.

[24] Lowest annual average national vehicle out-of-service rate for past 5 calendar years (2021–2025) per FMCSA's Analysis & Information website at time of this notice.

purposes described in this **Federal Register** notice, including to verify and characterize drivers' use of the optional pause, the effects of the pause on fatigue and driving behavior, and participants' adherence to the parameters of the pilot program. If this pilot program results in a research report, this data will only be presented in an aggregated or anonymized fashion such that an individual driver's data or identity could be determined from the information appearing in the report. FMCSA would also reserve the right to exclude from participation any driver who the Agency believes has a safety history incompatible with the interests of the pilot program.

## VIII. Proposed Process To Apply To Participate

*A. Motor Carriers*

- Visit the pilot program website and complete an electronic application with screening questionnaire, which will request the following details, at a minimum: name, job title, carrier information, company name, and carrier size.
- The carrier's representative must acknowledge that any/all driver data collected, including driving data (except data covered by part 395 of the FMCSRs), sleep/fatigue data, and performance data, must remain confidential and will not be shared with the company.

*B. Study Group Drivers*

- Visit the pilot program website and complete an electronic application including the following details, at a minimum: name, contact information, Medical Certification expiration date, CDL status, typical operation type (*e.g.,* solo, team, etc.), duty reporting location, whether they regularly drive a truck equipped with a sleeper berth, whether they regularly use their sleeper berth, and whether they currently prepare RODS using an electronic logging device (ELD).
- Participate in a phone call with a member of the research team to confirm interest and eligibility.
- Identify their current employer to ensure the motor carrier is an approved motor carrier (unless the individual is an owner operator).
- Provide written, informed consent after a briefing session on data collection techniques and methods.

## IX. Equivalent Level of Safety

FMCSA has evaluated the research cited in this notice and determined that lab studies and other research indicate there is evidence that allowing drivers to utilize a ''6/4'' or ''5/5'' sleeper berth split for their 10-hour rest requirement is not likely to result in adverse safety outcomes relative to compliance with current regulations. Furthermore, FMCSA will implement strict guidelines detailing who may participate in the pilot and what participants must do during the pilot to ensure adequate monitoring of performance throughout the study.

FMCSA will further support efforts to ensure an equivalent level of safety by reserving the right to remove any participant who is not adequately completing data collection tasks and uploading their data in a timely manner or who demonstrates increased crash risk/increased fatigue levels such that FMCSA determines the driver could present a safety hazard to the motoring public.

Additionally, data collected will be monitored by the research team. The contracted research team will be required to inform FMCSA within 24 hours after learning that a participating driver is involved in a recordable crash. Should there be any adverse outcomes identified, FMCSA may end the pilot program early or remove a participating carrier as a measure to maintain an equivalent level of safety.

## X. Paperwork Reduction Act

The pilot program would require participating motor carriers to collect, maintain, and report to FMCSA certain information about their drivers who are participating in the pilot program. This will include identifying information and safety performance data for use in analyzing the drivers' safety history. The Agency will develop forms to promote uniformity in the data collected by the pilot carriers.

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) prohibits agencies from conducting information collection (IC) activities until they analyze the need for the collection of information and how the collected data will be managed. Agencies must also analyze whether technology could be used to reduce the burden imposed on those providing the data. The Agency must estimate the time burden required to respond to the IC requirements, such as the time required to complete a particular form. The Agency submits its IC analysis and burden estimate to OMB as a formal information collection request (ICR); the Agency cannot conduct the information collection until OMB approves the ICR.

Because certain aspects of this pilot program—such as the content of forms and reports—have not been finalized, the Agency is not posting possible IC burden data at this time. Once developed, a separate **Federal Register** notice will be published to solicit comments on the ICR.

## XI. Removal From the Program

FMCSA would reserve the right to remove any motor carrier or driver from the pilot program for reasons related, but not limited to, failure to meet all program requirements or a determination of increased safety concerns (see 49 U.S.C. 31315(c)(3)). FMCSA would reserve the right to terminate the pilot program at any time if, for example, there is evidence of increased safety risk by carriers and/or drivers participating in the pilot program (see 49 U.S.C. 31315(c)(4)).

## XII. Request for Public Comments

Instructions for filing comments to the public docket are included earlier in this notice. FMCSA seeks information in the following areas, but responses need not be limited to these questions:

1. Are any additional requirements for participating carriers and drivers needed to ensure that the pilot program provides a level of safety equivalent to that without the exemption for additional sleeper berth flexibility?

2. What safeguards should be considered to ensure that employing motor carriers, shippers, and receivers do not abuse the split sleeper berth provision (including the additional options covered by the proposed pilot program) by coercing or forcing participating drivers to use it at/during times not chosen by the driver?

3. What measures should FMCSA take to disincentivize abuse of the flexible sleeper berth exemption by shippers and receivers (*e.g.,* through coercion, imposing of additional delays on participating drivers while waiting to load/unload, etc.)?

4. Would the proposed data collection efforts for carriers and drivers discourage participation?

5. Should FMCSA consider collecting additional data/metrics other than those listed in this notice?

6. Is the proposed 4 months' participation/data collection for an individual driver sufficient?

7. Is a 1-month baseline period sufficient for comparison of drivers operating under the current regulations vs operating under the exemption?

8. Is the estimated sample size of 256 drivers sufficient to establish reasonable statistical power?

9. What additional factors, such as driver sex, geographic location, age, operating types, or driver experience, should be considered when selecting

participants to ensure a representative sample is achieved?

10. Should FMCSA consider requesting participating carriers grant voluntary permission for the collection of data from their existing outward facing cameras (for the purposes of capturing crash and safety critical event video footage), provided their decision does not affect their eligibility to participate in the pilot program?

11. Should FMCSA consider requesting participating carriers grant voluntary permission for the collection of data from their existing telematics systems (*e.g.,* for driving events such as instances of harsh braking) provided their decision does not affect their eligibility to participate in the pilot program?

In addition, FMCSA encourages motor carriers and owner operators who are interested in participating in the proposed pilot program to express this interest via public comment.

Issued under authority delegated in 49 CFR 1.87.

**Jesse Elison,**

*Chief Counsel.*

[FR Doc. 2025–17939 Filed 9–16–25; 8:45 am]

**BILLING CODE 4910–EX–P**

# Notices

Federal Register
Vol. 90, No. 178
Wednesday, September 17, 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 COMMERCE

### Foreign-Trade Zones Board

**[B–29–2025]**

### Foreign-Trade Zone (FTZ) 189; Withdrawal of Notification of Proposed Production Activity; Grand River Aseptic Manufacturing; (Pharmaceutical Products); Caledonia and Grand Rapids, Michigan

Notice is hereby given of the withdrawal of the notification of proposed production activity submitted on behalf of Grand River Aseptic Manufacturing for its facilities in Caledonia and Grand Rapids, Michigan within Subzone 189H. The notification was docketed on May 21, 2025 (90 FR 23310, June 2, 2025). The withdrawal was requested on behalf of Grand River Aseptic Manufacturing on September 12, 2025.

Dated: September 12, 2025.

**Elizabeth Whiteman,**

*Executive Secretary.*

[FR Doc. 2025–17982 Filed 9–16–25; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

**[S–320–2025]**

### Foreign-Trade Zone 38; Application for Subzone; Elite Logistix, LLC; Rock Hill, South Carolina

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the South Carolina State Ports Authority, grantee of FTZ 38, requesting subzone status for the facilities of Elite Logistix, located in Rock Hill, South Carolina. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the FTZ Board (15 CFR part 400). It was formally docketed on September 12, 2025.

The proposed subzone would consist of the following sites: *Site 1* (1.27 acres) 1203 Galleria Boulevard, Rock Hill; *Site 2* (2.89 acres) 335 E. Springdale Road, Rock Hill; *Site 3* (3.67 acres) 2087 Williams Industrial Boulevard, Rock HIll; and *Site 4* (3.60 acres) 2751 Commerce Drive, Rock Hill. No authorization for production activity has been requested at this time. The proposed subzone would be subject to the existing activation limit of FTZ 38.

In accordance with the FTZ Board's regulations, Juanita Chen of the FTZ Staff is designated examiner to review the application and make recommendations to the Executive Secretary.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is October 27, 2025. Rebuttal comments in response to material submitted during the foregoing period may be submitted through November 12, 2025.

A copy of the application will be available for public inspection in the ''Online FTZ Information Section'' section of the FTZ Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Juanita Chen at *juanita.chen@trade.gov.*

Dated: September 12, 2025.

**Elizabeth Whiteman,**

*Executive Secretary.*

[FR Doc. 2025–17983 Filed 9–16–25; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

**[Docket No. 250915–0134]**

**XRIN 0694–XC139**

### Notice of the Opening of the Inclusions Window for the Section 232 Steel and Aluminum Tariff Inclusions Process

**AGENCY:** Bureau of Industry and Security, Office of Strategic Industries and Economic Security, U.S. Department of Commerce.

**ACTION:** Notice of the opening of the inclusions window for the steel and aluminum tariff inclusions process.

**SUMMARY:** The Bureau of Industry and Security (BIS) has established a process for including additional derivative steel and aluminum articles within the scope of the duties authorized by the President under section 232 of the Trade Expansion Act of 1962. This notice opens the September 2025 inclusions window for submissions.

**DATES:** The inclusions window is opened on September 15, 2025, and closes at 11:59 p.m. ET on September 29, 2025.

**ADDRESSES:** Only submissions for inclusions requests are being accepted and must be emailed to the Defense Industrial Base Programs inbox at *DIBPrograms@bis.doc.gov.*

**FOR FURTHER INFORMATION CONTACT:** For questions regarding this notice or the inclusions process overall, contact Stephen Astle at 202–482–4506, or email *Steel232@bis.doc.gov* regarding steel inclusion requests or *Aluminum232@bis.doc.gov* regarding aluminum inclusion requests.

**SUPPLEMENTARY INFORMATION:** On February 10, 2025, the President issued Proclamations 10895, ''Adjusting Imports of Aluminum into The United States'' (Aluminum Proclamation), and 10896, ''Adjusting Imports of Steel into the United States'' (Steel Proclamation). These proclamations imposed specified rates of duty on imports of aluminum and steel articles and certain derivative steel and aluminum articles, respectively (collectively, the Inclusions Proclamations).

The Inclusions Proclamations also required the Secretary of Commerce to establish a process for including additional derivative aluminum and steel articles within the scope of the duties. In an interim final rule (IFR) published on May 2, 2025 (90 FR 18780), BIS amended supplement no. 1 to Part 705 of Title 15 of the Code of Federal Regulations and established a process for including additional derivative aluminum and steel articles within the scope of the duties authorized by the President under section 232 of the Trade Expansion Act of 1962, as amended (Section 232). This IFR established recurring two-week windows each year for submissions for derivative products in May, September, and January.

This notice announces the opening of the September 2025 inclusions window for submissions for derivative

aluminum and steel articles for two weeks starting on September 15, 2025, and closing at 11:59 p.m. ET on September 29, 2025. Requests must be submitted to the Defense Industrial Base Programs inbox at *DIBPrograms@bis.doc.gov.* Following the close of the submission window, accepted inclusion requests will be posted for a two-week public comment period on Docket ID BIS–2025–0023 on *Regulations.gov.* See the prior published IFR for details on the inclusions submission process.

**Robby S. Saunders,**

*Deputy Assistant Secretary for Technology Security.*

[FR Doc. 2025–18008 Filed 9–15–25; 4:15 pm]

**BILLING CODE 3510–33–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–570–106, C–570–107]**

### Wooden Cabinets and Vanities and Components Thereof From the People's Republic of China: Continuation of Antidumping Duty Order and Countervailing Duty

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** As a result of the determinations by the U.S. Department of Commerce (Commerce) and the U.S. International Trade Commission (ITC) that revocation of the antidumping duty (AD) and countervailing duty (CVD) orders on wooden cabinets and vanities and components thereof (wooden cabinets and vanities) from the People's Republic of China (China) would likely lead to the continuation or recurrence of dumping, countervailable subsidies, and material injury to an industry in the United States, Commerce is publishing a notice of continuation of these AD and CVD orders.

**DATES:** Applicable September 9, 2025.

**FOR FURTHER INFORMATION CONTACT:** Matthew Shea or Jaye Goodrich, Trade Agreements Policy and Negotiations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2583, or (202) 482–2196, respectively.

**SUPPLEMENTARY INFORMATION:**

#### Background

On April 21, 2020, Commerce published in the **Federal Register** the AD and CVD orders on wooden cabinets and vanities from China.[1] On March 3, 2025, the ITC instituted,[2] and Commerce initiated,[3] the first sunset review of the *Orders*, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act). As a result of its reviews, Commerce determined that revocation of the *Orders* would likely lead to the continuation or recurrence of dumping and countervailable subsidies, and therefore, notified the ITC of the magnitude of the margins of dumping and subsidy rates likely to prevail should the *Orders* be revoked.[4]

On September 9, 2025, the ITC published its determination, pursuant to sections 751(c) and 752(a) of the Act, that revocation of the *Orders* would likely lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[5]

#### Scope of the Orders

The merchandise subject to this *Orders* consists of wooden cabinets and vanities that are for permanent installation (including floor mounted, wall mounted, ceiling hung or by attachment of plumbing), and wooden components thereof. Wooden cabinets and vanities and wooden components are made substantially of wood products, including solid wood and engineered wood products (including those made from wood particles, fibers, or other wooden materials such as plywood, strand board, block board, particle board, or fiberboard), or bamboo. Wooden cabinets and vanities consist of a cabinet box (which typically includes a top, bottom, sides, back, base blockers, ends/end panels, stretcher rails, toe kicks, and/or shelves) and may or may not include a frame, door, drawers and/or shelves. Subject merchandise includes wooden cabinets and vanities with or without wood veneers, wood, paper or other overlays, or laminates, with or without non-wood components or trim such as metal, marble, glass, plastic, or other resins, whether or not surface finished or unfinished, and whether or not completed.

Wooden cabinets and vanities are covered by these *Orders* whether or not they are imported attached to, or in conjunction with, faucets, metal plumbing, sinks and/or sink bowls, or countertops. If wooden cabinets or vanities are imported attached to, or in conjunction with, such merchandise, only the wooden cabinet or vanity is covered by the scope.

Subject merchandise includes the following wooden component parts of cabinets and vanities: (1) wooden cabinet and vanity frames (2) wooden cabinet and vanity boxes (which typically include a top, bottom, sides, back, base blockers, ends/end panels, stretcher rails, toe kicks, and/or shelves), (3) wooden cabinet or vanity doors, (4) wooden cabinet or vanity drawers and drawer components (which typically include sides, backs, bottoms, and faces), (5) back panels and end panels, (6) and desks, shelves, and tables that are attached to or incorporated in the subject merchandise.

Subject merchandise includes all unassembled, assembled and/or ''ready to assemble'' (RTA) wooden cabinets and vanities, also commonly known as ''flat packs,'' except to the extent such merchandise is already covered by the scope of antidumping and countervailing duty orders on Hardwood Plywood from the People's Republic of China. *See Certain Hardwood Plywood Products from the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value, and Antidumping Duty Order,* 83 FR 504 (January 4, 2018); *Certain Hardwood Plywood Products from the People's Republic of China: Countervailing Duty Order,* 83 FR 513 (January 4, 2018). RTA wooden cabinets and vanities are defined as cabinets or vanities packaged so that at the time of importation they may include: (1) wooden components required to assemble a cabinet or vanity (including drawer faces and doors); and (2) parts (*e.g.,* screws, washers, dowels, nails, handles, knobs, adhesive glues) required to assemble a cabinet or vanity. RTAs may enter the United States in one or in multiple packages.

Subject merchandise also includes wooden cabinets and vanities and in-scope components that have been

[1] *See Wooden Cabinets and Vanities and Components Thereof from the People's Republic of China: Antidumping Duty Order,* 85 FR 22126 (April 21, 2020); *see also Wooden Cabinets and Vanities and Components Thereof from the People's Republic of China: Countervailing Duty Order,* 85 FR 22134 (April 21, 2020) (collectively, *Orders*).

[2] *See Wooden Cabinets and Vanities from China; Institution of Five-Year Reviews,* 90 FR 11059 (March 3, 2025).

[3] *See Initiation of Five-Year (Sunset) Reviews,* 90 FR 11039 (March 3, 2025).

[4] *See Wooden Cabinets and Vanities and Components Thereof from the People's Republic of China: Final Results of the Expedited First Sunset Review of the Antidumping Duty Order,* 90 FR 29528 (July 3, 2025), and accompanying Issues and Decision Memorandum (IDM); *see also Wooden Cabinets and Vanities and Components Thereof from the People's Republic of China: Final Results of the Expedited First Sunset Review of the Countervailing Duty Order,* 90 FR 28997 (July 2, 2025), and accompanying IDM.

[5] *See Wooden Cabinets and Vanities from China; Determinations,* 90 FR 43474 (September 9, 2025) (*ITC Final Determination*).

further processed in a third country, including but not limited to one or more of the following: trimming, cutting, notching, punching, drilling, painting, staining, finishing, assembly, or any other processing that would not otherwise remove the merchandise from the scope of the *Orders* if performed in the country of manufacture of the in-scope product.

Excluded from the scope of this *Orders,* if entered separate from a wooden cabinet or vanity are: (1) Aftermarket accessory items which may be added to or installed into an interior of a cabinet and which are not considered a structural or core component of a wooden cabinet or vanity. Aftermarket accessory items may be made of wood, metal, plastic, composite material, or a combination thereof that can be inserted into a cabinet and which are utilized in the function of organization/accessibility on the interior of a cabinet; and include:

- Inserts or dividers which are placed into drawer boxes with the purpose of organizing or dividing the internal portion of the drawer into multiple areas for the purpose of containing smaller items such as cutlery, utensils, bathroom essentials, *etc.*
- Round or oblong inserts that rotate internally in a cabinet for the purpose of accessibility to foodstuffs, dishware, general supplies, *etc.*

(2) Solid wooden accessories including corbels and rosettes, which serve the primary purpose of decoration and personalization.

(3) Non-wooden cabinet hardware components including metal hinges, brackets, catches, locks, drawer slides, fasteners (nails, screws, tacks, staples), handles, and knobs.

(4) Medicine cabinets that meet all of the following five criteria are excluded from the scope: (1) wall mounted; (2) assembled at the time of entry into the United States; (3) contain one or more mirrors; (4) be packaged for retail sale at time of entry; and (5) have a maximum depth of seven inches.

Also excluded from the scope of the *Orders* are: (1) All products covered by the scope of the antidumping duty order on wooden bedroom furniture from the People's Republic of China. *See Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Wooden Bedroom Furniture from the People's Republic of China,* 70 FR 329 (January 4, 2005*),* (2) All products covered by the scope of the antidumping and countervailing duty orders on hardwood plywood from the People's Republic of China. *See Certain Hardwood Plywood Products from the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value, and Antidumping Duty Order,* 83 FR 504 (January 4, 2018); *Certain Hardwood Plywood Products from the People's Republic of China: Countervailing Duty Order,* 83 FR. 513 (January 4, 2018).

Imports of subject merchandise are classified under Harmonized Tariff Schedule of the United States (HTSUS) statistical numbers 9403.40.9060 and 9403.60.8081. The subject component parts of wooden cabinets and vanities may be entered into the United States under HTSUS statistical number 9403.90.7080 and 9403.91.0080. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of these *Orders* is dispositive.

**Continuation of the Orders**

As a result of the determinations by Commerce and the ITC that revocation of the *Orders* would likely lead to continuation or recurrence of dumping, countervailable subsidies, and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, Commerce hereby orders the continuation of the *Orders.* U.S. Customs and Border Protection will continue to collect AD and CVD cash deposits at the rates in effect at the time of entry for all imports of subject merchandise.

The effective date of the continuation of the *Orders* will be September 9, 2025.[6] Pursuant to section 751(c)(2) of the Act and 19 CFR 351.218(c)(2), Commerce intends to initiate the next five-year reviews of the *Orders* not later than 30 days prior to fifth anniversary of the date of the last determination by the ITC.

**Administrative Protective Order (APO)**

This notice also serves as a final reminder to parties subject to an APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return 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 which is subject to sanction.

**Notification to Interested Parties**

These five-year (sunset) reviews and this notice are in accordance with sections 751(c) and 751(d)(2) of the Act and published in accordance with section 777(i) of the Act, and 19 CFR 351.218(f)(4).

Dated: September 12, 2025.

**Christopher Abbott,**

*Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.*

[FR Doc. 2025–17986 Filed 9–16–25; 8:45 am]

**BILLING CODE 3510–DS–P**

[6] *See ITC Final Determination.*

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–570–890]**

## Wooden Bedroom Furniture From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2023

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The U.S. Department of Commerce (Commerce) determines that eight exporters of wooden bedroom furniture from the People's Republic of China (China) under review have not established their eligibility for a separate rate and are part of the China-wide entity. The period of review (POR) is January 1, 2023, through December 31, 2023.

**DATES:** Applicable September 17, 2025.

**FOR FURTHER INFORMATION CONTACT:** Krisha Hill, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4037.

**SUPPLEMENTARY INFORMATION:**

**Background**

On May 14, 2025, Commerce published the *Preliminary Results* of this review in the **Federal Register** and invited interested parties to comment.[1] On June 4,2025, the American Furniture Manufacturers Committee for Legal Trade and Vaughan-Bassett Furniture Company, Inc. (collectively, the petitioners) submitted a letter in lieu of a case brief in which they commented on the *Preliminary Results.*[2]

[1] *See Wooden Bedroom Furniture from the People's Republic of China: Preliminary Results and Rescission, in Part, of Antidumping Duty Administrative Review; 2023,* 90 FR 20456 (May 14, 2025) (*Preliminary Results*).

[2] *See* Petitioners' Letter, ''Petitioners' Letter in Lieu of Case Brief,'' dated June 4, 2025.

**Scope of the Order** [3]

The merchandise covered by the *Order* is wooden bedroom furniture from China. For a full description of the scope of the *Order, see* the Issues and Decision Memorandum.[4]

**Analysis of Comments Received**

We addressed the issue raised by the petitioners in their letter in lieu of a case brief in the Issues and Decision Memorandum. The issue that the petitioners raised, and to which we responded in the Issues and Decision Memorandum, is identified 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**

We have not granted a separate rate to seven companies under review. For further details of the changes since the *Preliminary Results, see* the Issues and Decision Memorandum.

**Separate Rates**

The following companies did not file a no-shipments letter, a separate rate application or certification, and did not respond to Commerce's quantity and value questionnaire and additional questions in order to receive consideration for separate rate status: (1) Dorbest Ltd.; (2) Fine Furniture (Shanghai) Ltd.; (3) Rui Feng Lumber Development Co., Ltd.; (4) Rui Feng Woodwork Co., Ltd.; (5) Wanvog Furniture (Kunshan) Co., Ltd.; (6) Yeh Brothers World Trade Inc.; and (7) Zhongshan Fookyik Furniture Co., Ltd. Therefore, we have not granted a separate rate to these companies and have treated them as part of the China-wide entity.

Additionally, we continue to determine that Shenzhen New Fudu Furniture Co., Ltd. failed to demonstrate that it qualifies for a separate rate status, and thus we have treated it as part of the China-wide entity.

**Final Results of Review**

We find that the following companies are part of the China-wide entity because they did not demonstrate their eligibility for a separate rate: (1) Dorbest Ltd.; (2) Fine Furniture (Shanghai) Ltd.; (3) Rui Feng Lumber Development Co., Ltd.; (4) Rui Feng Woodwork Co., Ltd.; (5) Wanvog Furniture (Kunshan) Co., Ltd.; (6) Yeh Brothers World Trade Inc.; (7) Zhongshan Fookyik Furniture Co., Ltd.; and (8) Shenzhen New Fudu Furniture Co., Ltd.

**Disclosure**

Normally, Commerce discloses the calculations and analysis performed for the final results of review within five days of the date of publication of the notice of final results of review in the **Federal Register**, in accordance with 19 CFR 351.224(b). However, because Commerce did not calculate any dumping margins in this review, there are no calculations to disclose.

**Assessment Rates**

Pursuant to section 751(a)(2)(C) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.212(b), Commerce will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise covered by the final results of this review. Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication date 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).

We intend to instruct CBP to liquidate entries of subject merchandise exported by the companies list above that failed to qualify for a separate rate at the China-wide entity rate.

**Cash Deposit Requirements**

The following cash deposit requirements for estimated antidumping duties will be effective for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register** as provided by section 751(a)(2)(C) of the Act: (1) for any previously investigated or reviewed China or non-China exporter that has a separate rate, the cash deposit rate will continue to be the exporter's existing cash deposit rate; (2) for all China exporters of subject merchandise that do not have a separate rate, including those exporters that failed to establish their separate rate eligibility in this review, the cash deposit rate will be equal to the dumping margin assigned to the China-wide entity, which is 216.01 percent; and (3) for all non-China exporters of subject merchandise that do not have a separate rate, the cash deposit rate will be equal to the dumping margin applicable to the China exporter(s) that supplied that non-China exporter. These cash deposit requirements, when imposed, shall remain in effect until further notice.

**Notification to Importers**

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. 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.

**Administrative Protective Order (APO)**

This notice also serves as the only reminder to parties subject to an APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return 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**

We are issuing these final results of administrative review and publishing this notice in accordance with sections 751(a)(1) and 777(i) of the Act, and 19 CFR 351.213(h)(2) and 351.221(b)(5).

Dated: September 11, 2025.

**Christopher Abbott,**

*Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.*

## Appendix

**List of Topics Discussed in the Issues and Decision Memorandum**

I. Summary
II. Background
III. Scope of the *Order*
IV. Changes Since the *Preliminary Results*
V. Discussion of the Issue

[3] *See Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Wooden Bedroom Furniture from the People's Republic of China,* 70 FR 329 (January 4, 2005) (*Order*).

[4] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the Administrative Review of the Antidumping Duty Order on Wooden Bedroom Furniture from the People's Republic of China; 2023,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

Comment: Whether Certain Exporters are Entitled to a Separate Rate
VI. Recommendation

[FR Doc. 2025–17985 Filed 9–16–25; 8:45 am]

BILLING CODE 3510–DS–P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**[RTID 0648–XF183]**

### Pacific Fishery Management Council; Public Meeting

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of public meeting.

**SUMMARY:** The Pacific Fishery Management Council's (Pacific Council) Ad-hoc Sacramento River Fall Chinook (SRFC) Workgroup will hold an online meeting in October 2025.

**DATES:** The online meeting will be held on Monday, October 6, 2025, from 9 a.m. until 3 p.m. Pacific Time or until business for the day concludes.

**ADDRESSES:** This meeting will be held online. Specific meeting information, including directions on how to join the meeting and system requirements will be provided in the meeting announcement on the Pacific Council's website (see *www.pcouncil.org*). You may send an email to Mr. Kris Kleinschmidt (*kris.kleinschmidt@pcouncil.org*) or contact him at (503) 820–2412 for technical assistance.

*Council address:* Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384.

**FOR FURTHER INFORMATION CONTACT:** Angela Forristall, Staff Officer, Pacific Council; telephone: (503) 820–2419.

**SUPPLEMENTARY INFORMATION:** The primary purpose of the meeting is to review outcomes of the September 2025 Pacific Council meeting and prepare for the November 2025 Pacific Council meeting. The Workgroup may discuss and continue to develop new or updated tools for SRFC management for Pacific Council consideration. Additional discussions may include, but are not limited to, the 2025 Salmon Methodology Review, future meetings, workload planning, and upcoming Pacific Council agenda items.

Although non-emergency issues not contained in the meeting agenda may be discussed, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

#### Special Accommodations

Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt (*kris.kleinschmidt@pcouncil.org;* (503) 820–2412) at least 10 days prior to the meeting date.

(Authority: 16 U.S.C. 1801 *et seq.*)

Dated: September 12, 2025.

**Becky J. Curtis,**

*Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2025–17913 Filed 9–16–25; 8:45 am]

BILLING CODE 3510–22–P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**[RTID 0648–XF165]**

### Notification of Fees for Seafood Inspection Services

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of fee schedule.

**SUMMARY:** The NMFS Seafood Inspection Program (SIP) is notifying program participants that its fee schedule for fiscal year 2026 will remain as established on November 1, 2022.

**DATES:** The fee schedule applies to services rendered as of October 1, 2025, until notified otherwise.

**FOR FURTHER INFORMATION CONTACT:** Jenny Stephenson, Office of International Affairs, Trade, and Commerce, 301–427–8307 or at *jenny.stephenson@noaa.gov.*

**SUPPLEMENTARY INFORMATION:** NMFS operates a fee-for-service Seafood Inspection Program under the authorities of the Agricultural Marketing Act of 1946, as amended, the Fish and Wildlife Act of 1956, and the Reorganization Plan No. 4 of 1970. The regulations implementing the SIP are contained in 50 CFR part 260. The SIP offers inspection, grading, and certification services, including the use of official quality grade marks which indicate that specific products have been federally inspected. Those wishing to participate in the program must request the services and submit specific compliance information. Since 1992, NMFS implemented inspection services based on guidelines recommended by the National Academy of Sciences, known as Hazard Analysis Critical Control Point (HACCP).

Under the implementing regulations for the SIP, fees are reviewed at least annually to ascertain that the hourly fees charged are adequate to recover the costs of the services rendered. Any necessary adjustments to fees are made in accordance with the requirements of 50 CFR 260.30. This **Federal Register** notice serves to inform program participants of the fee schedule, which remains unchanged.

SIP costs used for the calculation of user fees include all relevant direct and indirect costs to the program, and applicable administrative overhead and surcharges. SIP fees must be set to promote full cost recovery of the program absent other appropriations.

SIP costs include all field operations, program administrative overhead, and management, and include expenses for labor for inspectors, facilities, information technology infrastructure, and other operational costs. SIP fees are set to recover those costs based on revenue projections from expected billable service hours and the number of certificates requests. Forecasts of demand for services use historical data on actual billed services that are adjusted annually for inflation, known events that might affect the predicted output of billable services, and seasonality of when forecasted services will take place throughout the year.

NMFS will assess its fees as outlined in this notice, which will apply until notified otherwise. Fees will be charged to contract and non-contract customers requesting services as listed below. The cost of other applicable services rendered will be recovered through fee collection using the base rate of $238 per hour.

#### Fees and Charges for the U.S. Department of Commerce Seafood Inspection Program

The per hour fees and charges for fishery products inspection services are not being revised and will remain as established on November 1, 2022, for fiscal year 2026 and will be assessed as follows. Any travel associated with a billable service will be an additional charge.

*Contract Rates*

- *Regular time:* Services provided during any 8-hour shift.

• *Overtime:* Services provided outside the inspector's normal work schedule.

• In addition to any hourly service charge, a night differential fee equal to 10 percent of the employee's hourly salary will be charged for each hour of service provided after 6 p.m. and before 6 a.m. A guarantee of payment is required for all contracts equal to 3 months of service or $10,000, whichever is greater.

*Non-Contract Rates*

• *Regular time:* Services provided within the inspector's normal work schedule, Monday through Friday.

• *Overtime:* Services provided outside the inspector's normal work schedule.

• Any services under contract in excess of the contracted hours will be charged at the non-contract rate.

TABLE 1—CONTRACT AND NON-CONTRACT HOURLY RATES

| Contract Rates | |
|---|---|
| Regular | $238 |
| Overtime | 357 |
| Sundays & Holidays | 476 |
| **All Non-Contract Rates** | |
| Regular Time | 357 |
| Overtime | 536 |
| Sundays & Holidays | 714 |

*Certificates*

All certificate requests, whether or not a product inspection was conducted, will be billed at a set flat rate of $97 per request.

Additional information about, and applications for, Program services and fees may be obtained from NMFS (see **FOR FURTHER INFORMATION CONTACT** section).

Dated: September 15, 2025.

**Alexa Cole,**

*Director, Office of International Affairs, Trade, and Commerce, National Marine Fisheries Service.*

[FR Doc. 2025–18011 Filed 9–16–25; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**[RTID 0648–XF153]**

### 2026 Annual Determination To Implement the Sea Turtle Observer Requirement

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notification of annual determination of fisheries.

**SUMMARY:** NMFS is providing notification that the agency will not identify additional fisheries to observe on the 2026 Annual Determination (AD), pursuant to its authority under the Endangered Species Act (ESA). Through the AD, NMFS identifies U.S. fisheries operating in the Atlantic Ocean, Gulf of America, and Pacific Ocean that will be required to take observers upon NMFS' request. The purpose of observing identified fisheries is to learn more about sea turtle bycatch in a given fishery, evaluate measures to prevent or reduce sea turtle bycatch, and implement the prohibition against sea turtle takes. Fisheries identified on the 2020 and 2023 ADs (see table 1) remain on the AD for a 5-year period and are required to carry observers upon NMFS' request until September 29, 2025, and December 31, 2027, respectively.

**DATES:** Published on September 17, 2025.

**ADDRESSES:** Chief, Marine Mammal and Sea Turtle Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

**FOR FURTHER INFORMATION CONTACT:** Wendy Piniak, Office of Protected Resources, 301–427–8402; Ellen Keane, Greater Atlantic Region, 978–282–8476; Dennis Klemm, Southeast Region, 727–824–5312; Dan Lawson, West Coast Region, 206–526–4740; Irene Kelly, Pacific Islands Region, 808–725–5141. Individuals who use a telecommunications device for the hearing impaired may call the Federal Information Relay Service at 800–877–8339 between 8 a.m. and 4 p.m. Eastern time, Monday through Friday, excluding Federal holidays.

**SUPPLEMENTARY INFORMATION:**

#### Purpose of the Sea Turtle Observer Requirement

Under the ESA, 16 U.S.C. 1531 *et seq.*, NMFS has the responsibility to implement programs to conserve marine life listed as endangered or threatened. All sea turtles found in U.S. waters are listed as either endangered or threatened under the ESA. Kemp's ridley (*Lepidochelys kempii*), loggerhead (*Caretta caretta;* North Pacific distinct population segment [DPS]), leatherback (*Dermochelys coriacea*), green (*Chelonia mydas;* Central West Pacific and Central South Pacific DPSs), and hawksbill (*Eretmochelys imbricata*) sea turtles are listed as endangered. Loggerhead (Northwest Atlantic Ocean DPS), green (North Atlantic, South Atlantic, Central North Pacific, and East Pacific DPSs), and olive ridley (*Lepidochelys olivacea*) sea turtles are listed as threatened, except for breeding colony populations of olive ridleys on the Pacific coast of Mexico, which are listed as endangered. Due to the inability to distinguish between populations of olive ridley turtles away from the nesting beach, NMFS considers these turtles endangered wherever they occur in U.S. Pacific waters. While some sea turtle populations have shown signs of recovery, many populations continue to decline.

Bycatch in fishing gear is the primary anthropogenic source of sea turtle injury and mortality in U.S. waters. Section 9 of the ESA prohibits the take (defined to include harassing, harming, pursuing, hunting, shooting, wounding, killing, trapping, capturing, or collecting or attempting to engage in any such conduct), including incidental take, of endangered sea turtles. Pursuant to section 4(d) of the ESA, NMFS has issued regulations extending the prohibition of take, with exceptions, to threatened sea turtles (50 CFR 223.205 and 223.206). Section 11 of the ESA provides for civil and criminal penalties for anyone who violates the ESA or a regulation issued to implement the ESA. NMFS may grant exceptions to the take prohibitions with an incidental take statement or an incidental take permit issued pursuant to ESA section 7 or 10, respectively. To do so, NMFS must determine that the activity that will result in incidental take is not likely to jeopardize the continued existence of the affected listed species. For some Federal fisheries and most state fisheries, NMFS has not granted an exception for incidental takes of sea turtles primarily because we lack information about fishery-sea turtle interactions.

For most fisheries, the most effective way for NMFS to learn more about bycatch in order to implement the take prohibitions and prevent or minimize take is to place observers aboard fishing vessels. In 2007, NMFS issued a regulation (50 CFR 222.402) establishing procedures to annually identify, pursuant to specified criteria and after notice and opportunity for comment, those fisheries in which the agency intends to place observers (72 FR 43176, August 3, 2007). These regulations specify that NMFS may place observers on U.S. fishing vessels, commercial or recreational, operating in U.S. territorial waters, the U.S. exclusive economic zone, or on the high seas, or on vessels

that are otherwise subject to the jurisdiction of the U.S. Failure to comply with the requirements under this regulation may result in civil or criminal penalties under the ESA.

NMFS will pay the direct costs for vessels to carry the required observers. These include observer salary and insurance costs. NMFS may also evaluate other potential direct costs, should they arise. Once selected, a fishery will be required to carry observers, if requested, for a period of 5 years without further action by NMFS. This will enable NMFS to develop appropriate observer coverage and sampling protocols to investigate whether, how, when, where, and under what conditions sea turtle bycatch is occurring and to evaluate whether existing measures are minimizing or preventing bycatch.

**2026 Annual Determination**

Pursuant to 50 CFR 222.402(a), NOAA's Assistant Administrator for Fisheries, in consultation with Regional Administrators and Fisheries Science Center Directors, annually identifies fisheries for inclusion on the AD based on the extent to which:

(1) The fishery operates in the same waters and at the same time as sea turtles are present;

(2) The fishery operates at the same time or prior to elevated sea turtle strandings; or

(3) The fishery uses a gear or technique that is known or likely to result in incidental take of sea turtles based on documented or reported takes in the same or similar fisheries; and

(4) NMFS intends to monitor the fishery and anticipates that it will have the funds to do so.

NMFS is providing notification that the agency is not identifying additional fisheries to observe on the 2026 AD, pursuant to its authority under the ESA. NMFS is not identifying additional fisheries at this time given lack of dedicated resources to implement new observer programs or expand existing observer programs to focus on sea turtles. The four fisheries identified on the 2020 AD (see table 1) will remain on the AD for a 5-year period and are required to carry observers upon NMFS' request until September 29, 2025. The two fisheries identified on the 2023 AD (see table 1) will remain on the AD for a 5-year period and are required to carry observers upon NMFS' request until December 31, 2027.

TABLE 1—STATE AND FEDERAL COMMERCIAL FISHERIES INCLUDED ON THE 2020 AND 2023 ANNUAL DETERMINATIONS

| Fishery | Years eligible to carry observers |
|---|---|
| *Trawl Fisheries:* | |
| Southeastern U.S. Atlantic, Gulf of America shrimp trawl | 2020–2025 |
| Gulf of America mixed species fish trawl | 2020–2025 |
| *Gillnet Fisheries:* | |
| Chesapeake Bay inshore gillnet | 2020–2025 |
| Long Island inshore gillnet | 2020–2025 |
| Mid-Atlantic gillnet | 2023–2027 |
| *Pound Net/Weir/Seine Fisheries:* | |
| Gulf of America menhaden purse seine | 2023–2027 |

Dated: September 15, 2025.

**Kimberly Damon-Randall,**

*Director, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 2025–17976 Filed 9–16–25; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**[RTID 0648–XF189]**

### Atlantic Highly Migratory Species; Schedules for Atlantic Shark Identification Workshops and Protected Species Safe Handling, Release, and Identification Workshops

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of public workshops.

**SUMMARY:** Free Atlantic Shark Identification Workshops and Safe Handling, Release, and Identification Workshops will be held in October, November, and December of 2025. Certain fishermen and shark dealers are required to attend a workshop to meet regulatory requirements and to maintain valid permits. Specifically, the Atlantic Shark Identification Workshop is mandatory for all federally permitted Atlantic shark dealers. The Safe Handling, Release, and Identification Workshop is mandatory for vessel owners and operators who use bottom longline, pelagic longline, or gillnet gear, and who have also been issued shark or swordfish limited access permits. Additional free workshops will be conducted in 2025 and will be announced in a future notice. In addition, NMFS has implemented online recertification workshops for persons who have already taken an in-person training.

**DATES:** The Atlantic Shark Identification Workshops will be held on October 16, 2025 and November 19, 2025. The Safe Handling, Release, and Identification Workshops will be held on October 1, 2025, November 14, 2025, and December 15, 2025.

**ADDRESSES:** The Atlantic Shark Identification Workshops will be held in Largo, FL and Kenner, LA. The Safe Handling, Release, and Identification Workshops will be held in Kitty Hawk, NC, Warwick, RI, and Manahawkin, NJ.

**FOR FURTHER INFORMATION CONTACT:** Anna Quintrell by email at *anna.quintrell@noaa.gov* or by phone at 301–427–8503.

**SUPPLEMENTARY INFORMATION:** Atlantic highly migratory species (HMS) fisheries (tunas, swordfish, sharks, and billfish) are managed under the 2006 Consolidated HMS Fishery Management Plan (FMP) and its amendments pursuant to the authority of 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 (16 U.S.C. 971 *et seq.*). HMS implementing regulations are at 50 CFR part 635. Section 635.8 describes the requirements for the Atlantic Shark Identification Workshops and Safe Handling, Release, and Identification Workshops. The workshop schedules, registration information, and a list of frequently asked questions regarding the Atlantic Shark Identification and Safe Handling, Release, and Identification workshops

are available online at: *https://www.fisheries.noaa.gov/atlantic-highly-migratory-species/atlantic-shark-identification-workshops* and *https://www.fisheries.noaa.gov/atlantic-highly-migratory-species/safe-handling-release-and-identification-workshops.*

**Atlantic Shark Identification Workshops**

Since January 1, 2008, Atlantic shark dealers have been prohibited from receiving, purchasing, trading, or bartering for Atlantic sharks unless a valid Atlantic Shark Identification Workshop certificate is on the premises of each business listed under the shark dealer permit that first receives Atlantic sharks (71 FR 58057, October 2, 2006). Dealers who attend and successfully complete a workshop are issued a certificate for each place of business that is permitted to receive sharks. These certificate(s) are valid for 3 years. Thus, certificates that were initially issued in 2022 will expire in 2025.

Currently, permitted dealers may send a proxy to an Atlantic Shark Identification Workshop. However, if a dealer opts to send a proxy, the dealer must designate a proxy for each place of business covered by the dealer's permit that first receives Atlantic sharks. Only one certificate will be issued to each proxy. A proxy must be a person who is currently employed by a place of business covered by the dealer's permit; is a primary participant in the identification, weighing, and/or first receipt of fish as they are offloaded from a vessel; and who fills out dealer reports. Atlantic shark dealers are prohibited from renewing a Federal shark dealer permit unless a valid Atlantic Shark Identification Workshop certificate for each business location that first receives Atlantic sharks has been submitted with the permit renewal application. Additionally, a copy of a valid dealer or proxy Atlantic Shark Identification Workshop certificate must be in any trucks or other conveyances that are extensions of a dealer's place of business.

*Workshop Dates, Times, and Locations*

1. October 16, 2025, 12 p.m.–4 p.m., Hampton Inn & Suites, 100 E Bay Drive, Largo, FL 33770.

2. November 19, 2025, 12 p.m.–4 p.m., Hilton New Orleans Airport, 901 Airline Drive, Kenner, LA 70062.

*Registration*

To register for a scheduled Atlantic Shark Identification Workshop, please contact Angler Conservation Education at 386–682–0158. Pre-registration is highly recommended, but not required.

*Registration Materials*

To ensure that workshop certificates are linked to the correct permits, participants will need to bring the following specific items to the workshop:

1. Atlantic shark dealer permit holders must bring proof that the attendee is an owner or agent of the business (such as articles of incorporation), a copy of the applicable permit, and proof of identification.

2. Atlantic shark dealer proxies must bring documentation from the permitted dealer acknowledging that the proxy is attending the workshop on behalf of the permitted Atlantic shark dealer for a specific business location, a copy of the appropriate valid permit, and proof of identification.

*Workshop Objectives*

The Atlantic Shark Identification Workshops are designed to reduce the number of unknown and improperly identified sharks reported in the dealer reporting form and increase the accuracy of species-specific dealer-reported information. Reducing the number of unknown and improperly identified sharks will improve quota monitoring and the data used in stock assessments. These workshops will train shark dealer permit holders or their proxies to properly identify Atlantic shark carcasses.

**Safe Handling, Release, and Identification Workshops**

Since January 1, 2007, shark limited access and swordfish limited access permit holders who fish with longline or gillnet gear have been required to submit a copy of their Safe Handling, Release, and Identification Workshop certificate in order to renew either permit (71 FR 58057, October 2, 2006). These certificate(s) are valid for 3 years. Certificates issued in 2022 will expire in 2025. As such, vessel owners who have not already attended a workshop and received a NMFS certificate, or vessel owners whose certificate(s) will expire prior to the next permit renewal, must attend a workshop to fish with, or renew, their swordfish and shark limited access permits. Additionally, new shark and swordfish limited access permit applicants who intend to fish with longline or gillnet gear must attend a Safe Handling, Release, and Identification Workshop and submit a copy of their workshop certificate before either of the permits will be issued.

In addition to vessel owners, at least one operator on board vessels issued a limited access swordfish or shark permit that uses longline or gillnet gear is required to attend a Safe Handling, Release, and Identification Workshop and receive a certificate. Vessels that have been issued a limited access swordfish or shark permit and that use longline or gillnet gear may not fish unless both the vessel owner and operator have valid workshop certificates on board at all times. Vessel operators who have not already attended a workshop and received a NMFS certificate, or vessel operators whose certificate(s) will expire prior to their next fishing trip, must attend a workshop to operate a vessel with swordfish and shark limited access permits on which longline or gillnet gear is used.

*Workshop Dates, Times, and Locations*

1. October 1, 2025, 9 a.m.–2 p.m., Hilton Garden Inn/Outer Banks-Kitty Hawk, 5353 North Virginia Dare Trail, Kitty Hawk, NC 27949.

2. November 14, 2025, 9 a.m.–2 p.m., Hilton Garden Inn, 1 Thurber Street, Warwick, RI 02886.

3. December 15, 2025, 9 a.m.–2 p.m., The Mainland, 151 Route 72 East, Manahawkin, NJ 08050.

*Registration*

To register for a scheduled Safe Handling, Release, and Identification Workshop, please contact Angler Conservation Education at 386–682–0158. Pre-registration is highly recommended, but not required.

*Registration Materials*

To ensure that workshop certificates are linked to the correct permits, participants will need to bring the following specific items with them to the workshop:

1. Individual vessel owners must bring a copy of the appropriate swordfish and/or shark permit(s), a copy of the vessel registration or documentation, and proof of identification;

2. Representatives of a business-owned or co-owned vessel must bring proof that the individual is an agent of the business (such as articles of incorporation), a copy of the applicable swordfish and/or shark permit(s), and proof of identification; and

3. Vessel operators must bring proof of identification.

*Workshop Objectives*

The Safe Handling, Release, and Identification Workshops are designed to teach the owner and operator of a vessel that fishes with longline or gillnet gear the required techniques for the safe handling and release of entangled and/or hooked protected species, such as sea

turtles, marine mammals, smalltooth sawfish, Atlantic sturgeon, and prohibited sharks. In an effort to improve reporting, the proper identification of protected species and prohibited sharks will also be taught at these workshops. Additionally, individuals attending these workshops will gain a better understanding of the requirements for participating in these fisheries. The overall goal of these workshops is to provide participants with the skills needed to reduce the mortality of protected species and prohibited sharks, which may prevent additional regulations on these fisheries in the future.

*Online Recertification Workshops*

NMFS implemented an online option for shark dealers and owners and operators of vessels that fish with longline and gillnet gear to renew their certificates in December 2021. To be eligible for online recertification workshops, dealers and vessel owners and operators need to have previously attended an in-person workshop. Information about the courses is available online at *https://www.fisheries.noaa.gov/atlantic-highly-migratory-species/atlantic-shark-identification-workshops* and *https://www.fisheries.noaa.gov/atlantic-highly-migratory-species/safe-handling-release-and-identification-workshops*. To access the courses, please visit: *https://hmsworkshop.fisheries.noaa.gov/start*.

(Authority: 16 U.S.C. 1801 *et seq.*)

Dated: September 12, 2025.

**Kelly Denit,**

*Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2025–17935 Filed 9–16–25; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**[RTID 0648–XF192]**

### Fishing Capacity Reduction Program for the Bering Sea and Aleutian Islands King and Tanner Crab Fisheries

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration, Commerce.

**ACTION:** Notice of fee rate adjustment.

**SUMMARY:** NMFS issues this notice to decrease the fee rate to 1 percent for the Bristol Bay red king crab reduction endorsement fishery to repay the $17,129,957.23 subloan of the $97,399,357.11 reduction loan to finance the Bering Sea/Aleutian Islands (BSAI) King and Tanner crab fishing capacity reduction program. The fee rates for the other reduction endorsement fisheries within the BSAI King and Tanner crab fishing capacity reduction program remain unchanged at 5 percent.

**DATES:** The Bristol Bay red king crab program fee rate decrease will begin with landings on October 15, 2025. The first due date for fee payments with the decreased rate will be November 7, 2025.

**ADDRESSES:** Send questions about this notice to William Fritz, Financial Assistance Specialist, Financial Services Division, National Marine Fisheries Service, 1315 East-West Highway 13th Floor, Silver Spring, MD 20910–3282.

**FOR FURTHER INFORMATION CONTACT:** William Fritz, (301) 427–8078, *William.Fritz@noaa.gov*.

**SUPPLEMENTARY INFORMATION:**

#### Background

Sections 312(b) through (e) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(b) through (e)) generally authorizes fishing capacity reduction programs. In particular, section 312(d) authorizes industry fee systems for repaying reduction loans which finance reduction program costs.

Subpart L of 50 part 600 is the framework rule generally implementing section 312(b) through (e).

Sections 1111 and 1112 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1279f and 1279g) generally authorized reduction loans.

The Consolidated Appropriations Act of 2001 (Pub. L. 106–554) directed the Secretary of Commerce to establish the $100 million fishing capacity reduction program in the BSAI king and tanner crab fishery. Congress amended the authorizing Act twice (Pub. L. 107–20 and Pub. L. 107–117), once to change the crab reduction program's funding from a $50 million appropriation and a $50 million loan to a $100 million loan and once to clarify provisions about crab fishery vessels. NMFS adopted the program's implementation rule as § 600.1103 in a subpart M of part 600.

NMFS published the BSAI crab reduction program's proposed implementation rule on December 12, 2002 (67 FR 76329) and its final rule on December 12, 2003 (68 FR 69331). On November 24, 2004, NMFS published a **Federal Register** notice (69 FR 68313) advising the public that beginning on December 27, 2004, NMFS would tender the crab reduction program's reduction payments to 25 accepted bidders. NMFS allocated the $97,399,357.11 reduction loan to six reduction endorsement fisheries involved, as the following subamounts:

1. Bristol Bay red king, $17,129,957.23,
2. BSAI *C. opilio* and *C. bairdi,* $66,410,767.20,
3. Aleutian Islands brown king, $6,380,837.19,
4. Aleutian Islands red king, $237,588.04,
5. Pribilof red king and blue king, $1,571,216.35; and
6. St. Matthew blue king, $5,668,991.10.

NMFS published a fee payment collection system implementation rule on September 16, 2005 (70 FR 54653). Fee collection and payment began on October 17, 2005. On May 10, 2006, NMFS published a final rule to exempt any crab landed under the Community Development Quota (CDQ) Program from the fee regulations for the BSAI King and Tanner Crab Fishing Capacity Reduction Program (71 FR 27209).

#### Purpose

The purpose of this notice is to adjust, in accordance with the framework rule's § 600.1013(b), the fee rates for the BSAI king and tanner crab fishery. Section 600.1013(b) directs NMFS to recalculate the fee rate that will be reasonably necessary to ensure reduction loan repayment within the specified 30-year term.

NMFS has determined that the current fee rate for the Bristol Bay red king reduction endorsement fisheries, 2.5 percent, is projected to collect more than the annual amortization amount needed to repay the loan over the scheduled loan term. Therefore, NMFS is decreasing the fee rate to 1 percent for the Bristol Bay red king crab reduction endorsement fishery. The remaining reduction endorsement fisheries within the BSAI King and Tanner crab fishing capacity reduction program are not on a timely repayment schedule and their fees remain unchanged at the 5 percent rate capped by statute.

Fish buyers may continue to disburse collected fee deposits to NMFS by using *http://www.pay.gov* or by mailing payments to our lockbox. Our lockbox's address is: NMFS BSAI Crab Buyback Loan, P.O. Box 979008, St. Louis, MO 63197–9000. Fish buyers must include the fee collection report with the fee payment. Fish buyers using *http://www.pay.gov* will find an electronic fee collection report form. Fish buyers not using *http://www.pay.gov* may also access the NMFS website for a copy of the fee collection report at: *https://*

*www.fisheries.noaa.gov/national/funding-financial-services/bering-sea-and-aleutian-islands-king-and-tanner-crab-buyback-program.*

**Notice**

The new 1 percent fee rate for the Bristol Bay red king crab reduction endorsement fishery will begin for all landings starting October 15, 2025. From and after this date, all fish sellers paying fees on the Bristol Bay red king crab reduction endorsement fisheries shall begin paying BSAI crab reduction loan program fees at the revised rates. The first due date for fee payments with the decreased rate will be November 7, 2025.

Fee collection and submission shall follow previously established methods in § 600.1013 of the framework rule and in the final fee rule published in the **Federal Register** on September 16, 2005 (70 FR 54654).

The revised fees applicable to the BSAI crab reduction program's reduction endorsement fisheries are as follows:

| Reduction endorsement fisheries | Crab rationalization fisheries | Current fee rate (%) | New fee rate (%) |
|---|---|---|---|
| Bristol Bay red king | BBR | 2.5 | 1.0 |
| BSAI *C. opilio* and *C. bairdi* | BSS, WBT, and EBT | 5.0 | 5.0 |
| Aleutian Islands red king | WAI | 5.0 | 5.0 |
| Pribilof red king and blue king | PIK | 5.0 | 5.0 |
| St. Matthew blue king | SMB | 5.0 | 5.0 |

*Authority:* The authority for this action is 16 U.S.C. 1861a(b) through (e) and Pub. L. 106–554.

Dated: September 12, 2025.

**Brian T. Pawlak,**

*Chief Financial Officer/Chief Administrative Officer, Director, Office of Management and Budget, National Marine Fisheries Service.*

[FR Doc. 2025–17920 Filed 9–16–25; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**[RTID 0648–XF206]**

### Fisheries of the South Atlantic; South Atlantic Fishery Management Council—Public Meetings

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Meeting of the South Atlantic Fishery Management Council's Citizen Science Projects Advisory Panel via webinar.

**SUMMARY:** The South Atlantic Fishery Management Council (Council) will hold a meeting of its Citizen Science Projects Advisory Panel via webinar October 6, 2025.

**DATES:** The Citizen Science Projects Advisory Panel meeting will be held via webinar on Monday, October 6, 2025, from 1 p.m. until 4 p.m.

**ADDRESSES:**

*Council address:* South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N Charleston, SC 29405.

*Meeting address:* The meeting will be held via webinar. The webinar is open to members of the public. Webinar registration, an online public comment form, and briefing book materials will be available two weeks prior to the meeting at: *https://safmc.net/advisory-panel-meetings/*. There will be an opportunity for public comment at the beginning of the meeting.

**FOR FURTHER INFORMATION CONTACT:** Julia Byrd, Citizen Science Program Manager, SAFMC; phone 843–302–8439 or toll free 866–SAFMC–10; FAX 843–769–4520; email: *julia.byrd@safmc.net*.

**SUPPLEMENTARY INFORMATION:** The Citizen Science Projects Advisory Panel members include representatives from the Council's fishery advisory panels (AP), Habitat & Ecosystem AP, and Outreach and Communications AP. Their responsibilities include identifying citizen science research and data needs across all the Council's fishery management plans; assisting with development of volunteer engagement strategies for recruiting, training, retaining, and communicating with volunteers; and serving as outreach ambassadors for the Program. Agenda items include: reviewing and making recommendations to update the Citizen Science research priorities; an introduction and discussion on ways to measure Citizen Science Program impact; a Citizen Science Program update; and other business.

**Special Accommodations**

These meetings are physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the council office (see **ADDRESSES**) 5 days prior to the meeting.

**Note:** The times and sequence specified in this agenda are subject to change.

(Authority: 16 U.S.C. 1801 *et seq.*)

Dated: September 12, 2025.

**Becky J. Curtis,**

*Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2025–17912 Filed 9–16–25; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**[RTID 0648–XF185]**

### Fisheries of the South Atlantic; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of SEDAR 90 Assessment Webinar 2 for South Atlantic Red Snapper.

**SUMMARY:** The SEDAR 90 assessment process of South Atlantic red snapper will consist of a Data Workshop, a series of assessment webinars, and a Review Workshop. See **SUPPLEMENTARY INFORMATION**.

**DATES:** The SEDAR 90 Assessment Webinar 2 will be held from 9 a.m. until 12 p.m. EDT on October 15, 2025.

**ADDRESSES:**

*Meeting address:* The SEDAR 90 Assessment Webinar 2 will be held via webinar. The webinar is open to members of the public. The established times may be adjusted as necessary to accommodate the timely completion of discussion relevant to the assessment process. Such adjustments may result in the meeting being extended from or completed prior to the time established by this notice.

*SEDAR address:* 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405. *www.sedarweb.org.*

**FOR FURTHER INFORMATION CONTACT:** Emily Ott, SEDAR Coordinator; (843) 302–8434. Email: *Emily.Ott@safmc.net.*

**SUPPLEMENTARY INFORMATION:** The Gulf, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with the National Marine Fisheries Service and the Atlantic and Gulf States Marine Fisheries Commissions have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a multi-step process including: (1) Data/Assessment Workshop, and (2) a series of webinars. The product of the Data and Assessment Workshops is a report which compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses, and describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. Participants for SEDAR Workshops are appointed by the Gulf, South Atlantic, and Caribbean Fishery Management Councils and National Marine Fisheries Service Southeast Regional Office, Highly Migratory Species Management Division, and Southeast Fisheries Science Center. Participants include data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists and non-government organizations; International experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion in the Assessment Webinar 2 are as follows: Participants will continue discussing modeling configurations. Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

### Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) at least 5 business days prior to each workshop.

**Note:** The times and sequence specified in this agenda are subject to change.

*Authority:* 16 U.S.C. 1801 *et seq.*

Dated: September 15, 2025.

**Rey Israel Marquez,**

*Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2025–18004 Filed 9–16–25; 8:45 am]

**BILLING CODE 3510–22–P**

## COMMODITY FUTURES TRADING COMMISSION

### Agency Information Collection Activities Under OMB Review

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995 (PRA), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Information and Regulatory Affairs (OIRA), of the Office of Management and Budget (OMB), for review and comment. The ICR describes the nature of the information collection and its expected costs and burden.

**DATES:** Comments must be submitted on or before September 17, 2025.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be submitted within 30 days of this notice's publication to OIRA, at *https://www.reginfo.gov/public/do/PRAMain.* Please find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the website's search function. Comments can be entered electronically by clicking on the ''comment'' button next to the information collection on the ''OIRA Information Collections Under Review'' page, or the ''View ICR–Agency Submission'' page. A copy of the supporting statement for the collection of information discussed herein may be obtained by visiting *https://www.reginfo.gov/public/do/PRAMain.*

In addition to the submission of comments to *https://Reginfo.gov* as indicated above, a copy of all comments submitted to OIRA may also be submitted to the Commodity Futures Trading Commission (the ''Commission'' or ''CFTC'') by clicking on the ''Submit Comment'' box next to the descriptive entry for OMB Control No. 3038–0017, at *https://comments.cftc.gov/FederalRegister/PublicInfo.aspx.*

Or by either of the following methods:

- *Mail:* Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.
- *Hand Delivery/Courier:* Same as Mail above.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments submitted to the Commission should include only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations.[1] The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from *https://www.cftc.gov* that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the ICR will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

**FOR FURTHER INFORMATION CONTACT:** Julia Wood, (312) 554–4567, *jlwood@cftc.gov,* or Roger Smith, (202) 418–5344, *rsmith@cftc.gov,* Division of Market Oversight, Commodity Futures Trading Commission, 77 West Jackson Boulevard, Suite 800, Chicago, IL 60604, and refer to OMB Control No. 3038–0017.

**SUPPLEMENTARY INFORMATION:**

*Title:* Market Surveys (OMB Control No. 3038–0017). This is a request for extension of a currently approved information collection.

*Abstract:* Under Part 21 of the Commission's Rules, 17 CFR 21.00–21.06, the Commission may issue special calls for information from futures commission merchants (''FCMs''), clearing members, members of reporting markets, introducing brokers (''IBs''), foreign brokers, domestic and foreign traders, and reporting markets. This rule is designed

[1] 17 CFR 145.9.

to assist the Commission in prevention of market manipulation and is promulgated pursuant to the Commission's rulemaking authority contained in section 8a of the Commodity Exchange Act, 7 U.S.C. 12a (2010).

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. On July 3, 2025, the Commission published in the **Federal Register** notice of the proposed extension of this information collection and provided 60 days for public comment on the proposed extension, 90 FR 29534 (''60-Day Notice''). The Commission did not receive any relevant comments on the 60-Day Notice.

*Burden Statement:* The Commission is updating its estimate of the burden for this collection for Market Surveys (OMB Control No. 3038–0017). The Commission estimates the burden of this collection of information as follows:

*Respondents/Affected Entities:* FCMs, clearing members, members of reporting markets, IBs, foreign brokers, domestic and foreign traders, and reporting markets.

*Estimated Number of Respondents:* 100.

*Estimated Average Burden Hours per Respondent:* 1.75.

*Estimated Total Annual Burden on Respondents:* 175 hours.

*Frequency of Collection:* On occasion.

There are no capital costs or operating and maintenance costs associated with this collection.

(Authority: 44 U.S.C. 3501 *et seq.*)

Dated: September 15, 2025.

**Robert Sidman,**

*Deputy Secretary of the Commission.*

[FR Doc. 2025–17979 Filed 9–16–25; 8:45 am]

**BILLING CODE 6351–01–P**

## DEPARTMENT OF DEFENSE

### Department of the Army

### Notice of Termination of Environmental Impact Statement

**AGENCY:** Department of the Army, DOD.

**ACTION:** Notice of termination of Environmental Impact Statement (EIS).

**SUMMARY:** The U.S. Department of the Army (Army) is terminating an EIS addressing heat and electrical upgrades at Fort Wainwright, Alaska.

**DATES:** Termination is effective on the date of this notice.

**FOR FURTHER INFORMATION CONTACT:** Dr. David Guldenzopf, Director for Environmental Compliance and Mission Readiness, Office of the Assistant Secretary of the Army for Installations, Energy and Environment, at (703) 459–7756, *david.b.guldenzopf.civ@army.mil.*

**SUPPLEMENTARY INFORMATION:** The Department of the Army hereby provides notice of termination of the subject EIS, which was initiated by a Notice of Intent to Prepare an Environmental Impact Statement. The Notice of Intent was published in the **Federal Register** on July 22, 2019 (84 FR 35106). The EIS concerned potential environmental impacts associated with proposed heat and electrical upgrades at Fort Wainwright, Alaska. The Army will reevaluate the proposed action. Accordingly, the EIS initiated on July 22, 2019, is hereby terminated. The Army will cease further preparation of a Supplemental Final EIS.

(Authority: 42 U.S.C. 4321 *et seq.* (1969).)

**James W. Satterwhite, Jr.,**

*U.S. Army Federal Register Liaison Officer.*

[FR Doc. 2025–17972 Filed 9–16–25; 8:45 am]

**BILLING CODE 3711–CC–P**

## DEPARTMENT OF EDUCATION

### Notice of Meeting

**AGENCY:** National Advisory Committee on Institutional Quality and Integrity (NACIQI or Committee), Office of Postsecondary Education, U.S. Department of Education.

**ACTION:** Announcement of an open meeting.

**SUMMARY:** This notice sets forth the agenda, time, and instructions to access or participate in the October 21, 2025, meeting of NACIQI, and provides information to members of the public regarding the meeting, including requesting to make written or oral comments. Committee members will meet in-person. Agency representatives have the option to meet in-person or virtually, and public attendees will participate virtually. The notice of this meeting is required under the Federal Advisory Committee Act and Section 114(d)(1)(B) of the Higher Education Act (HEA) of 1965, as amended.

**DATES:** The NACIQI meeting will be held on October 21, 2025, from 9:00 a.m. to 5:00 p.m. Eastern Time.

**ADDRESSES:** U.S. Department of Education, 400 Maryland Avenue SW, Barnard Auditorium, Washington, DC 20202 [Only NACIQI members, accrediting agency representatives, and Department of Education staff will participate in the meeting at this address].

**FOR FURTHER INFORMATION CONTACT:** George Alan Smith, Executive Director/Designated Federal Official (DFO), NACIQI, U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202, telephone: (202) 453–7757, or email: *George.Alan.Smith@ed.gov.*

**SUPPLEMENTARY INFORMATION:**

*Statutory Authority and Function:* NACIQI is established under Section 114 of the HEA (20 U.S.C. 1011c). NACIQI advises the Secretary of Education with respect to:

- The establishment and enforcement of the standards of accrediting agencies or associations under subpart 2, part H, Title IV of the HEA, as amended;
- The recognition of specific accrediting agencies or associations;
- The preparation and publication of the list of nationally recognized accrediting agencies and associations;
- The eligibility and certification process for institutions of higher education under Title IV of the HEA, together with recommendations for improvement in such process;
- The relationship between (1) accreditation of institutions of higher education and the certification and eligibility of such institutions, and (2) State licensing responsibilities with respect to such institutions; and
- Any other advisory function relating to accreditation and institutional eligibility that the Secretary of Education may prescribe by regulation.

**Meeting Agenda**

The purpose of the meeting is to conduct a review of compliance reports submitted by five accrediting agencies; to elect a committee chairperson; and to share the Administration's higher education policy priorities.

*Compliance Reports*

1. Accreditation Commission for Midwifery Education. Scope of Recognition: The accreditation and pre-accreditation of basic certificate, basic graduate nurse-midwifery, direct entry midwifery, and pre-certification nurse-midwifery education programs, including those programs that offer distance education. Geographic area of accrediting activities: The United States. The compliance report includes findings of noncompliance with certain criteria in 34 Code of Federal Regulations (CFR) Part 602 identified in the May 31, 2023, letter from the Senior Department Official (SDO) following the February 28, 2023, NACIQI meeting. The SDO letter is available under NACIQI meeting date 2/28/2023, at *https://surveys.ope.ed.gov/erecognition/#/public-documents.*

2. American Physical Therapy Association, Commission on Accreditation in Physical Therapy. Scope of Recognition: The accreditation and preaccreditation (''Candidate for Accreditation'') in the United States of physical therapist education programs leading to the first professional degree at the master's or doctoral level and physical therapist assistant education programs at the associate degree level and for its accreditation of such programs offered via distance education. Geographic area of accrediting activities: The United States. The compliance report includes findings of noncompliance with certain criteria in 34 CFR part 602 at *https://www.ecfr.gov/current/title-34/subtitle-B/chapter-VI/part-602* identified in the May 31, 2023, letter from the SDO following the February 28, 2023, NACIQI meeting. The SDO letter is available under NACIQI meeting date 2/28/2023, at *https://surveys.ope.ed.gov/erecognition/#/public-documents.*

3. Middle States Commission on Higher Education. Scope of Recognition: The accreditation and preaccreditation (''Candidacy status'') of institutions of higher education including distance, correspondence education programs and direct assessment programs offered at those institutions. Recognition extends to the Executive Committee to act on behalf of the Commission as necessary on cases of initial, reaffirmed, and continued candidacy or initial, reaffirmed and continued accreditation. Geographic Area of Accrediting Activities: The United States. The compliance report includes findings of noncompliance with certain criteria in 34 CFR part 602 at *https://www.ecfr.gov/current/title-34/subtitle-B/chapter-VI/part-602* identified in the May 31, 2023, letter from the SDO following the February 28, 2023, NACIQI meeting. The SDO letter is available under NACIQI meeting date 2/28/2023, at *https://surveys.ope.ed.gov/erecognition/#/public-documents.*

4. New England Commission of Higher Education. Scope of Recognition: The accreditation and pre-accreditation (''Candidacy status'') of institutions of higher education including the accreditation of programs offered via distance education and direct assessment within those institutions. Jointly with the Commission, this recognition extends to its Executive Committee and also to the Appeals Body for decisions related to the appeal of denial or withdrawal of candidacy; probation; and denial or withdrawal of accreditation. Geographic Area of Accrediting Activities: The United States. The compliance report includes findings of noncompliance with certain criteria in 34 CFR part 602 at *https://www.ecfr.gov/current/title-34/subtitle-B/chapter-VI/part-602* identified in the May 31, 2023, letter from the SDO following the February 28, 2023, NACIQI meeting. The SDO letter is available under NACIQI meeting date 2/28/2023, at *https://surveys.ope.ed.gov/erecognition/#/public-documents.*

5. Western Association of Schools and Colleges. Scope of Recognition: The accreditation and preaccreditation (''Candidate for Accreditation'') of institutions of higher education that offer the baccalaureate degree or above, including distance education programs offered at those institutions. Geographic area of accrediting activities: The United States. The compliance report includes findings of noncompliance with certain criteria in 34 CFR part 602 at *https://www.ecfr.gov/current/title-34/subtitle-B/chapter-VI/part-602* identified in the May 31, 2023, letter from the SDO following the February 28, 2023, NACIQI meeting. The SDO letter is available under NACIQI meeting date 2/28/2023, at *https://surveys.ope.ed.gov/erecognition/#/public-documents.*

*Election of a Committee Chairperson*

In addition to the review of compliance reports, the DFO will facilitate the election of a chairperson to fill the role for the remainder of the former chairperson's term.

*Administration Policy Update*

The Under Secretary will share updates on the Administration's higher education policy priorities.

To ensure sufficient time for all agency reviews, including NACIQI questions and discussion, the Department requests that the agencies limit their opening statements to 10 minutes (total for one or more statements), and that the agencies avoid extended discussions about agency representatives and their backgrounds. Following the brief opening statement, the agency's presentation should focus on the regulatory criteria, and in particular, responses to areas where the staff has recommended a finding of noncompliance or substantial compliance, or where other concerns have been raised that the agency would like to address. However, the agency should expect that questions from NACIQI members may focus on other areas.

**Instructions for Accessing the Meeting**

*Registration:* You may register for the meeting on your computer using the link below. After you register, you will receive a confirmation email containing personalized participation links for the meeting no later than 8:30 a.m. Eastern Standard Time on October 21, 2025.

*Registration Link: https://web.cvent.com/event/a62e7d6d-f613-4d90-81d0-f361a938c5bf/summary.*

**Public Comment**

Submission of requests to make an oral comment regarding a specific accrediting agency under review, or to make an oral comment or written statement regarding other issues within the scope of NACIQI's authority:

Opportunity to submit a written statement regarding a specific accrediting agency under review was solicited by a previous **Federal Register** notice published on April 24, 2024 (89 FR 31171; Document Number 2024–08770). The period for submission of such statements is now closed. *Additional written statements regarding a specific accrediting agency or state approval agency under review will not be accepted at this time.* However, members of the public may submit written statements regarding other issues within the scope of NACIQI's authority, as outlined under Section 114 of the HEA (20 U.S.C. 1011c).

Members of the public may make oral comments regarding a specific accrediting agency under review and/or other issues within the scope of NACIQI's authority. Oral comments may not exceed three minutes. Oral comments about an agency's recognition when a compliance report has been required by the SDO or the Secretary must relate to the criteria for recognition cited in the SDO's letter that requested the report, or in the Secretary's appeal decision, if any. Oral comments about an agency seeking expansion of scope must be directed to the agency's ability to serve as a recognized accrediting agency with respect to the kinds of institutions or programs requested to be added. Oral comments about the renewal of an agency's recognition must relate to its compliance with the criteria for the Recognition of Accrediting Agencies, which are available at *https://www.ecfr.gov/current/title-34/subtitle-B/chapter-VI/part-602?toc=1.*

*Instructions on Requesting to Make Public Comment:* To request to make oral comments of three minutes or less *or* to submit a written statement to NACIQI concerning its work outside of a specific accrediting agency under review during the October 21, 2025, meeting, please follow the instructions below.

Submit an email to the *ThirdPartyComments@ed.gov* mailbox. Please do not send material directly to NACIQI members. To be considered for

the current cycle review, written statements and requests to make oral comment must be received by October 14, 2025, and include the subject line ''Oral Comment Request: (agency name),'' ''Oral Comment Request: (subject)'' or ''Written Statement: (subject).'' The email must include the name(s), title, organization/affiliation, mailing address, email address, and telephone number, of the person(s) submitting a written statement or requesting to speak. All individuals submitting an advance request in accordance with this notice will be afforded an opportunity to speak.

*Access to Records of the Meeting:* The Department will post the official report of the meeting on the NACIQI website *https://sites.ed.gov/naciqi/archive-of-meetings/* within 90 days after the meeting. In addition, pursuant to 5 U.S.C. 1009, the public may request to inspect records of the meeting at 400 Maryland Avenue SW, Washington, DC, by emailing *aslrecordsmanager@ed.gov* or by calling (202) 453–7415 to schedule an appointment. The SDO's (as defined in 34 CFR 602.3 at *https://www.ecfr.gov/current/title-34/subtitle-B/chapter-VI/part-602/subpart-A/section-602.3*) decisions, pursuant to 34 CFR 602.36 *https://www.ecfr.gov/current/title-34/subtitle-B/chapter-VI/part-602/subpart-C/subject-group-ECFR21f0283b12d15ca/section-602.36,* associated with all NACIQI meetings can be found at the following website: *https://surveys.ope.ed.gov/erecognition/#/public-documents.*

*Reasonable Accommodations:* The dial-in information and weblink access to the meeting are accessible to individuals with disabilities. If you will need an auxiliary aid or service to participate in the meeting (*e.g.,* interpreting service, assistive listening device, or materials in an alternate format), notify the contact person listed in this notice at least two weeks before the scheduled meeting date. Although we will attempt to meet a request received after that date, we may not be able to make available the requested auxiliary aid or service because of insufficient time to arrange it.

*Electronic Access to This Document*: The official version of this document is the document published in the **Federal Register**. Free internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of the Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at the site. You also may access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

*Authority:* Section 114 of the HEA of 1964, as amended (20 U.S.C. 1011c).

**Signing Authority**

This document of the U.S. Department of Education was signed on September 12, 2025, by Christopher J. McCaghren, ED.D., *Acting Assistant Secretary Office of Postsecondary Education.* That document with the original signature and date is maintained by the U.S. Department of Education. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned has been authorized to sign the document in electronic format for publication, as an official document of the U.S. Department of Education. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

**Tracey St. Pierre,**

*Director, Office of Executive Secretariat, Office of the Secretary, U.S. Department of Education.*

[FR Doc. 2025–17973 Filed 9–16–25; 8:45 am]

**BILLING CODE 4000–01–P**

## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

**[Docket No. CP25–205–000; Docket No. CP25–205–001]**

## Golden Pass LNG Terminal, LLC; Notice of Availability of the Environmental Assessment for the Proposed Supply Lateral Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) have prepared an environmental assessment (EA) for the Supply Lateral Project (Project), proposed by Golden Pass LNG Terminal, LLC (Golden Pass LNG) in the above referenced dockets.[1] The Project would consist of approximately 0.22 mile of 42-inch-diameter pipeline supply lateral, a receipt interconnect, two meter station pads, and appurtenant facilities, all located within the Golden Pass LNG property boundary in Jefferson County, Texas. The proposed facilities are designed to facilitate interconnections with one intrastate pipeline and one interstate pipeline and transport up to 2.6 million dekatherms per day to the Golden Pass LNG Terminal with the purpose of providing flexibility and security of feed gas supply.

The EA assesses the potential environmental effects of the construction and operation of the Project in accordance with the requirements of the National Environmental Policy Act (NEPA). FERC staff concludes that approval of the proposed Project would not constitute a major federal action significantly affecting the quality of the human environment.

The Commission mailed a copy of the *Notice of Availability* of the EA to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American tribes; potentially affected landowners and other interested individuals and groups; and newspapers and libraries in the Project area. The EA is only available in electronic format. It may be viewed and downloaded from FERC's website (*www.ferc.gov*), on the natural gas environmental documents page (*https://www.ferc.gov/industries-data/natural-gas/environment/environmental-documents*). In addition, the EA may be accessed by using the eLibrary link on FERC's website. Click on the eLibrary link (*https://elibrary.ferc.gov/eLibrary/search*) select ''General Search'' and enter the docket number in the ''Docket Number'' field (*i.e.,* CP25–205). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

The EA is not a decision document. It presents Commission staff's independent analysis of the environmental issues for the Commission to consider when addressing the merits of all issues in this proceeding. Any person wishing to comment on the EA may do so. Your comments should focus on the EA's disclosure and discussion of potential environmental effects, measures to avoid or lessen environmental effects, the completeness of the submitted alternatives, and information and analyses. The more specific your comments, the more useful they would

[1] For tracking purposes under the National Environmental Policy Act, the unique identification number for documents relating to this environmental review is EAXX–019–20–000–1756911850.

be. To ensure that the Commission has the opportunity to consider your comments prior to making its decision on this Project, it is important that we receive your comments in Washington, DC on or before 5:00 p.m. Eastern Time on October 14, 2025.

For your convenience, there are three methods you can use to submit your comments to the Commission. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or *FercOnlineSupport@ferc.gov.* Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the eComment feature on the Commission's website (*www.ferc.gov*) under the link to FERC Online. This is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the eFiling feature on the Commission's website (*www.ferc.gov*) under the link to FERC Online. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' If you are filing a comment on a particular project, please select ''Comment on a Filing'' as the filing type; or

(3) You can file a paper copy of your comments by mailing them to the Commission. Be sure to reference the Project docket numbers (CP25–205–000 and CP25–205–001) on your letter. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Filing environmental comments will not give you intervenor status, but you do not need intervenor status to have your comments considered. Only intervenors have the right to seek rehearing or judicial review of the Commission's decision. At this point in this proceeding, the timeframe for filing timely intervention requests has expired. Any person seeking to become a party to the proceeding must file a motion to intervene out-of-time pursuant to Rule 214(b)(3) and (d) of the Commission's Rules of Practice and Procedures (18 CFR 385.214(b)(3) and (d)) and show good cause why the time limitation should be waived. Motions to intervene are more fully described at *https://www.ferc.gov/how-intervene.*

Additional information about the Project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website (*www.ferc.gov*) using the eLibrary link. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

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.*

In addition, the Commission offers a free service called eSubscription that 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. Go to *https://www.ferc.gov/ferc-online/overview* to register for eSubscription.

Dated: September 12, 2025.

**Debbie-Anne A. Reese,**

*Secretary.*

[FR Doc. 2025–17989 Filed 9–16–25; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

**[Docket No. ID–8209–002]**

## Ancell, Dale; Notice of Filing

Take notice that on September 10, 2025, Dale Ancell. submitted for filing, application for authority to hold interlocking positions, pursuant to section 305(b) of the Federal Power Act, 16 U.S.C. 825d(b) and Part 45.8 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR part 45.8.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at 202–502–6652 (toll free at 1–866–208–3676) or email at *ferconlinesupport@ferc.gov,* or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at *public.referenceroom@ferc.gov.*

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

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, environmental justice communities, 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.*

*Comment Date:* 5:00 p.m. Eastern Time on September 30, 2025.

Dated: September 12, 2025.

**Debbie-Anne A. Reese,**

*Secretary.*

[FR Doc. 2025–17992 Filed 9–16–25; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

**[Docket No. CP25–544–000]**

## Kinetica Energy Express, LLC; Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline

Take notice that on September 4, 2025, Kinetica Energy Express, LLC (Kinetica Energy), 1001 McKinney, Suite 900, Houston, Texas 77002, filed in the above referenced docket, a prior notice request pursuant to sections 157.205 and 157.216 of the Commission's regulations under the Natural Gas Act (NGA), and Kinetica Energy's blanket certificate issued in Docket No. CP12–489–000, for authorization to abandon by sale to Crescent Louisiana Midstream, LLC approximately 24.37 miles of 8-, 18-, and 24-inch-diameter Line 526A–200 that originates at Kinetica Energy's mainline valve 526 in Plaquemines Parish, Louisiana and extends to the Main Pass 35 platform, owned by Texas Petroleum Investment Company, in Louisiana state waters. Kinetica Energy states that the proposed abandonment will eliminate the need for future operating and maintenance expenses that are not necessary to meet Kinetica Energy's firm transportation obligations, 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 Bill Prentice, General Counsel, Kinetica Energy Express, LLC, 1001 McKinney, Houston, Texas 77002, by phone at (713) 228–3347, or by email at *bill.prentice@kineticallc.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 November 12, 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 person [2] 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 November 12, 2025. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

*Interventions*

Any person has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure [4] and the regulations under the NGA [5] by the intervention deadline for the project, which is 5:00 p.m. Eastern Time on November 12, 2025. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at *https://www.ferc.gov/resources/guides/how-to/intervene.asp.*

All timely, unopposed motions to intervene are automatically granted by operation of Rule 214(c)(1). Motions to intervene that are filed after the intervention deadline are untimely and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

[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.

*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 November 12, 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 CP25–544–000 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]

(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 CP25–544–000.

*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: Bill Prentice, General Counsel, Kinetica Energy Express, LLC, 1001 McKinney, Houston, Texas 77002, or by email (with a link to the document) at *bill.prentice@kineticallc.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.*

Dated: September 12, 2025.

**Debbie-Anne A. Reese,**

*Secretary.*

[FR Doc. 2025–17990 Filed 9–16–25; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

**[Project No. 5737–032]**

## Santa Clara Valley Water District; Notice of Availability of the Draft Environmental Impact Statement for the Anderson Dam Project and Public Comment Sessions Soliciting Comments

In accordance with the National Environmental Policy Act of 1969 [1] and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380, the Office of Energy Projects has reviewed Santa Clara Valley Water District's (exemptee) application to retrofit the Anderson Dam and to surrender the exemption for the Anderson Dam Project No. 5737 (Project) and have prepared a draft environmental impact statement (EIS) for the project.[2] The exemptee proposes to draw down the Anderson Reservoir to perform a seismic retrofit of the dam, decommission the hydroelectric facility, implement conservation measures downstream of the dam on Coyote Creek, and surrender the hydroelectric project exemption. The Anderson Dam Project consists of: a 240-foot-high, 1,385-foot-long dam; a reservoir with a maximum surface area of 1,240 acres and storage capacity of 89,278 acre-feet at a spillway elevation of 627.8 feet (North American Vertical Datum 1988); a 54-inch diameter, 2,800-foot-long penstock; a powerhouse with a total installed capacity of 800 kilowatts; and a 100-foot-long transmission line connecting the project to the electrical grid. The project is located on Coyote Creek in Santa Clara County, California, and does not occupy any federal lands.

The draft EIS contains staff's analysis of the applicant's proposal and the alternatives to the proposed action. The draft EIS documents the views of governmental agencies, non-governmental organizations, affected Native-American Tribes, the public, the applicant, and Commission staff.

In this notice, we acknowledge the number of pages in this draft EIS exceeds the final page limits set forth in NEPA 107(e)(l) [3] for proposals of unusual scope or complexity. Noting the scope and complexity of this proposal, the Director, Office of Energy Projects, as our senior agency official, has authorized this page limit exceedance for both the draft and final EIS.

The Commission provides all interested persons with an opportunity to view and/or print the draft EIS via the internet through the Commission's Home Page (*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. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* or toll-free at (866) 208–3676, or for TTY, (202) 502–8659.

You may also register online at *https://ferconline.ferc.gov/FERCOnline.aspx* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in

[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 interested persons to submit brief, text-only comments on a project.

[1] National Environmental Policy Act of 1969, amended (Pub. L. 91–190. 42 U.S.C. 4321–4347, as amended by Pub. L. 94–52, July 3, 1975, Pub. L. 94–83, August 9, 1975, Pub. L. 97–258, 4(b), September 13, 1982, Pub. L. 118–5, June 3, 2023).

[2] For tracking purposes under the National Environmental Policy Act (NEPA), the unique identification number for documents relating to this environmental review is EISX–019–20–000–1727256582.

[3] 42 U.S.C. 4336a(e)(l).

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.*

All comments must be filed on or before 5:00 p.m. Eastern Time on November 3, 2025.

The Commission strongly encourages electronic filing. Please file comments, recommendations, terms and conditions, and prescriptions using the Commission's eFiling system at *https://ferconline.ferc.gov/eFiling.aspx.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *https://ferconline.ferc.gov/QuickComment.aspx.* 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, Maryland 20852. The first page of any filing should include docket number P–5737–032.

Anyone may intervene in this proceeding based on this draft EIS (18 CFR 380.10). You must file your request to intervene as specified above.[4] You do not need intervenor status to have your comments considered.

In addition to or in lieu of sending written comments, you are invited to attend a public comment session that will be held to receive comments on the draft EIS. Commission staff will hold 2 sessions for the purpose of receiving comments on the draft EIS. All interested individuals and entities will be invited to attend one or both of the sessions; however there is no difference between the sessions. The dates and times of the sessions are listed below.

**Evening Scoping Meeting**

*Date:* Wednesday, October 15, 2025.

*Time:* 6:30 p.m.–8:30 p.m. Pacific Time (PT).

*Place:* Hiram Morgan Hill Room, Community and Cultural Center.

*Address:* 17000 Monterey Road, Morgan Hill, CA 95037.

**Daytime Scoping Meeting**

*Date:* Thursday, October 16, 2025.

*Time:* 9:00 a.m.–11:00 a.m. Pacific Time (PT).

*Place:* Hiram Morgan Hill Room, Community and Cultural Center.

*Address:* 17000 Monterey Road, Morgan Hill, CA 95037.

The sessions will begin promptly at their respective start times listed above. There will not be a formal presentation by Commission staff when the session opens, and you may arrive any time after the scheduled start time. Individual oral comments will be taken on a one-on-one basis with a court reporter (with Commission staff present). This format is designed to receive the maximum number of oral comments in a convenient way during the timeframe allotted. If you wish to speak, Commission staff will hand out numbers in the order of your arrival. If a significant number of people are interested in providing oral comments with the court reporter, a time limit may be implemented for each commentor. Although there will not be a formal presentation, Commission staff will be available throughout the comment session to answer your questions about the environmental review process. Please see the attachment to this notice for additional information on the session format and conduct.

The primary goal of these comment sessions is to have you identify the specific environmental issues and concerns with the draft EIS. Comments will be recorded by the court reporter and become part of the public record for this proceeding. Transcripts will be publicly available on FERC's eLibrary system.

It is important to note that the Commission provides equal consideration to all comments received, whether filed in writing or provided orally at a public comment session. Interested parties who choose not to speak or who are unable to attend the draft EIS comment sessions may provide written comments and information to the Commission as described above.

For further information, contact Holly Frank at 202–502–6833 or *Holly.Frank@ferc.gov,* or David Rudisail at 202–502–6376 or *David.Rudisail@ferc.gov.*

Dated: September 12, 2025.

**Debbie-Anne A. Reese,**

*Secretary.*

[FR Doc. 2025–17995 Filed 9–16–25; 8:45 am]

**BILLING CODE 6717–01–P**

[4] Interventions may also be filed electronically via the internet in lieu of paper. See the previous discussion on filing comments electronically.

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Project/Docket No. 190–106]**

### Moon Lake Electric Association, Inc.; Notice of Reasonable Period of Time for Water Quality Certification Application

On June 13, 2025, the Environmental Protection Agency submitted to the Federal Energy Regulatory Commission (Commission) notice that it received a request for a Clean Water Act section 401(a)(1) water quality certification as defined in 40 CFR 121.5, from Moon Lake Electric Association, Inc., in conjunction with the above captioned project on April 28, 2025. Pursuant to the Commission's regulations,[1] we hereby notify the Environmental Protection Agency of the following:

*Date of Receipt of the Certification Request:* April 28, 2025.

*Reasonable Period of Time to Act on the Certification Request:* April 28, 2026.

If the Environmental Protection Agency fails or refuses to act on the water quality certification request on or before the above date, then the certifying authority is deemed waived pursuant to section 401(a)(1) of the Clean Water Act, 33 U.S.C. 1341(a)(1).

Dated: September 12, 2025.

**Debbie-Anne A. Reese,**

*Secretary.*

[FR Doc. 2025–17994 Filed 9–16–25; 8:45 am]

**BILLING CODE 6717–01–P**

[1] 18 CFR 6.1(b).

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. CP25–530–000]**

### Texas Eastern Transmission, LP; Notice of Scoping Period Requesting Comments on Environmental Issues for the Proposed Danville Compressor Station Replacement Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental document that will discuss the environmental impacts of the Danville Compressor Station Replacement Project involving the abandonment, installation, and operation of facilities by Texas Eastern Transmission, LP (Texas Eastern) in Lincoln County, Kentucky. The Commission will use this environmental

document in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies regarding the project. As part of the National Environmental Policy Act (NEPA) review process, the Commission takes into account concerns the public may have about proposals and the environmental impacts that could result from its action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. This gathering of public input is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the environmental document on the important environmental issues. Additional information about the Commission's NEPA process is described below in the NEPA Process and Environmental Document section of this notice.

By this notice, the Commission requests public comments on the scope of issues to address in the environmental document. To ensure that your comments are timely and properly recorded, please submit your comments so that the Commission receives them in Washington, DC on or before 5:00 p.m. Eastern Time on October 14, 2025. Comments may be submitted in written form. Further details on how to submit comments are provided in the *Public Participation* section of this notice.

Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. Your input will help the Commission staff determine what issues they need to evaluate in the environmental document. Commission staff will consider all written comments during the preparation of the environmental document.

If you submitted comments on this project to the Commission before the opening of this docket on August 1, 2025 you will need to file those comments in Docket No. CP25–530–000 to ensure they are considered as part of this proceeding.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of this proposed project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The company would seek to negotiate a mutually acceptable easement agreement. You are not required to enter into an agreement. However, if the Commission approves the project, the Natural Gas Act conveys the right of eminent domain to the company. Therefore, if you and the company do not reach an easement agreement, the pipeline company could initiate condemnation proceedings in court. In such instances, compensation would be determined by a judge in accordance with state law. The Commission does not subsequently grant, exercise, or oversee the exercise of that eminent domain authority. The courts have exclusive authority to handle eminent domain cases; the Commission has no jurisdiction over these matters.

Texas Eastern provided landowners with a fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land. What Do I Need To Know?'' which addresses typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. This fact sheet along with other landowner topics of interest are available for viewing on the FERC website (*www.ferc.gov*) under the Natural Gas, Landowner Resources link.

**Public Participation**

There are three methods you can use to submit your comments to the Commission. Please carefully follow these instructions so that your comments are properly recorded. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or *FercOnlineSupport@ferc.gov.*

(1) You can file your comments electronically using the eComment feature, which is located on the Commission's website (*www.ferc.gov*) under the link to FERC Online. Using eComment is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the eFiling feature, which is located on the Commission's website (*www.ferc.gov*) under the link to FERC Online. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; a comment on a particular project is considered a ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the Commission. Be sure to reference the project docket number (CP25–530–000) on your letter. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Additionally, the Commission offers a free service called eSubscription which makes it easy to stay informed of all issuances and submittals regarding the dockets/projects to which you subscribe. These instant email notifications are the fastest way to receive notification and provide a link to the document files which can reduce the amount of time you spend researching proceedings. Go to *https://www.ferc.gov/ferc-online/overview* to register for eSubscription.

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**Summary of the Proposed Project**

Texas Eastern proposes to abandon and remove three natural gas-fired turbine units and ten reciprocating compressor units at the existing Danville Compressor Station and replace them with three new gas-fired turbine units. According to Texas Eastern, the new units would replace units installed in the 1950s and 1960s, ensuring continued safe, efficient, and reliable operation of the compressor station while meeting air emissions requirements.

The general location of the project facilities is shown in appendix 1.[1]

[1] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of the appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary''. For instructions on connecting to eLibrary, refer to the last page of this notice. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll free, (886) 208–3676 or TTY (202) 502–8659.

**Land Requirements for Construction**

Constructing the Project would require the use of up to 40 acres of land, including approximately 31.2 acres of land within the existing fenced compressor station boundaries and approximately 8.0 acres of new workspace located adjacent to the station. Following construction, the 8.0 acres of workspace would be added to the permanent fenced compressor station footprint.

**NEPA Process and the Environmental Document**

Any environmental document issued by the Commission will discuss impacts that could occur as a result of the construction and operation of the proposed project under the relevant general resource areas:

- geology and soils;
- water resources and wetlands;
- vegetation and wildlife;
- threatened and endangered species;
- cultural resources;
- land use;
- air quality and noise; and
- reliability and safety.

Commission staff will also evaluate reasonable alternatives to the proposed project or portions of the project and make recommendations on how to lessen or avoid impacts on the various resource areas. Your comments will help Commission staff identify and focus on the issues that might have an effect on the human environment and potentially eliminate others from further study and discussion in the environmental document.

Following this scoping period, Commission staff will determine whether to prepare an Environmental Assessment (EA) or an Environmental Impact Statement (EIS). The EA or the EIS will present Commission staff's independent analysis of the issues. If Commission staff prepares an EA, a *Notice of Schedule for the Preparation of an Environmental Assessment* will be issued. The EA may be issued for an allotted public comment period. The Commission would consider timely comments on the EA before making its decision regarding the proposed project. If Commission staff prepares an EIS, a *Notice of Intent to Prepare an EIS/ Notice of Schedule* will be issued, which will open up an additional comment period. Staff will then prepare a draft EIS which will be issued for public comment. Commission staff will consider all timely comments received during the comment period on the draft EIS and revise the document, as necessary, before issuing a final EIS. Any EA or draft and final EIS will be available in electronic format in the public record through eLibrary [2] and the Commission's natural gas environmental documents web page (*https://www.ferc.gov/industries-data/natural-gas/environment/environmental-documents*). If eSubscribed, you will receive instant email notification when the environmental document is issued.

With this notice, the Commission is asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues of this project to formally cooperate in the preparation of the environmental document.[3] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the *Public Participation* section of this notice.

**Consultation Under Section 106 of the National Historic Preservation Act**

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, the Commission is using this notice to initiate consultation with the applicable State Historic Preservation Office(s), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.[4] The environmental document for this project will document findings on the impacts on historic properties and summarize the status of consultations under section 106.

**Environmental Mailing List**

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project and includes a mailing address with their comments. Commission staff will update the environmental mailing list as the analysis proceeds to ensure that Commission notices related to this environmental review are sent to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project.

If you need to make changes to your name/address, or if you would like to remove your name from the mailing list, please complete one of the following steps:

(1) Send an email to *GasProjectAddressChange@ferc.gov* stating your request. You must include the docket number CP25–530–000 in your request. If you are requesting a change to your address, please be sure to include your name and the correct address. If you are requesting to delete your address from the mailing list, please include your name and address as it appeared on this notice. This email address is unable to accept comments.

*OR*

(2) Return the attached ''Mailing List Update Form'' (appendix 2).

**Additional Information**

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website at *www.ferc.gov* using the eLibrary link. Click on the eLibrary link, click on ''General Search'' and enter the docket number in the ''Docket Number'' field. Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

Public sessions or site visits will be posted on the Commission's calendar located at *https://www.ferc.gov/news-events/events* along with other related information.

Dated: September 12, 2025.

**Debbie-Anne A. Reese,**

*Secretary.*

[FR Doc. 2025–17993 Filed 9–16–25; 8:45 am]

**BILLING CODE 6717–01–P**

[2] For instructions on connecting to eLibrary, refer to the last page of this notice.

[3] Cooperating agency responsibilities are addressed in Section 107(a)(3) of NEPA (42 U.S.C. 4336(a)(3)).

[4] The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

## 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:* RP25–1147–000.
*Applicants:* OkTex Pipeline Company, L.L.C.
*Description:* Compliance filing: Order No. 587–AA Compliance Update Filing to be effective 11/1/2025.
*Filed Date:* 9/11/25.
*Accession Number:* 20250911–5080.
*Comment Date:* 5 p.m. ET 9/23/25.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

**Filings in Existing Proceedings**

*Docket Numbers:* PR25–53–001.
*Applicants:* Northern Indiana Public Service Company.
*Description:* 284.123 Rate Filing: Amended Application to Revise SOC (PR25–53–) to be effective 9/12/2025.
*Filed Date:* 9/12/25.
*Accession Number:* 20250912–5024.
*Comment Date:* 5 p.m. ET 10/3/25.

*Docket Numbers:* RP18–940–009.
*Applicants:* Empire Pipeline, Inc.
*Description:* Compliance filing: Empire Settlement Rates (11–01–25) to be effective 11/1/2025.
*Filed Date:* 9/12/25.
*Accession Number:* 20250912–5023.
*Comment Date:* 5 p.m. ET 9/24/25.

Any person desiring to protest in any the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community organizations, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov.*

Dated: September 12, 2025.

**Carlos D. Clay,**

*Deputy Secretary.*

[FR Doc. 2025–17958 Filed 9–16–25; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

### Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

*Docket Numbers:* EG25–522–000.
*Applicants:* Dodge Flat Energy Storage, LLC.
*Description:* Dodge Flat Energy Storage, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.
*Filed Date:* 9/12/25.
*Accession Number:* 20250912–5115.
*Comment Date:* 5 p.m. ET 10/3/25.

*Docket Numbers:* EG25–523–000.
*Applicants:* Cedar Springs Energy Storage IV, LLC.
*Description:* Cedar Springs Energy Storage IV, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.
*Filed Date:* 9/12/25.
*Accession Number:* 20250912–5121.
*Comment Date:* 5 p.m. ET 10/3/25.

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER21–2629–001; ER23–2764–005.
*Applicants:* Northeastern Power & Gas, LLC, Maven Energy, LLC.
*Description:* Notice of Non-Material Change in Status of Maven Energy, LLC, et al.
*Filed Date:* 9/10/25.
*Accession Number:* 20250910–5138.
*Comment Date:* 5 p.m. ET 10/1/25.

*Docket Numbers:* ER24–2217–002.
*Applicants:* SunZia Transmission, LLC.
*Description:* Compliance filing: Order Nos. 2023 and 2023–A Third Compliance Filing (ER24–2217–) to be effective 1/20/2025.
*Filed Date:* 9/12/25.
*Accession Number:* 20250912–5049.
*Comment Date:* 5 p.m. ET 10/3/25.

*Docket Numbers:* ER25–2686–001.
*Applicants:* Appalachian Power Company.
*Description:* Tariff Amendment: APCo Response to Deficiency Letter to be effective 8/27/2025.
*Filed Date:* 9/12/25.
*Accession Number:* 20250912–5034.
*Comment Date:* 5 p.m. ET 10/3/25.

*Docket Numbers:* ER25–2873–001.
*Applicants:* Midcontinent Independent System Operator, Inc., Ameren Illinois Company.
*Description:* Tariff Amendment: Ameren Illinois Company submits tariff filing per 35.17(b): 2025–09–12_SA 3064 Amendment PSA No. 1-Ameren Illinois-RECC-Farmersville Tap to be effective 9/16/2025.
*Filed Date:* 9/12/25.
*Accession Number:* 20250912–5119.
*Comment Date:* 5 p.m. ET 10/3/25.

*Docket Numbers:* ER25–2886–001.
*Applicants:* Tucson Electric Power Company.
*Description:* Tariff Amendment: Replacement Generation OATT Revisions—Supplement to be effective 9/17/2025.
*Filed Date:* 9/12/25.
*Accession Number:* 20250912–5000.
*Comment Date:* 5 p.m. ET 10/3/25.

*Docket Numbers:* ER25–2896–001.
*Applicants:* Southwest Power Pool, Inc.
*Description:* Tariff Amendment: Amended South Central MCN—Name Change to GridLiance High Plains LLC to be effective 4/1/2021.
*Filed Date:* 9/12/25.
*Accession Number:* 20250912–5111.
*Comment Date:* 5 p.m. ET 10/3/25.

*Docket Numbers:* ER25–2897–001.
*Applicants:* PJM Interconnection, L.L.C.
*Description:* Tariff Amendment: Amendment to Clean-Up Filing in ER25–2897 to be effective 1/1/2025.
*Filed Date:* 9/12/25.
*Accession Number:* 20250912–5112.
*Comment Date:* 5 p.m. ET 10/3/25.

*Docket Numbers:* ER25–2941–001.
*Applicants:* NextEra Energy Transmission MidAtlantic, Inc.
*Description:* Tariff Amendment: NEET MidAtlantic submits Amndnt to Filing to Revise Atts H–33 and H–33A to be effective 6/1/2024.
*Filed Date:* 9/12/25.
*Accession Number:* 20250912–5008.
*Comment Date:* 5 p.m. ET 10/3/25.

*Docket Numbers:* ER25–3418–000.

*Applicants:* Zenith Solar, LLC.

*Description:* Petition of Zenith Solar, LLC for Prospective Tariff Waiver, Shortened Comment Period, and Expedited Action.

*Filed Date:* 9/10/25.

*Accession Number:* 20250910–5137.

*Comment Date:* 5 p.m. ET 9/22/25.

*Docket Numbers:* ER25–3419–000.

*Applicants:* Tri-State Generation and Transmission Association, Inc.

*Description:* 205(d) Rate Filing: Amendment to Rate Schedule FERC No. 402 to be effective 11/12/2025.

*Filed Date:* 9/12/25.

*Accession Number:* 20250912–5046.

*Comment Date:* 5 p.m. ET 10/3/25.

*Docket Numbers:* ER25–3420–000.

*Applicants:* Tri-State Generation and Transmission Association, Inc.

*Description:* 205(d) Rate Filing: Initial Filing of Rate Schedule FERC No. 424 to be effective 11/12/2025.

*Filed Date:* 9/12/25.

*Accession Number:* 20250912–5060.

*Comment Date:* 5 p.m. ET 10/3/25.

*Docket Numbers:* ER25–3421–000.

*Applicants:* Northern States Power Company, a Minnesota corporation.

*Description:* 205(d) Rate Filing: NSP—KAS T–L Interconnection SISA to be effective 9/15/2025.

*Filed Date:* 9/12/25.

*Accession Number:* 20250912–5065.

*Comment Date:* 5 p.m. ET 10/3/25.

*Docket Numbers:* ER25–3422–000.

*Applicants:* Tri-State Generation and Transmission Association, Inc.

*Description:* 205(d) Rate Filing: Amendment to Rate Schedule No. 403 to be effective 11/12/2025.

*Filed Date:* 9/12/25.

*Accession Number:* 20250912–5070.

*Comment Date:* 5 p.m. ET 10/3/25.

*Docket Numbers:* ER25–3423–000.

*Applicants:* Tri-State Generation and Transmission Association, Inc.

*Description:* Tariff Amendment: Notice of Cancellation of Rate Schedule No. 169 to be effective 11/12/2025.

*Filed Date:* 9/12/25.

*Accession Number:* 20250912–5079.

*Comment Date:* 5 p.m. ET 10/3/25.

*Docket Numbers:* ER25–3424–000.

*Applicants:* Duke Energy Progress, LLC, Duke Energy Carolinas, LLC.

*Description:* 205(d) Rate Filing: Duke Energy Carolinas, LLC submits tariff filing per 35.13(a)(2)(iii: Revisions to Attachment C–1 and C–3 of Joint OATT to be effective 9/1/2017.

*Filed Date:* 9/12/25.

*Accession Number:* 20250912–5116.

*Comment Date:* 5 p.m. ET 10/3/25.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf*. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community organizations, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov*.

Dated: September 12, 2025.

**Carlos D. Clay,**

*Deputy Secretary.*

[FR Doc. 2025–17957 Filed 9–16–25; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. ID–8117–004]**

### Perkins, Zac; Notice of Filing

Take notice that on September 10, 2025, Zac Perkins submitted for filing, application for authority to hold interlocking positions, pursuant to section 305(b) of the Federal Power Act, 16 U.S.C. 825d(b) and Part 45.8 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR part 45.8.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at 202–502–6652 (toll free at 1–866–208–3676) or email at *ferconlinesupport@ferc.gov,* or the Public Reference Room at (202) 502–8371, TTY (202)502–8659. Email the Public Reference Room at *public.referenceroom@ferc.gov.*

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

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, environmental justice communities, 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.*

*Comment Date:* 5:00 p.m. Eastern Time on October 1, 2025.

Dated: September 12, 2025.

**Debbie-Anne A. Reese,**

*Secretary.*

[FR Doc. 2025–17991 Filed 9–16–25; 8:45 am]

**BILLING CODE 6717–01–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[EPA–HQ–OPPT–2018–0443; FRL–12964–01–OCSPP]**

## Octamethylcyclotetrasiloxane (Cyclotetrasiloxane, 2,2,4,4,6,6,8,8-octamethyl-) (D4); Draft Risk Evaluation Under the Toxic Substances Control Act (TSCA); Notice of Availability and Request for Comment

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

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency (EPA or Agency) is announcing the availability of and seeking public comment on a draft risk evaluation under the Toxic Substances Control Act (TSCA) for Octamethylcyclotetrasiloxane (Cyclotetrasiloxane, 2,2,4,4,6,6,8,8-octamethyl-) (D4) (CASRN 556–67–2). The purpose of risk evaluations under TSCA is to determine whether a chemical substance presents an unreasonable risk of injury to health or the environment under the conditions of use (COUs), including unreasonable risk to potentially exposed or susceptible subpopulations identified as relevant to the risk evaluation by EPA, and without consideration of costs or non-risk factors. EPA used the best available science to prepare this draft risk evaluation and to preliminarily determine, based on the weight of scientific evidence, that D4 poses unreasonable risk to human health and the environment driven primarily by certain conditions of use analyzed in the draft risk evaluation.

**DATES:** Comments must be received on or before November 17, 2025.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2018–0443, online at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting and visiting the docket, along with more information about dockets generally, is available at *https://www.epa.gov/dockets.*

**FOR FURTHER INFORMATION CONTACT:**

*For technical information:* Scott Drewes, Existing Chemical Risk Management Division (7404M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–8833; email address: *drewes.scott@epa.gov.*

*For general information:* The TSCA-Hotline, Goodwill of the Finger Lakes, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

**SUPPLEMENTARY INFORMATION:**

### I. Executive Summary

*A. Does this action apply to me?*

This action is directed to the public in general and may be of particular interest to those involved in the manufacture (defined under TSCA section 3(9) to include import), processing, distribution, use, and disposal of D4, related industry trade organizations, non-governmental organizations with an interest in human and environmental health, state and local governments, Tribal Nations, and/or those interested in the assessment of risks involving chemical substances and mixtures regulated under TSCA. As such, the Agency has not attempted to describe all the specific entities that this action might apply to. If you need help determining applicability, consult the technical contact listed under **FOR FURTHER INFORMATION CONTACT**.

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

The Agency is conducting this risk evaluation under TSCA section 6, 15 U.S.C. 2605, which requires that EPA conduct risk evaluations on chemical substances and identifies the minimum components EPA must include in the risk evaluations. Each risk evaluation must be conducted consistent with the best available science, be based on the weight of the scientific evidence, and consider reasonably available information, and not consider costs or non-risk factors. 15 U.S.C. 2625(h), (i), and (k). See also the implementing procedural regulations at 40 CFR part 702.

*C. What action is the Agency taking?*

EPA is announcing the availability of and seeking public comment on a draft risk evaluation under TSCA for D4. This draft risk evaluation was developed in response to a manufacturer request. The purpose of risk evaluations under TSCA is to determine whether a chemical substance presents an unreasonable risk of injury to health or the environment under the conditions of use, including unreasonable risk to potentially exposed or susceptible subpopulations identified as relevant to the risk evaluation by EPA, and without consideration of costs or non-risk factors. EPA has used the best available science to prepare this draft risk evaluation and, based on the weight of scientific evidence, to preliminarily determine that D4 poses unreasonable risk to human health and/or the environment.

*D. What should I consider as I prepare my comments?*

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

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

### II. Background

*A. What is D4?*

D4 is a common name for octamethylcyclotetrasiloxane (CASRN 556–67–2). It is a colorless, volatile, oily liquid primarily used to make silicone chemicals. D4 commercial uses include but are not limited to adhesives and sealants, automotive care products, paints and coatings, and other plastic and rubber products. D4 is also used as an ingredient in consumer products (*i.e.,* cosmetics, medical devices, and food contact materials) regulated by the Federal Food, Drug, and Cosmetic Act (FFDCA) [21 U.S.C. 321]. D4 is not reported to the Toxics Release Inventory, National Emission Inventory, or to the Discharge Monitoring Report system. D4 is found in various environmental media including air, water, sediment, soil, and biota.

*B. Summary of Activities for the Risk Evaluation of D4*

On March 19, 2020, EPA received a manufacturer request, pursuant to 40 CFR 702.37, to conduct a risk evaluation for D4 (Docket ID: EPA–HQ–OPPT–2018–0443) through the American Chemistry Council's Silicones

Environmental, Health, and Safety Center. (Ref. 1) In October 2020, EPA granted the manufacturer request for risk evaluation for D4. In September 2021, EPA published and sought public comment on the draft scope of the D4 risk evaluation (Ref. 2), and, after considering public comments, issued the final scope in March 2022 (Ref. 3). These documents, other supporting documents, and public comments are in the docket at *https://www.regulations.gov.*

Additionally, in 2014, EPA issued an enforceable consent agreement (ECA) requiring five manufacturers of D4 to submit testing data to help the agency better understand the amount of D4 released into the environment and the quantity of D4 in water, sediment and aquatic organisms. The signatory companies completed the ECA testing requirements in September 2017. The information gathered by the ECA was used in conjunction with other available data to assess exposures and risks due to environmental releases from D4. The final test report can be found in multiple sections in the docket (EPA–HQ–OPPT–2012–0209).

## III. Request for Comment

EPA seeks feedback on the assessment of risk presented in the draft risk evaluation for D4, a copy of which is available in the docket, and encourages all potentially interested parties, including individuals, governmental and non-governmental organizations, non-profit organizations, academic institutions, research institutions, and private sector entities to comment on the draft risk evaluation. To the extent possible, the Agency asks commenters to please cite any public data related to or that support comments provided, and to the extent permissible, describe any supporting data that is not publicly available.

EPA welcomes specific input on each section of the draft risk evaluation, particularly input on the following:

- evaluation and use of the D4 physiologically based pharmacokinetic model;
- identification of hazards relevant to human health and ecological risk assessment;
- whether and how exposure controls and personal protective equipment are used for each of the COUs;
- information on environmental release of D4, including media of release and facility-specific receiving waterbodies;
- information to inform estimates of dermal exposures for workers;
- information to inform exposures of occupational non-users in the assessment;
- handling of uncertainties associated with exposure and release assessments;
- bioaccumulation, bioconcentration, biomagnification, and potential trophic transfer, including the selection of the bioconcentration factor to estimate human exposure from fish consumption;
- consideration of aggregate exposure and risk; and,
- any other information that may inform the assumptions used for modeling each of the COUs.

## IV. Next Steps

EPA will consider comments received from the public and SACC on the draft risk evaluation and will issue the final risk evaluation for D4. A separate forthcoming **Federal Register** notice will announce the peer review by the SACC.

Under TSCA section 6, EPA must determine in the final risk evaluation, based on the weight of scientific evidence, whether or not the chemical presents an unreasonable risk to health or the environment under the chemical's conditions of use. This includes consideration of risks to potentially exposed susceptible subpopulations (PESS) who may be at greater risks than the general population, such as children and workers. TSCA prohibits EPA from considering non-risk factors (*e.g.,* costs/benefits) during risk evaluation.

If EPA determines that a chemical presents an unreasonable risk to health or the environment, the chemical will move to risk management action under TSCA section 6(a) for the relevant conditions of use.

For more information about the TSCA risk evaluation process for existing chemicals, go to *https://www.epa.gov/assessing-and-managing-chemicals-under-tsca.*

## V. References

The following is a listing of the documents that are specifically referenced in this document. The docket includes these documents and other information considered by EPA, including documents that are referenced within the documents that are included in the docket, even if the referenced document is not physically located in the docket. For assistance in locating these other documents, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

1. EPA. Manufacturer Request for Risk Evaluation under the Toxic Substances Control Act: Octamethylcyclotetrasiloxane (D4): Notice of Availability. **Federal Register**. 85 FR 36586, June 17, 2020 (FRL–10010–49).
2. EPA. Octamethylcyclotetra-Siloxane (D4); Draft Scope of the Risk Evaluation to Be Conducted Under the Toxic Substances Control Act; Notice of Availability and Request for Comments. **Federal Register**. 86 FR 50347, September 8, 2021 (FRL–8850–01–OCSPP).
3. EPA. Final Scope of the Risk Evaluation to Be Conducted Under the Toxic Substances Control Act: Octamethylcyclotetra-siloxane (D4). Notice. **Federal Register**. 87 FR 12696, March 07, 2022 (FRL–8850–02–OCSPP).

*Authority:* 15 U.S.C. 2601 *et seq.*

Dated: September 12, 2025.

**Nancy B. Beck,**

*Principal Deputy Assistant Administrator, Office of Chemical Safety and Pollution Prevention.*

[FR Doc. 2025–17967 Filed 9–16–25; 8:45 am]

**BILLING CODE 6560–50–P**

## FEDERAL MARITIME COMMISSION

**[Docket No. 25–26]**

### Roger Waterloo dba EcoBamboo, Complainant v. Ship4wd, Inc., Respondent; Notice of Filing of Complaint and Assignment

Notice is given that a complaint has been filed with the Federal Maritime Commission (the ''Commission'') by Roger Waterloo dba EcoBamboo (the ''Complainant'') against Ship4wd, Inc. (the ''Respondent''). Complainant states that the Commission has jurisdiction over the complaint pursuant to the Shipping Act of 1984, as amended, 46 U.S.C. 40101–41309.

Complainant is an individual engaged in the import and export of goods with a principal place of business in South Coffeyville, Oklahoma.

Complainant identifies Respondent as an ocean transportation intermediary and non-vessel-operating common carrier existing under the laws of Israel with its principal place of business in Haifa, Israel.

Complainant alleges that Respondent violated 46 U.S.C. 41102(c). Complainant alleges these violations arose from Respondent's procedural failures and misrepresentations in a contractually obligated fumigation and phytosanitary certification process, omission of required import documentation, improper handling of third-party agents, and other acts and omissions of Respondent.

An answer to the complaint must be filed with the Commission within 25 days after the date of service.

The full text of the complaint can be found in the Commission's electronic

Reading Room at *https://www2.fmc.gov/readingroom/proceeding/25-26/*. This proceeding has been assigned to the Office of Administrative Law Judges. The initial decision of the presiding judge shall be issued by September 9, 2026, and the final decision of the Commission shall be issued by March 23, 2027.

(Authority: 46 U.S.C. 41301; 46 CFR 502.61(c))

Served: September 9, 2025.

**David Eng,**

*Secretary.*

[FR Doc. 2025–17951 Filed 9–16–25; 8:45 am]

**BILLING CODE 6730–02–P**

## FEDERAL MEDIATION AND CONCILIATION SERVICE

### Notification of Intention To Strike or Picket at Any Health Care Institution

**AGENCY:** Federal Mediation and Conciliation Service (FMCS).

**ACTION:** 30-Day notice and request for comments.

**SUMMARY:** The Federal Mediation and Conciliation Service (FMCS), invites the public and other Federal Agencies to take this opportunity to comment on the following information collection request, Notification of intention to strike or picket at any health care institution Form. This information collection request will be submitted for approval to the Office of Management Budget (OMB) in compliance with the Paperwork Reduction Act (PRA). The Notification of intention to strike or picket at any health care institution Form was developed pursuant to the National Labor Relations Act and The Health Care Amendments Act of 1974 which labor organizations must notify FMCS before engaging in any strike, picketing, or other concerted refusal to work at any health care institution.

**DATES:** Comments must be submitted on or before October 17, 2025.

**ADDRESSES:** You may submit comments, identified by the Notification of intention to strike or picket at any health care institution Form, through one of the following methods:

- *Email: register@fmcs.gov;*
- *Mail:* Office of General Counsel, One Independence Square, 250 E St. SW, Washington, DC 20427.

**FOR FURTHER INFORMATION CONTACT:** Beth Schindler, National Representative, (206) 553–5801, *bschindler@fmcs.gov.*

**SUPPLEMENTARY INFORMATION:** Copies of the agency form are available here.

**I. 60-Day Comment Period**

FMCS published a **Federal Register** notice, with a 60-day public comment period soliciting comments, of the following collection of information on July 8, 2025, 90 FR 30071. FMCS received no comments.

**II. Request for Comments**

FMCS solicits comments to:

i. Evaluate whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.

ii. Enhance the accuracy of the agency's estimates of the burden of the proposed collection of information.

iii. Enhance the quality, utility, and clarity of the information to be collected.

iv. Minimize the burden of the collections of information on those who are to respond, including the use of appropriate automated, electronic collection technologies or other forms of information technology.

**III. Information Collection Request**

*Agency:* Federal Mediation and Conciliation Service.

*OMB Number:* OMB No. Not yet assigned.

*Title:* Notification of intention to strike or picket at any health care institution Form.

*Type of Request:* New Collection.

*Affected Public:* Private Sector, not-for profit institutions; and state and local government.

*Frequency:* On occasion.

*Burden:* The total annual burden estimate is that FMCS will receive approximately 200 responses per year. This form takes about 5 minutes to complete.

*Information Collection Requirement:*

*Purpose and Description of Data Collection*

Pursuant to Section 8(g) of the National Labor Relations Act and The Health Care Amendments Act of 1974 (29 U.S.C. 158(d)(4), (4)(A)–(4)(C), labor organizations must notify FMCS before engaging in any strike, picketing, or other concerted refusal to work at any health care institution. This will be satisfied by requiring the completion and submission of the Notification of intention to strike or picket at any health care institution Form.

*Use of Results*

Once FMCS receives the form, it contacts the parties and offers its services, including mediation, if appropriate, prior to the commencement of a work stoppage of any kind.

**IV. The Official Record**

The official records are electronic records.

Dated: September 12, 2025.

**Anna Davis,**

*General Counsel, Performing the Duties of Director.*

[FR Doc. 2025–17921 Filed 9–16–25; 8:45 am]

**BILLING CODE 6732–01–P**

## FEDERAL RESERVE SYSTEM

### Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than October 2, 2025.

*A. Federal Reserve Bank of Chicago* (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414. Comments can also be sent

electronically to *Comments.applications@chi.frb.org:*

1. *Kory J. Schneider and Carrie A. Schneider, both of New London, Wisconsin; Kari Burns and Kim Willison, both of Combined Locks, Wisconsin; and Roger J. Schneider, Georgiana L. Schneider, and Linda L. Schneider, all of Appleton, Wisconsin;* to join the Schneider Family Control Group, a group acting in concert, to acquire voting shares of EWSB Bancorp, Inc., and thereby indirectly acquire voting shares of East Wisconsin Savings Bank, both of Kaukauna, Wisconsin.

2. *Charles D. Schmalz, Dana R. Rose-Schmalz, and Shannon R. Schmalz, all of Menasha, Wisconsin; Connor D. Schmalz, Mark A. Schmalz, and Heide M. Schmalz, all of Appleton, Wisconsin; Lee J. Schmalz and Joanne E. Schmalz, both of Kaukauna, Wisconsin; and Torry T. Rose and Nicole R. Rose, both of Sellersville, Pennsylvania;* to join Schmalz Family Control Group, a group acting in concert, to acquire voting shares of EWSB Bancorp, Inc., and thereby indirectly acquire voting shares of East Wisconsin Savings Bank, both of Kaukauna, Wisconsin.

*B. Federal Reserve Bank of St. Louis* (Holly A. Rieser, Senior Manager) P.O. Box 442, St. Louis, Missouri 63166–2034. Comments can also be sent electronically to *Comments.applications@stls.frb.org:*

1. *The EDK 2011 Family Trust, Eldorado, Illinois, Jason C. Knight, as trustee, Miramar Beach, Florida;* to join the EDK Family Control Group, a group acting in concert, to retain voting shares of Banterra Corp, Eldorado, Illinois, and thereby indirectly retain voting shares of Banterra Bank, Marion, Illinois.

Board of Governors of the Federal Reserve System.

**Michele Taylor Fennell,**

*Associate Secretary of the Board.*

[FR Doc. 2025–18007 Filed 9–16–25; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

**[OMB #: 0970–0145]**

### Proposed Information Collection Activity; Temporary Assistance for Needy Families (TANF) Program State Plan Guidance

**AGENCY:** Office of Family Assistance, Administration for Children and Families, U.S. Department of Health and Human Services.

**ACTION:** Request for public comments.

**SUMMARY:** The Administration for Children and Families (ACF) is requesting a 3-year extension of the Temporary Assistance for Needy Families (TANF) State Plan Guidance (TANF State Plan; Office of Management and Budget (OMB) #0970–0145, expiration October 31, 2025). There are no changes requested to this information collection.

**DATES:** *Comments due* November 17, 2025.

**ADDRESSES:** In compliance with the requirements of the Paperwork Reduction Act of 1995, ACF is soliciting public comment on the specific aspects of the information collection described above. You can obtain copies of the proposed collection of information and submit comments by emailing *infocollection@acf.hhs.gov.* Identify all requests by the title of the information collection.

**SUPPLEMENTARY INFORMATION:**

*Description:* The TANF State Plan is a mandatory statement submitted to the Secretary of the U.S. Department of Health and Human Services by the state. 42 U.S.C. 602. It consists of an outline specifying how the state's TANF program will be administered and operated and contains certain required certifications by the state's Chief Executive Officer. 42 U.S.C. 602(a). It is used to provide the public with information about the program. 42 U.S.C. 602(c).

Authority to require states to submit a State TANF Plan is contained in section 402 of the Social Security Act (42 U.S.C. 602), as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104–193, 110 Stat. 2105. States are required to submit new plans within a 27-month period. 42 U.S.C. 602(a).

*Respondents:* The 50 states of the U.S., the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands.

**Annual Burden Estimates**

The State TANF Plan requirements for the 54 states (which includes three territories and the District of Columbia) will create a triennial burden with an average of 18 states responding annually. We estimate the annual burden to be an average of 30 hours per response. We also estimate that the triennial burden of plan amendments for the 54 states, with an average of 18 respondents annually spending approximately 3 hours per response.

| Instrument | Total number of respondents per year | Total number of annual responses per respondent | Average burden hours per response | Annual burden hours |
|---|---|---|---|---|
| Title Amendments | 18 | 1 | 3 | 54 |
| State TANF plan | 18 | 1 | 30 | 540 |
| Estimated Total Annual Burden Hours | | | | 594 |

*Comments:* The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

*Authority:* 42 U.S.C. 602.

**Mary C. Jones,**

*ACF/OPRE Certifying Officer.*

[FR Doc. 2025–17996 Filed 9–16–25; 8:45 am]

**BILLING CODE 4184–36–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

**[OMB #: 0970–0427]**

### Proposed Information Collection Activity; Head Start Program Information Report

**AGENCY:** Office of Head Start, Administration for Children and Families, U.S. Department of Health and Human Services.

**ACTION:** Request for public comments.

**SUMMARY:** The Administration for Children and Families (ACF) Office of Head Start (OHS) is proposing edits to and requesting a 3-year extension of the Head Start Program Information Report (PIR), Monthly Enrollment reporting instrument, and Center Locations and Contacts instrument (Office of Management and Budget (OMB) #0970–0427, expiration June 30, 2025). OHS has made updates to the PIR and Monthly Enrollment reporting instrument. There are more substantive changes to data collection topics being considered for future PIR information collections.

**DATES:** *Comments due* November 17, 2025.

**ADDRESSES:** In compliance with the requirements of the Paperwork Reduction Act of 1995, ACF is soliciting public comment on the specific aspects of the information collection described above. You can obtain copies of the proposed collection of information and submit comments by emailing *infocollection@acf.hhs.gov*. Identify all requests by the title of the information collection.

**SUPPLEMENTARY INFORMATION:**

*Description:* OHS is requesting an extension, with changes, of the Head Start PIR information collection. The following instruments are included in this information collection: (1) PIR, (2) Monthly Enrollment, and (3) Center Locations and Contacts. The PIR is used for federal program management purposes including to promote decision-making using data, is a major source of information used to respond to Congressional and public inquiries about Head Start programs and is used often by researchers. Monthly enrollment reporting supports oversight activities related to promoting full enrollment of programs. Center locations and contact reporting is used to help parents locate a program in their community. In general, these information collections together create key administrative datasets to support administration of the program. The proposed changes include new questions on the PIR on primary reasons children with an Individualized Education Program or Individualized Family Service Plan did not receive services, as well as the number of children who had a 504 Plan. These changes were identified as necessary to clarify reporting on children who receive additional education and related services. Additionally, one new question was added to the monthly enrollment reporting to capture the total number of children (and pregnant women in Early Head Start programs) that are on the program's waiting list on the last operating day of the requested month. This was added to provide OHS with information on waiting lists. Lastly, minor changes were made to these two instruments for clarification purposes. No changes are proposed to the Center Locations and Contacts information collection. There are more substantive changes to data collection topics being considered for future PIR information collections. For more information and to provide feedback, please visit *https://headstart.gov/program-data/article/program-information-report-pir.*

*Respondents:* Head Start Grant Recipients.

**Annual Burden Estimates**

The proposed revisions do not impact the estimated average burden per response.

| Instrument | Annual number of respondents | Annual number of responses per respondent | Average burden hours per response | Annual burden hours |
|---|---|---|---|---|
| Head Start PIR | 1,600 | 2.25 | 1 | 3,600 |
| Monthly Enrollment | 1,600 | 27 | 0.05 | 2,160 |
| Center Locations and Contacts | 1,600 | 15 | 0.25 | 6,000 |

*Estimated Total Annual Burden Hours:* 11,760.

*Comments:* The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. In addition, the Department requests comments from the field on both proposed changes for the 2026–27 PIR, as well as potential changes for future information collections. Please see additional details regarding specific feedback requested at [placeholder for website]. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

(Authority: 42 U.S.C. 9801 *et seq.*)

**Mary C. Jones,**

*ACF/OPRE Certifying Officer.*

[FR Doc. 2025–18012 Filed 9–16–25; 8:45 am]

**BILLING CODE 4184–40–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket No. FDA–2025–D–0346]**

### Erosive Esophagitis: Developing Drugs for Treatment; Draft Guidance for Industry; Availability

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice of availability.

**SUMMARY:** The Food and Drug Administration (FDA, Agency, or we) is announcing the availability of a draft guidance for industry entitled ''Erosive Esophagitis: Developing Drugs for Treatment.'' The draft guidance details recommendations on clinical trials for drugs being developed for the healing of

erosive esophagitis (EE) and maintenance of healed EE in adults, including considerations for eligibility criteria, trial design features, efficacy evaluations, and safety assessments.

**DATES:** Submit either electronic or written comments on the draft guidance by November 17, 2025 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

**ADDRESSES:** You may submit comments on any guidance at any time as follows:

*Electronic Submissions*

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov*. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov*.
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

*Written/Paper Submissions*

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

*Instructions:* All submissions received must include the Docket No. FDA–2025–D–0346 for ''Erosive Esophagitis: Developing Drugs for Treatment.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

*Docket:* For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of this draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

**FOR FURTHER INFORMATION CONTACT:** Andrew Chi, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Silver Spring, MD 20993–0002, 301–796–8597.

**SUPPLEMENTARY INFORMATION:**

## I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Erosive Esophagitis: Developing Drugs for Treatment.'' The draft guidance provides FDA's recommendations on the design and conduct of clinical trials for drugs being developed for the healing of EE and maintenance of healed EE in adults, including considerations for eligibility criteria, trial design features, efficacy evaluations, and safety assessments. This draft guidance details endpoint assessments and analyses of collected data to support a determination of efficacy for the indications of the healing of EE and maintenance of healed EE, to promote consistency and interpretability in the assessment of efficacy within and across development programs. This draft guidance does not address the development of drugs for the treatment of symptomatic nonerosive gastroesophageal reflux disease, Barrett's esophagus, pathological hypersecretory conditions (*e.g.,* Zollinger-Ellison syndrome), peptic ulcer disease, or the development of drugs for healing of EE and maintenance of healed EE in pediatric patients.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on ''Erosive Esophagitis: Developing Drugs for Treatment.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

As we develop final guidance on this topic, FDA will consider comments on costs or cost savings the guidance may generate, relevant for Executive Order 14192.

## II. Paperwork Reduction Act of 1995

This guidance refers to collections of information from ''individuals under treatment or clinical examination in connection with research,'' which are not subject to review by the Office of Management and Budget (OMB) under 5 CFR 1320.3(h)(5). This guidance also refers to previously approved FDA collections of information. The previously approved collections of information are subject to review by OMB under the Paperwork Reduction

Act of 1995 (44 U.S.C. 3501–3521). The collections of information in 21 CFR part 50 pertaining to protection of human subjects have been approved under OMB control number 0910–0130. The collections of information in 21 CFR part 312 pertaining to the investigational new drug application pathway, which includes clinical trials and clinical trial design, have been approved under OMB control number 0910–0014. The collections of information in 21 CFR part 314 pertaining to new drug applications have been approved under OMB control number 0910–0001. The collections of information in 21 CFR part 601 pertaining to biologic license applications have been approved under OMB control number 0910–0338.

**III. Electronic Access**

Persons with access to the internet may obtain the draft guidance at *https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs, https://www.fda.gov/regulatory-information/search-fda-guidance-documents,* or *https://www.regulations.gov.*

**Grace R. Graham,**

*Deputy Commissioner for Policy, Legislation, and International Affairs.*

[FR Doc. 2025–18001 Filed 9–16–25; 8:45 am]

**BILLING CODE 4164–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket No. FDA–2025–D–1308]**

### Disseminated Coccidioidomycosis: Developing Drugs for Treatment; Draft Guidance for Industry; 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 draft guidance for industry entitled ''Disseminated Coccidioidomycosis: Developing Drugs for Treatment.'' The purpose of this draft guidance is to assist sponsors in the clinical development of drugs for the treatment of disseminated coccidioidomycosis caused by *Coccidioides* species (*i.e., C. immitis* and *C. posadasii*).

**DATES:** Submit either electronic or written comments on the draft guidance by November 17, 2025 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

**ADDRESSES:** You may submit comments on any guidance at any time as follows:

*Electronic Submissions*

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

*Written/Paper Submissions*

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions)*: Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked, and identified, as confidential, if submitted as detailed in ''Instructions.''

*Instructions:* All submissions received must include the Docket No. [insert docket number xxxxx] for ''Disseminated Coccidioidomycosis: Developing Drugs for Treatment.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

*Docket:* For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth Story-Roller, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Avenue, Bldg. 22, Rm. 6249, Silver Spring, MD 20993, 240–402–3262.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

FDA is announcing the availability of a draft guidance for industry entitled

''Disseminated Coccidioidomycosis: Developing Drugs for Treatment.''

The purpose of this draft guidance is to assist sponsors in the clinical development of drugs for the treatment of disseminated coccidioidomycosis caused by *Coccidioides* species (*i.e., C. immitis* and *C. posadasii*). Specifically, this guidance addresses FDA's current thinking regarding clinical trial design issues, choice of trial population, and endpoints for the treatment of patients with disseminated coccidioidomycosis caused by *Coccidioides* species. The design of clinical trials of new drugs for the treatment of disseminated coccidioidomycosis was discussed during an FDA public workshop on August 5, 2020. This draft guidance satisfies the mandate under section 3211 of Food and Drug Omnibus Reform Act of 2022 (FDORA), included as part of the Consolidated Appropriations Act, 2023, Public Law 117–328 (2022), to issue a draft guidance for industry on antifungal therapies designed to treat coccidioidomycosis.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on ''Disseminated Coccidioidomycosis: Developing Drugs for Treatment.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

As we develop any final guidance on this topic, FDA will consider comments on costs or cost savings the guidance may generate, relevant for Executive Order 14192.

## II. Paperwork Reduction Act of 1995

While this guidance contains no collection of information, it does refer to previously approved FDA collections of information. The previously approved collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521). The collections of information in 21 CFR part 50 relating to protection of human subjects have been approved under OMB control number 0910–0130. The collections of information in 21 CFR 201.56 and 201.57 pertaining to the content and format requirements of labeling for prescription drug products and biological products have been approved under OMB control number 0910–0572. The collections of information in 21 CFR part 312 relating to the investigational new drug application pathway, which includes clinical trials and clinical trial design, have been approved under OMB control number 0910–0014. The collections of information in 21 CFR part 314 relating to new drug applications have been approved under OMB control number 0910–0001. The collections of information in 21 CFR part 601 relating to biologic license applications have been approved under OMB control number 0910–0338. In addition, this guidance also refers to collections of information from ''individuals under treatment or clinical examination in connection with research,'' which are not subject to review by OMB under 5 CFR 1320.3(h)(5).

## III. Electronic Access

Persons with access to the internet may obtain the draft guidance at *https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs, https://www.fda.gov/regulatory-information/search-fda-guidance-documents,* or *https://www.regulations.gov.*

**Grace R. Graham,**

*Deputy Commissioner for Policy, Legislation, and International Affairs.*

[FR Doc. 2025–18002 Filed 9–16–25; 8:45 am]

**BILLING CODE 4164–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket No. FDA–2025–D–0331]**

### Symptomatic Nonerosive Gastroesophageal Reflux Disease: Developing Drugs for Treatment; Draft Guidance for Industry; Availability

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice of availability.

**SUMMARY:** The Food and Drug Administration (FDA, Agency, or we) is announcing the availability of a draft guidance for industry entitled ''Symptomatic Nonerosive Gastroesophageal Reflux Disease: Developing Drugs for Treatment.'' The draft guidance details FDA's recommendations on the clinical trials for drugs being developed for the treatment of symptomatic nonerosive gastroesophageal reflux disease (sGERD) in adults, including considerations for eligibility criteria, trial design features, efficacy evaluations, and safety assessments.

**DATES:** Submit either electronic or written comments on the draft guidance by November 17, 2025 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

**ADDRESSES:** You may submit comments on any guidance at any time as follows:

*Electronic Submissions*

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

*Written/Paper Submissions*

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

*Instructions:* All submissions received must include the Docket No. FDA–2025–D–0331 for ''Symptomatic Nonerosive Gastroesophageal Reflux Disease: Developing Drugs for Treatment.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential

information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

*Docket:* For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

**FOR FURTHER INFORMATION CONTACT:** Songe Baek, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22., Silver Spring, MD 20993–0002, 240–402–6117.

**SUPPLEMENTARY INFORMATION:**

## I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Symptomatic Nonerosive Gastroesophageal Reflux Disease: Developing Drugs for Treatment.''

The draft guidance provides FDA's current recommendations on clinical trials for drugs being developed for the treatment of sGERD in adults, including considerations for eligibility criteria, trial design features, efficacy evaluations, and safety assessments. This draft guidance details endpoint assessments and analyses of collected data to support a determination of efficacy for the indication of the treatment of sGERD, to promote consistency and interpretability in the assessment of efficacy within and across development programs. This draft guidance does not address the development of drugs for the treatment of erosive esophagitis, Barrett's esophagus, pathological hypersecretory conditions (*e.g.,* Zollinger-Ellison syndrome), peptic ulcer disease, or sGERD in pediatric patients.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on ''Symptomatic Nonerosive Gastroesophageal Reflux Disease: Developing Drugs for Treatment.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

As we develop final guidance on this topic, FDA will consider comments on costs or cost savings the guidance may generate, relevant for Executive Order 14192.

## II. Paperwork Reduction Act of 1995

This draft guidance refers to collections of information from ''individuals under treatment or clinical examination in connection with research,'' which are not subject to review by the Office of Management and Budget (OMB) under 5 CFR 1320.3(h)(5). This draft guidance also refers to previously approved FDA collections of information. These collections of information are subject to review by OMB under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). The collections of information in 21 CFR part 50 pertaining to protection of human subjects have been approved under OMB control number 0910–0130. The collections of information in 21 CFR part 312 pertaining to the investigational new drug application pathway, which includes clinical trials and clinical trial design, have been approved under OMB control number 0910–0014. The collections of information in 21 CFR part 314 pertaining to new drug applications have been approved under OMB control number 0910–0001. The collections of information in 21 CFR part 601 pertaining to biologic license applications have been approved under OMB control number 0910–0338.

## III. Electronic Access

Persons with access to the internet may obtain the draft guidance at *https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs, https://www.fda.gov/regulatory-information/search-fda-guidance-documents,* or *https://www.regulations.gov.*

**Grace R. Graham,**

*Deputy Commissioner for Policy, Legislation, and International Affairs.*

[FR Doc. 2025–18000 Filed 9–16–25; 8:45 am]

**BILLING CODE 4164–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Resources and Services Administration

### Agency Information Collection Activities: Submission to OMB for Review and Approval; Public Comment Request; The Teaching Health Center Graduate Medical Education Program Reconciliation Tool, OMB No. 0915–0342—Revision

**AGENCY:** Health Resources and Services Administration (HRSA), Department of Health and Human Services.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995, HRSA submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period. OMB may act on HRSA's ICR only after the 30-day comment period for this notice has closed.

**DATES:** Comments on this ICR should be received no later than October 17, 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 Review—Open for Public Comments'' or by using the search function.

**FOR FURTHER INFORMATION CONTACT:** To request a copy of the clearance requests submitted to OMB for review, email Samantha Miller, the HRSA Information Collection Clearance Officer, at *paperwork@hrsa.gov* or call (301) 443–3983.

**SUPPLEMENTARY INFORMATION:**

*Information Collection Request Title:* The Teaching Health Center Graduate Medical Education (THCGME) Program Reconciliation Tool OMB No. 0915–0342—Revision.

*Abstract:* The THCGME program, authorized by Section 340H of the Public Health Service Act, was established by Section 5508 of Public Law 111–148. The Full-Year Continuing Appropriations and Extensions Act, 2025 (Pub. L. 119–4) provides continued funding for the THCGME program. THCGME payments support training for primary care residents in community-based ambulatory patient care settings. HRSA collects information from THCGME program award recipients using an OMB-approved reconciliation tool. HRSA seeks to renew this approved information collection. The only changes to the information collection are increases in the number of respondents due to an increase in the number of program award recipients from 83 to 87, as well as an increase in the average burden per response based on feedback received during the 60-day comment period (see below for more detail).

A 60-day notice was published in the **Federal Register** on May 16, 2025, vol. 90, No. 94; pp. 21051–52. There were nine public comments. Below is a summary of key themes raised in the comments and HRSA's response:

- All commenters expressed strong support of HRSA's use of the THCGME Program Reconciliation Tool to collect data from participating teaching health centers (THCs). They state that this data collection is essential for ensuring proper reconciliation of payments which promotes accountability across THCGME program-supported THCs.
- Commenters stated that the burden hour estimate does not correctly reflect the time required to complete the reconciliation tool and urged HRSA to revise the burden hours.
- Commenters encouraged HRSA to explore potential refinements to the tool to reduce unnecessary manual steps while maintaining program integrity and accountability.
- Commenters leveraged the **Federal Register** notice comment period as an opportunity to express support for program expansion, changes to recoupment methodology, or other program policies.
- Some commenters proposed a collaboration with other federal graduate medical education funding agencies to standardize funding frameworks to ease administrative burden and ensure compliance with funding regulations.

HRSA directly responded to each stakeholder who submitted comments, acknowledging the considerations raised. HRSA recognizes and appreciates the amount of work that existing grant recipients put into completing the Reconciliation Tool annually. HRSA provides the average burden hours based on grant recipients' responses. Grant recipient burden hours can vary greatly based on the number of their awarded resident Full-Time Equivalents (FTEs). Given the comment, HRSA will adjust the burden hours to reflect grant recipients with smallest and largest awarded resident FTEs within the calculated average. Due to the significant differences among the THCs, HRSA will consider providing a range of burden hours on future OMB documents to reflect this marked difference. Determining the appropriate burden range will require additional inquiries from grant recipients of varying sizes. For items outside the scope of this notice, such as a standardized funding framework across federal graduate medical education funding agencies, program expansion, recoupment methodology or other program policies, HRSA will take these comments into consideration for future policy development.

*Need and Proposed Use of the Information:* THCGME program payments are prospective payments, and the statute provides for a reconciliation process, through which overpayments may be recouped, and adjustments made, at the end of the fiscal year. This data collection instrument will gather information relating to the number of resident FTEs in THC training programs to reconcile payments.

*Likely Respondents:* The likely respondents to the THCGME Reconciliation Tool are THCGME program award recipients.

*Burden Statement:* Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

| Form name | Number of respondents | Number of responses per respondent | Total responses | Average burden per response (in hours) | Total burden hours |
|---|---|---|---|---|---|
| THCGME Reconciliation Tool | 87 | 1 | 87 | 5 | 435 |
| Total | 87 | | 87 | | 435 |

**Maria G. Button,**

*Director, Executive Secretariat.*

[FR Doc. 2025–18009 Filed 9–16–25; 8:45 am]

**BILLING CODE 4165–15–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

**[Document Identifier: OS–4040–0001]**

## Agency Information Collection Request. 30-Day Public Comment Request

**AGENCY:** Office of the Secretary, HHS.

**ACTION:** Notice.

**SUMMARY:** In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

**DATES:** Comments on the ICR must be received on or before October 17, 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:** Sagal Musa, *sagal.musa@hhs.gov* or call 202–578–5441. When submitting comments or requesting information, please include the document identifier 4040–0001–30D and project title for reference.

**SUPPLEMENTARY INFORMATION:** Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

*Title of the Collections:* Application for Federal Assistance SF 424 R&R forms.

*Type of Collection:* Extension.

*OMB No.:* 4040–0001.

*Abstract:* The SF–424 Research and Related Forms provides the Federal grant-making agencies an alternative to the Standard Form 424 data set and form. Agencies may use the SF–424 R&R forms for grant programs not required to collect all the data that is required on the SF–424 core data set and form. This 4040–0001 collection encompasses 18 forms. *Grants.gov* seeks a three-year clearance of these collections.

*Type of respondent:* The SF–424 R&R family of forms are used by organizations to apply for Federal financial assistance in the form of grants. These forms are submitted to the Federal grant-making agencies for evaluation and review on an annual basis. This IC expires on November 30, 2025.

ANNUALIZED BURDEN HOUR TABLE

| Forms (if necessary) | Respondents (if necessary) | Number of respondents | Number of responses per respondents | Average burden per response (in hours) | Total burden hours |
|---|---|---|---|---|---|
| SF–424 R&R Multi-Project Cover | Grant Applicants | 1,236 | 1 | 1 | 1,236 |
| SF424 (R&R) | Grant Applicants | 165,183 | 1 | 1 | 165,183 |
| SBIR/STTR Information | Grant Applicants | 17,183 | 1 | 1 | 17,183 |
| RR FedNonFed Budget | Grant Applicants | 3,456 | 1 | 1 | 3,456 |
| Research and Related Senior/Key Person Profile (Expanded. | Grant Applicants | 160,337 | 1 | 1 | 160,337 |
| Research And Related Other Project Information | Grant Applicants | 150,662 | 1 | 1 | 150,662 |
| Research &Related Budget | Grant Applicants | 104,432 | 1 | 1 | 104,432 |
| Research & Related Subaward Budget (Total Fed + Non-Fed) Attachment(s) Form. | Grant Applicants | 827 | 1 | 1 | 827 |
| Research & Related Subaward Budget (Total Fed + Non-Fed) 5 YR 30 ATT. | Grant Applicants | 303 | 1 | 1 | 303 |
| Research & Related Senior/Key Person Profile | Grant Applicants | 265 | 1 | 1 | 265 |
| Research & Related Personal Data | Grant Applicants | 24,012 | 1 | 1 | 24,012 |
| Research & Related Multi-Project 10 Year Budget. | Grant Applicants | 1,236 | 1 | 1 | 1,236 |
| Research & Related Budget 10YR | Grant Applicants | 20,652 | 1 | 1 | 20,652 |
| R&R Subaward Budget Attachment(s) Form 5 YR 30 ATT. | Grant Applicants | 37,048 | 1 | 1 | 37,048 |
| R&R Subaward Budget Attachment(s) Form 10 YR 30 ATT. | Grant Applicants | 2,707 | 1 | 1 | 2,707 |
| R&R Subaward Budget Attachment(s) Form 10 YR 10 ATT. | Grant Applicants | 346 | 1 | 1 | 346 |
| R&R Subaward Budget Attachment(s) Form | Grant Applicants | 3,138 | 1 | 1 | 3,138 |
| R&R R Multi-Project Subaward Budget Attachment(s) Form 10 YR 30 ATT. | Grant Applicants | 4,606 | 1 | 1 | 4,606 |
| Total | | 704,377 | 1 | 1 | 704,377 |

**Catherine Howard,**

*Paperwork Reduction Act Reports Clearance Officer, Department of Health and Human Services, Office of the Secretary.*

[FR Doc. 2025–17914 Filed 9–16–25; 8:45 am]

**BILLING CODE 4151–AE–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

**[Document Identifier: OS–4040–0020]**

### Agency Information Collection Request. 30-Day Public Comment Request

**AGENCY:** Office of the Secretary, HHS.

**ACTION:** Notice.

**SUMMARY:** In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

**DATES:** Comments on the ICR must be received on or before October 17, 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:** Sagal Musa, *sagal.musa@hhs.gov* or call 202–578–5441. When submitting comments or requesting information, please include the document identifier 4040–0020–30D and project title for reference.

**SUPPLEMENTARY INFORMATION:** Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

*Title of the Collections:* SF–424 Mandatory Form.

*Type of Collection:* Extension.

OMB No. 4040–0020.

*Abstract:* The Standard 424 Mandatory form provides the Federal grant-making agencies an alternative to the Standard Form 424 data set and form. Agencies may use SF–424 Mandatory Form for grant programs not required to collect all the data that is required on the SF–424 core data set and form. *Grants.gov* seeks a three-year clearance of these collections.

*Type of respondent:* The SF–424 Mandatory form is used by organizations to apply for Federal financial assistance in the form of grants. This form is submitted to the Federal grant-making agencies for evaluation and review on an annual basis. This IC expires on February 28, 2026.

ANNUALIZED BURDEN HOUR TABLE

| Forms (if necessary) | Respondents (if necessary) | Number of respondents | Number of responses per respondents | Average burden per response (in hours) | Total burden hours |
|---|---|---|---|---|---|
| SF424 Mandatory Form | Grant Applicants | 5,761 | 1 | 1 | 5,761 |
| Total | | 5,761 | 1 | 1 | 5,761 |

**Catherine Howard,**

*Paperwork Reduction Act Reports Clearance Officer, Department of Health and Human Services, Office of the Secretary.*

[FR Doc. 2025–17917 Filed 9–16–25; 8:45 am]

**BILLING CODE 4151–AE–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

**[Document Identifier: OS–4040–0005]**

### Agency Information Collection Request. 30-Day Public Comment Request

**AGENCY:** Office of the Secretary, HHS

**ACTION:** Notice.

**SUMMARY:** In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

**DATES:** Comments on the ICR must be received on or before October 17, 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:** Sagal Musa, *sagal.musa@hhs.gov* or call 202–578–5441. When submitting comments or requesting information, please include the document identifier 4040–0005–30D and project title for reference.

**SUPPLEMENTARY INFORMATION:** Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

*Title of the Collections:* Application for Federal Domestic Assistance—Individual.

*Type of Collection:* Extension.

*OMB No.:* 4040–0005.

*Abstract:* The Application for Federal Assistance—Individual form provides the Federal grant-making agencies an alternative to the Standard Form 424 data set and form. Agencies may use Application for Federal Assistance—Individual form for grant programs not required to collect all the data that is required on the SF–424 core data set and form. *Grants.gov* seeks a three-year clearance of these collections.

*Type of respondent:* The Application for Federal Assistance—Individual form is used by organizations to apply for Federal financial assistance in the form of grants. This form is submitted to the Federal grant-making agencies for

evaluation and review on an annual basis. This IC expires on February 28, 2026.

ANNUALIZED BURDEN HOUR TABLE

| Forms (if necessary) | Respondents (if necessary) | Number of respondents | Number of responses per respondents | Average burden per response (in hours) | Total burden hours |
|---|---|---|---|---|---|
| Application for Federal Assistance-Individual. | Grant Applicants | 5,403 | 1 | 1 | 5,403 |
| Total | | 5.403 | 1 | 1 | 5,403 |

**Catherine Howard,**

*Paperwork Reduction Act Reports Clearance Officer, Department of Health and Human Services, Office of the Secretary.*

[FR Doc. 2025–17916 Filed 9–16–25; 8:45 am]

**BILLING CODE 4151–AE–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

**[Document Identifier: OS–4040–0004]**

### Agency Information Collection Request. 30-Day Public Comment Request

**AGENCY:** Office of the Secretary, HHS.

**ACTION:** Notice.

**SUMMARY:** In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

**DATES:** Comments on the ICR must be received on or before October 17, 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:** Sagal Musa, *sagal.musa@hhs.gov* or call 202–578–5441.When submitting comments or requesting information, please include the document identifier 4040–0004–30D and project title for reference.

**SUPPLEMENTARY INFORMATION:** Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

*Title of the Collections*: Application for Federal Assistance (SF–424).

*Type of Collection:* Extension.

*OMB No.:* 4040–0004.

*Abstract:* The Application for Federal Assistance (SF–424) form provides the Federal grant-making agencies with a common and standard form for organizations to apply for financial assistance. *Grants.gov* is seeking a three-year clearance of these collections.

This IC expires on November 30, 2025.

*Type of respondent:* Organizations seeking financial assistance. This form is submitted to the Federal grant-making agencies for evaluation and review on an annual basis.

ANNUALIZED BURDEN HOUR TABLE

| Forms (If necessary) | Respondents (if necessary) | Number of respondents | Number of responses per respondents | Average burden per response (in hours) | Total burden hours |
|---|---|---|---|---|---|
| Application for Federal Assistance (SF–424). | Grant Applicants | 20,803 | 1 | 1 | 20,803 |
| Total | | 20,803 | 1 | 1 | 20,803 |

**Catherine Howard,**

*Paperwork Reduction Act Reports Clearance Officer, Department of Health and Human Services, Office of the Secretary.*

[FR Doc. 2025–17915 Filed 9–16–25; 8:45 am]

**BILLING CODE 4151–AE–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel;

Collaborative Applications: Asthma and Allergic Diseases Cooperative Research Centers (U19 Clinical Trial Optional).

*Date:* October 21–22, 2025.

*Time:* 10:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Address:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

*Meeting Format:* Virtual Meeting.

*Contact Person:* Anuja Mathew, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 761–6911, *anuja.mathew@nih.gov*.

*Name of Committee:* Integrative, Functional and Cognitive Neuroscience Integrated Review Group; Neurobiology of Pain and Itch Study Section.

*Date:* October 23–24, 2025.

*Time:* 9:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Address:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

*Meeting Format:* Virtual Meeting.

*Contact Person:* Natalia Strunnikova, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 402–0288, *natalia.strunnikova@nih.gov*.

*Name of Committee:* Vascular and Hematology Integrated Review Group; Integrative Vascular Physiology and Pathology Study Section.

*Date:* October 27–28, 2025.

*Time:* 9:00 a.m. to 7:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Address:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

*Meeting Format:* Virtual Meeting.

*Contact Person:* Bukhtiar H. Shah, DVM, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 806–7314, *shahb@csr.nih.gov*.

*Name of Committee:* Integrative, Functional and Cognitive Neuroscience Integrated Review Group; Neurotoxicology and Alcohol Study Section.

*Date:* October 27–28, 2025.

*Time:* 10:00 a.m. to 7:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Address:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

*Meeting Format:* Virtual Meeting.

*Contact Person:* Eileen Marie Moore, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–8928, *eileen.moore@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: September 12, 2025.

**Margaret N. Vardanian,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2025–18003 Filed 9–16–25; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Heart, Lung, and Blood Institute; Notice of Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Heart, Lung, and Blood Advisory Council.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting. The open session will be videocast and can be accessed from the NIH Videocasting and Podcasting website at *https://www.nhlbi.nih.gov/about/advisory-and-peer-review-committees/advisory-council.*

*Name of Committee:* National Heart, Lung, and Blood Advisory Council.

*Date:* October 29, 2025.

*Open:* 8:30 a.m. to 5:00 p.m.

*Agenda:* To Discuss Program Policies and Issues.

*Place:* National Institutes of Health, Claude D. Pepper Building, 31 Center Drive, Bethesda, MD 20894.

*Meeting Format:* In-Person.

*Contact Person:* Charisee Lamar, Ph.D., M.P.H., R.R.T., Director, Division of Extramural Research Activities, National Heart, Lung, and Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Room 206–Q, Bethesda, MD 20892, 301–827–5517, *lamarc@mail.nih.gov*.

Registration is not required to attend the open portion of this meeting.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Any member of the public interested in presenting oral comments to the committee may notify the Contact Person listed on this notice at least 10 days in advance of the meeting. Interested individuals and representatives of an organization may submit a letter of intent, a brief description of the organization represented and a short description of the oral presentation. Only one representative of an organization may be allowed to present oral comments and presentations may be limited to five minutes. Both printed and electronic copies are requested for the record. In addition, any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has procedures at *https://security.nih.gov/visitors/Pages/visitor-campus-access.aspx* for entrance into on-campus and off-campus facilities. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors attending a meeting on campus or at an off-campus federal facility will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *https://www.nhlbi.nih.gov/about/advisory-and-peer-review-committees/advisory-council* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: September 12, 2025.

**Denise M. Santeufemio,**

*Supervisory Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2025–17998 Filed 9–16–25; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Heart, Lung, and Blood Institute; Notice of Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Heart, Lung, and Blood Advisory Council.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and 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:* National Heart, Lung, and Blood Advisory Council.

*Date:* October 29, 2025.

*Closed:* 8:00 a.m. to 8:30 a.m.
*Agenda:* To Review and Evaluate Grant Applications.
*Address:* National Institutes of Health, Claude D. Pepper Building, 31 Center Drive, Bethesda, MD 20894.
*Meeting Format:* In-Person.
*Contact Person:* Charisee Lamar, Ph.D., M.P.H., R.R.T., Director, Division of Extramural Research Activities, National Heart, Lung, and Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Room 206–Q, Bethesda, MD 20892, 301–827–5517, *lamarc@mail.nih.gov*.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *https://www.nhlbi.nih.gov/about/advisory-and-peer-review-committees/advisory-council,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: September 12, 2025.

**Denise M. Santeufemio,**

*Supervisory Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2025–17999 Filed 9–16–25; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Macromolecular Structure and Function B Study Section.
*Date:* October 21–22, 2025.
*Time:* 9:30 a.m. to 7:00 p.m.
*Agenda:* To review and evaluate grant applications.
*Address:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.
*Meeting Format:* Virtual Meeting.
*Contact Person:* Alexei A. Yeliseev, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–443–0552, *yeliseeva@mail.nih.gov*.

*Name of Committee:* Healthcare Delivery and Methodologies Integrated Review Group; Organization and Delivery of Health Services Study Section.
*Date:* October 23–24, 2025.
*Time:* 9:00 a.m. to 6:00 p.m.
*Agenda:* To review and evaluate grant applications.
*Address:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.
*Meeting Format:* Virtual Meeting.
*Contact Person:* Mary Kate Baker, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–594–5117, *katie.baker2@nih.gov*.

*Name of Committee:* Genes, Genomes, and Genetics Integrated Review Group; Genetics of Health and Disease Study Section.
*Date:* October 27–28, 2025.
*Time:* 9:00 a.m. to 7:00 p.m.
*Agenda:* To review and evaluate grant applications.
*Address:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.
*Meeting Format:* Virtual Meeting.
*Contact Person:* Christopher Payne, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2208, Bethesda, MD 20892, 301–402–3702, *christopher.payne@nih.gov*.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Member Conflict: Cancer Preventions and Therapeutics.
*Date:* October 27, 2025.
*Time:* 12:00 p.m. to 5:00 p.m.
*Agenda:* To review and evaluate grant applications.
*Address:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.
*Meeting Format:* Virtual Meeting.
*Contact Person:* Ola Mae Zack Howard, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4192, Bethesda, MD 20892, 301–451–4467, *howardz@mail.nih.gov*.

*Name of Committee:* Musculoskeletal, Oral and Skin Sciences Integrated Review Group; Skeletal Muscle and Exercise Physiology Study Section.
*Date:* October 28–29, 2025.
*Time:* 9:00 a.m. to 7:00 p.m.
*Agenda:* To review and evaluate grant applications.
*Address:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.
*Meeting Format:* Virtual Meeting.
*Contact Person:* Carmen Bertoni, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 805B, Bethesda, MD 20892, 301–867–5309, *bertonic2@csr.nih.gov*.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Auditory and Hearing Sciences.
*Date:* October 28, 2025.
*Time:* 9:00 a.m. to 6:30 p.m.
*Agenda:* To review and evaluate grant applications.
*Address:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.
*Meeting Format:* Virtual Meeting.
*Contact Person:* Kausik Ray, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1009–J, Bethesda, MD 20892, 301–594–8015, *rayk@nidcd.nih.gov*.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Cancer Biomarker Discovery.
*Date:* October 28, 2025.
*Time:* 9:00 a.m. to 5:00 p.m.
*Agenda:* To review and evaluate grant applications.
*Address:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.
*Meeting Format:* Virtual Meeting.
*Contact Person:* Hasan Siddiqui, Ph.D., Scientific Review Officer, Special Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W316, Rockville, MD 20850, 240–276–5122, *hasan.siddiqui@nih.gov*.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; PAR Panel: Integrated Cellular and Molecular Involvements in Studying Alzheimer's Disease and Related Dementias (ADRD).
*Date:* October 28–29, 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:* Surojeet Sengupta, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1014–H, Bethesda, MD 20892, *surojeet.sengupta@nih.gov*.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; IIA Innate Immunity-A.
*Date:* October 28–29, 2025.
*Time:* 10:00 a.m. to 6:00 p.m.
*Agenda:* To review and evaluate grant applications.
*Address:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.
*Meeting Format:* Virtual Meeting.
*Contact Person:* Katie Lynn Alexander, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of

Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–480–1907, *katie.alexander@nih.gov.*

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Medical Imaging Research.

*Date:* October 28–29, 2025.

*Time:* 10:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Address:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

*Meeting Format:* Virtual Meeting.

*Contact Person:* Debanjan Goswami, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 806–H, Bethesda, MD 20892, 301–451–1587, *debanjan.goswami@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: September 15, 2025.

**Sterlyn H. Gibson,**

*Program Specialist, Office of Federal Advisory Committee Policy.*

[FR Doc. 2025–17997 Filed 9–16–25; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**[Docket No. FR–7092–C 29; OMB Control No.: 2502–0204]**

## 30-Day Notice of Proposed Information Collection: Owner's Certification With HUD Tenant Eligibility and Rent Procedures

**AGENCY:** Office of Policy Development and Research, Chief Data Officer, HUD.

**ACTION:** Notice; correction.

**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. This notice replaces the notice published on September 15, 2025.

**DATES:** *Comments Due Date:* October 17, 2025.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

**FOR FURTHER INFORMATION CONTACT:** Anna Guido, PRA Compliance Officer, Paperwork Reduction Act Division, PRAD, Department of Housing and Urban Development, 451 7th Street SW, Room 8210, Washington, DC 20410; email at *PaperworkReductionActOffice@hud.gov,* ATTN: Anna Guido, telephone (202) 402–5535. This is not a toll-free number. HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit *https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs.*

Copies of available documents submitted to OMB may be obtained from Ms. Guido.

**SUPPLEMENTARY INFORMATION:** This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A. The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on July 9, 2024 at 89 FR 56399.

### A. Overview of Information Collection

*Title of Information Collection:* Owner's Certification with HUD Tenant Eligibility and Rent Procedures.

*OMB Approval Number:* 2502–0204.

*Type of Request:* Reinstatement, with change, of previously approved collection for which approval has expired.

*Form Number:* HUD–50059, HUD–50059 Instructions, HUD–50059–A, HUD–50059–A, Instructions, HUD–9887/9887–A, HUD–27061–H, HUD–92236, HUD–90100, HUD–90101, HUD–90102, HUD–90104, HUD–90105–a, HUD–90105–b, HUD–90105–c, HUD–90105–d, HUD–90106, HUD–90011 (Enterprise Income Verification (EIV) System Multifamily Housing Coordinator Access Authorization Form), HUD–90012 (Enterprise Income Verification (EIV) System User Access Authorization Form), EIV and You Brochure, Resident Rights and Responsibilities Brochure, and Fact Sheet for HUD Assisted Residents.

*Description of the need for the information and proposed use:* The Department needs to collect this information to determine tenant eligibility for subsidized housing; verify tenant incomes, rents, and assistance to prevent improper payments to property owners; and assess whether programs are administered in compliance with Title VI of the Civil Rights Act of 1964.

Information collected is submitted to HUD electronically through HUD's Tenant Rental Assistance Certification System (TRACS). TRACS supports HUD's ability to collect and maintain accurate tenant and payment data; automate financial management; reduce manual processes and paperwork; forecast rental assistance budgets; and detect fraud, waste, and abuse in rental assistance programs. Statutory and regulatory changes to how incomes and rents are determined, among other things, created the need for a substantial revision to TRACS, resulting in form changes to be paired with a new TRACS release (version 2.0.3.A). Changes include updates to the form HUD–50059 (Owner's Certification of Compliance with HUD's Tenant Eligibility and Rent Procedures), which essentially replicates the TRACS interface.

| Information collection | Number of respondents | Frequency of response | Responses per annum | Burden hours per response | Total annual burden hrs. | Hourly cost to public | Total annual cost to public |
|---|---|---|---|---|---|---|---|
| Race and Ethnic Data Reporting Form (form HUD–27061–H) | 154,543 | 1 | 154,543 | 0.17 | 26,272 | $39.77 | $1,044,850 |
| Owner's Certification of Compliance with HUD's Tenant Eligibility and Rent Procedures (form HUD–50059) | 2,238,197 | 1 | 2,238,197 | 0.50 | 1,119,099 | 39.77 | 44,506,547 |
| Owner's Certification of Compliance with HUD's Tenant Eligibility and Rent Procedures (form HUD–50059–A) | 1,525,680 | 1 | 1,525,680 | 0.13 | 198,338 | 39.77 | 7,887,918 |
| Enterprise Income Verification (EIV) System Multifamily Housing Coordinator Access Authorization Form (form HUD–90011) | 8,540 | 1 | 8,540 | 0.25 | 2,135 | 39.77 | 84,909 |
| Enterprise Income Verification (EIV) System User Access Authorization Form (form HUD–90012) | 36,053 | 2 | 72,106 | 0.25 | 18,027 | 39.77 | 716,914 |
| Recertification Notice (Exhibit 7–1: Annual Recertification Initial Notice; form HUD–90100) | 2,238,197 | 1 | 2,238,197 | 0.08 | 179,056 | 39.77 | 7,121,048 |
| Certification of Long-Term Care Insurance (form HUD–90101) | 56,140 | 1 | 56,140 | 0.17 | 9,544 | 39.77 | 379,557 |

| Information collection | Number of respondents | Frequency of response | Responses per annum | Burden hours per response | Total annual burden hrs. | Hourly cost to public | Total annual cost to public |
|---|---|---|---|---|---|---|---|
| Verification of Disability (form HUD–90102) | 3,364 | 1 | 3,364 | 0.08 | 269 | 39.77 | 10,703 |
| Exceptions to Limitations on Admission of Families (form HUD–90104) | 7,363 | 1 | 7,363 | 0.20 | 1,473 | 39.77 | 58,565 |
| Model Lease for Subsidized Programs (form HUD–90105–A) | 137,357 | 1 | 137,357 | 0.08 | 10,989 | 39.77 | 437,015 |
| Model Lease for Section 202/8 or Section 202/162 Projects (form HUD–90105–B) | 1,520 | 1 | 1,520 | 0.08 | 122 | 39.77 | 4,836 |
| Model Lease for Section 202 Project Rental Assistance Contract (form HUD–90105–C) | 11,820 | 1 | 11,820 | 0.08 | 946 | 39.77 | 37,607 |
| Model Lease for Section 811 Project Rental Assistance Contract (form HUD–90105–D) | 3,100 | 1 | 3,100 | 0.08 | 248 | 39.77 | 9,863 |
| Model Lease for Section 811 Project Rental Assistance Program (form HUD–92236) | 651 | 1 | 651 | 0.08 | 52 | 39.77 | 2,071 |
| Move-In/Move-Out Inspection Form (form HUD–90106) | 367,090 | 1 | 367,090 | 0.08 | 29,367 | 39.77 | 1,167,934 |
| Applicant's/Tenant's Consent to the Release of Information (form HUD–9887/–9887–A) | 171,883 | 1 | 171,883 | 0.17 | 29,220 | 39.77 | 1,162,084 |
| Totals | 6,961,498 | ..... | 6,997,551 | ..... | 1,625,155 | ..... | 64,632,420 |

### B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

### C. Authority

Section 2 of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507.

**Anna Guido,**

*Department PRA Compliance Officer, Office of Policy Development and Research, Chief Data Officer.*

[FR Doc. 2025–17964 Filed 9–16–25; 8:45 am]

**BILLING CODE 4210–67–P**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**[Docket No. FR–7092–N 31; OMB Control No.: 2577–0269]**

## 30-Day Notice of Proposed Information Collection: Choice Neighborhoods Post-Award

**AGENCY:** Office of Policy Development and Research, Chief Data Officer, HUD.

**ACTION:** Notice.

**SUMMARY:** HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comments from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 30 days of public comment.

**DATES:** *Comments Due Date:* October 17, 2025.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

**FOR FURTHER INFORMATION CONTACT:** Anna Guido, PRA Compliance Officer, Paperwork Reduction Act Division, PRAD, Department of Housing and Urban Development, 451 7th Street SW, Room 8210, Washington, DC 20410; email at *PaperworkReductionActOffice@hud.gov,* ATTN: Anna Guido, telephone (202) 402–5535. This is not a toll-free number. HUD welcomes and is prepared to receive calls om individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit *https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs.*

Copies of available documents submitted to OMB may be obtained from Ms. Guido.

**SUPPLEMENTARY INFORMATION:** This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A. The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on May 21, 2025 at 90 FR 21787.

### A. Overview of Information Collection

*Title of Information Collection:* Choice Neighborhoods post-award information collection.

*OMB Approval Number:* 2577–0269.

*Type of Request:* Reinstatement with change.

*Form Number:* HUD–50163, HUD–53236, HUD–53421.

*Description of the need for the information and proposed use:* The information is required to allow HUD to manage Choice Neighborhoods grant awards in accordance with applicable statute and regulations.

| Information collection | Number of respondents | Frequency of response | Responses per annum | Burden hour per response | Annual burden hours | Hourly cost per response | Annual cost |
|---|---|---|---|---|---|---|---|
| Implementation grantees on-line quarterly reporting (CN Inform) (Quarterly) | 37 | 4 | 148 | 6 | 888 | $51.97 | $46,149.36 |

| Information collection | Number of respondents | Frequency of response | Responses per annum | Burden hour per response | Annual burden hours | Hourly cost per response | Annual cost |
|---|---|---|---|---|---|---|---|
| Implementation Grant Budget Form (HUD–53236) (Twice per year) | 37 | 2 | 74 | 1.25 | 92.5 | 51.97 | 4,807.23 |
| Planning grantees quarterly (reporting (Quarterly) | 27 | 4 | 108 | 1.25 | 135 | 51.97 | 7,015.95 |
| Planning Grant Budget Form (HUD–53421) | 27 | 1 | 27 | 1 | 27 | 51.97 | 1,403.19 |
| Actual Cost Certificate (HUD–50163) closeout | 15 | 1 | 15 | 1 | 15 | 51.97 | 779.55 |
| Voucher payments using eLOCCS (once per month) (OMB Approval No. 2535–0102) | 64 | 12 | 768 | 0 | 0 | 0 | 0 |
| Total | 207 | | 1,140 | | 1,157.5 | | 60,155.28 |

### B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

### C. Authority

Section 2 of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507.

**Anna Guido,**

*Department PRA Compliance Officer, Office of Policy Development and Research, Chief Data Officer.*

[FR Doc. 2025–17963 Filed 9–16–25; 8:45 am]

**BILLING CODE 4210–67–P**

## DEPARTMENT OF THE INTERIOR

## National Park Service

**[N6523; NPS–WASO–NAGPRA–NPS0041073; PPWOCRADN0–PCU00RP14.R50000]**

## Notice of Inventory Completion: Mercyhurst University, Erie, PA

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), Mercyhurst University has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

**DATES:** Repatriation of the human remains in this notice may occur on or after October 17, 2025.

**ADDRESSES:** Send written requests for repatriation of the human remains in this notice to Anne Marjenin, Mercyhurst University, 501 East 38th Street, Erie, PA 16546, email *nagpra@mercyhurst.edu*.

**SUPPLEMENTARY INFORMATION:** This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of Mercyhurst University, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

### Abstract of Information Available

Human remains representing, at least, one individual have been identified. No associated funerary objects are present. On an unknown date, the individual (OH–HA–TIN–0001) was removed from a location in the vicinity of Newtown, Hamilton County, Ohio. On an unknown date, the individual was obtained by Raymond C. Vietzen (1907–1995). Vietzen, an avocational archaeologist, collector, and author, established the Indian Ridge Museum in Elyria, Ohio, and the Archaeological Society of Ohio (formerly the Ohio Indian Relic Collectors Society). The Indian Ridge Museum, founded in the 1930s, served as Vietzen's laboratory and repository, and it remained in operation until the mid-1990s. After Vietzen's death, the facility fell into disrepair, and most of the items he had acquired and housed at the museum were sold. In 1998, the Ohio Historical Society (presently the Ohio History Connection) removed ancestral human remains and some of the remaining items from the facility and temporarily housed them at the Ohio Historical Society. In October of 2003, these remains were transferred from the Ohio Historical Society to Mercyhurst College (presently Mercyhurst University).

While there is no record regarding potentially hazardous substances having been used to treat the human remains, an unidentified preservative coating, consolidant, or sealant may be present. It is unknown when this unidentified substance may have been applied.

### Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains described in this notice.

### Determinations

Mercyhurst University 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 Absentee-Shawnee Tribe of Indians of Oklahoma; Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Bay Mills Indian Community, Michigan; Cayuga Nation; Chippewa Cree Indians of the Rocky Boy's Reservation, Montana; Citizen Potawatomi Nation, Oklahoma; Delaware Tribe of Indians; Eastern Shawnee Tribe of Oklahoma; Forest County Potawatomi Community, Wisconsin; Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Hannahville Indian Community, Michigan; Kaw Nation, Oklahoma; Keweenaw Bay Indian Community, Michigan; Kickapoo Traditional Tribe of Texas; Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas; Kickapoo Tribe of Oklahoma; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of

Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; Little River Band of Ottawa Indians, Michigan; Little Shell Tribe of Chippewa Indians of Montana; Little Traverse Bay Bands of Odawa Indians, Michigan; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Miami Tribe of Oklahoma; Minnesota Chippewa Tribe, Minnesota (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band); Nottawaseppi Huron Band of the Potawatomi, Michigan; Omaha Tribe of Nebraska; Oneida Indian Nation; Oneida Nation; Onondaga Nation; Ottawa Tribe of Oklahoma; Peoria Tribe of Indians of Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Ponca Tribe of Indians of Oklahoma; Ponca Tribe of Nebraska; Prairie Band Potawatomi Nation; Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; Red Lake Band of Chippewa Indians, Minnesota; Saginaw Chippewa Indian Tribe of Michigan; Saint Regis Mohawk Tribe; Sault Ste. Marie Tribe of Chippewa Indians, Michigan; Seneca Nation of Indians; Seneca-Cayuga Nation; Shawnee Tribe; Sokaogon Chippewa Community, Wisconsin; St. Croix Chippewa Indians of Wisconsin; The Osage Nation; Tonawanda Band of Seneca; Turtle Mountain Band of Chippewa Indians of North Dakota; Tuscarora Nation; United Keetoowah Band of Cherokee Indians in Oklahoma; and the Wyandotte Nation.

**Requests for Repatriation**

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after October 17, 2025. If competing requests for repatriation are received, Mercyhurst University must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. Mercyhurst University is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

*Authority:* Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: September 4, 2025.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2025–17971 Filed 9–16–25; 8:45 am]

**BILLING CODE 4312–52–P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

**[N6520; NPS–WASO–NAGPRA–NPS0041075; PPWOCRADN0–PCU00RP14.R50000]**

### Notice of Inventory Completion: University of Oregon Museum of Natural and Cultural History, Eugene, OR

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Oregon Museum of Natural and Cultural History has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

**DATES:** Repatriation of the human remains in this notice may occur on or after October 17, 2025.

**ADDRESSES:** Send written requests for repatriation of the human remains in this notice to Dr. Pamela Endzweig, Director of Anthropological Collections, University of Oregon Museum of Natural and Cultural History, 1224 University of Oregon, Eugene, OR 97403–1224, email *endzweig@uoregon.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 Oregon Museum of Natural and Cultural History, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

**Abstract of Information Available**

Human remains representing, at least, one individual have been identified. No associated funerary objects are present. The human remains (catalogued as 11–91, Accession 54) are from a male adult, estimated to have been 30–50 years of age. The remains were collected by a private individual from the Blitzen Valley area at an unknown date and transferred to the Museum in 1937. Blitzen Valley is in the historic territory of the Northern Paiute.

Human remains representing, at least, one individual have been identified. No associated funerary objects are present. The human remains (catalogued as 11–92, Accession 54) are from a male adult, estimated to have been 40–50 years of age. The remains were collected by a private individual from the Blitzen Valley area at an unknown date and transferred to the Museum in 1937. Blitzen Valley is in the historic territory of the Northern Paiute.

**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 University of Oregon Museum of Natural and Cultural History 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 Burns Paiute Tribe; Confederated Tribes of the Warm Springs Reservation of Oregon; and the Klamath Tribes.

**Requests for Repatriation**

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after October 17, 2025. If competing requests for repatriation are received, the University of Oregon Museum of Natural and Cultural History 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 University of Oregon Museum of Natural and Cultural History is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

*Authority:* Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: September 4, 2025.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2025–17970 Filed 9–16–25; 8:45 am]

**BILLING CODE 4312–52–P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

**[N6519; NPS–WASO–NAGPRA–NPS0041074; PPWOCRADN0–PCU00RP14.R50000]**

### Notice of Inventory Completion: University of Oregon Museum of Natural and Cultural History, Eugene, OR

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Oregon Museum of Natural and Cultural History has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

**DATES:** Repatriation of the human remains in this notice may occur on or after October 17, 2025.

**ADDRESSES:** Send written requests for repatriation of the human remains in this notice to Dr. Pamela Endzweig, Director of Anthropological Collections, University of Oregon Museum of Natural and Cultural History, 1224 University of Oregon, Eugene, OR 97403–1224, email *endzweig@uoregon.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 Oregon Museum of Natural and Cultural History, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

#### Abstract of Information Available

Human remains representing, at least, one individual have been identified. No associated funerary objects are present. The human remains (catalogued as 11–87) are from a male adult, estimated to have been 35–45 years of age. The human remains were excavated from a site designated as ''Warner Valley Site No. 4'' and transferred to the Museum in 1938. According to fieldnotes, the human remains were part of a ''rock-pile burial.'' The Warner Valley is in the historic territory of Northern Paiute peoples.

Human remains representing, at least, two individuals have been identified. No associated funerary objects are present. The human remains (catalogued as 11–104) are from two adults of indeterminate sex. The human remains were excavated from the Warner Valley and transferred to the Museum in 1939. According to fieldnotes, the human remains were from rock cairn burials. The Warner Valley is in the historic territory of Northern Paiute peoples.

#### 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 University of Oregon Museum of Natural and Cultural History has determined that:

- The human remains described in this notice represent the physical remains of three individuals of Native American ancestry.
- There is a connection between the human remains described in this notice and the Burns Paiute Tribe; Confederated Tribes of the Warm Springs Reservation of Oregon; Fort Bidwell Indian Community of the Fort Bidwell Reservation of California; and the Klamath Tribes.

#### Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after October 17, 2025. If competing requests for repatriation are received, the University of Oregon Museum of Natural and Cultural History 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 University of Oregon Museum of Natural and Cultural History is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

*Authority:* Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: September 4, 2025.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2025–17969 Filed 9–16–25; 8:45 am]

**BILLING CODE 4312–52–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Reclamation

**[RR83550000, 256R5065C6, RX.59389832.1009676]**

### Quarterly Status Report of Water Service, Repayment, and Other Water-Related Contract Actions

**AGENCY:** Bureau of Reclamation, Interior.

**ACTION:** Notice of contract actions.

**SUMMARY:** Notice is hereby given of contractual actions that have been proposed to the Bureau of Reclamation (Reclamation) and are new, discontinued, or completed since the last publication of this notice. This notice informs the public about proposed contractual actions for capital

recovery and management of project resources and facilities consistent with section 9(f) of the Reclamation Project Act of 1939.

**ADDRESSES:** The identity of the approving officer and other information pertaining to a specific contract proposal may be obtained by calling or writing the appropriate regional office at the address and telephone number given for each region in the **SUPPLEMENTARY INFORMATION** section of this notice.

**FOR FURTHER INFORMATION CONTACT:** Morgan Raymond, Reclamation Law Administration Division, Bureau of Reclamation, P.O. Box 25007, Denver, Colorado 80225–0007; *mraymond@usbr.gov*; telephone 303–445–3382. 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:** Consistent with section 9(f) of the Reclamation Project Act of 1939 and the regulations at 43 CFR 426.22, Reclamation publishes notice of proposed or amendatory contract actions for any contract for the delivery of project water for authorized uses.

The public participation procedures do not apply to proposed contracts for the sale of surplus or interim irrigation water for a term of one year or less. Either of the contracting parties may invite the public to observe contract proceedings. All public participation procedures will be coordinated with those involved in complying with the National Environmental Policy Act.

Pursuant to the ''Final Revised Public Participation Procedures'' for water resource-related contract negotiations, published in 47 FR 7763, February 22, 1982, a tabulation is provided of all proposed contractual actions in each of the five Reclamation regions. When contract negotiations are completed, and prior to execution, each proposed contract form must be approved by the Secretary of the Interior, or pursuant to delegated or redelegated authority, the Commissioner of Reclamation or one of the regional directors. In some instances, congressional review and approval of a report, water rate, or other terms and conditions of the contract may be involved.

Public participation in and receipt of comments on contract proposals will be facilitated by adherence to the following procedures:

1. Only persons authorized to act on behalf of the contracting entities may negotiate the terms and conditions of a specific contract proposal.

2. Advance notice of meetings or hearings will be furnished to those parties that have made a timely written request for such notice to the appropriate regional or project office of Reclamation.

3. Written correspondence regarding proposed contracts may be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act, as amended.

4. Written comments on a proposed contract or contract action must be submitted to the appropriate regional officials at the locations and within the time limits set forth in the advance public notices.

5. All written comments received, and testimony presented at any public hearings will be reviewed and summarized by the appropriate regional office for use by the contract approving authority.

6. Copies of specific proposed contracts may be obtained from the appropriate regional director or his or her designated public contact as they become available for review and comment.

7. In the event modifications are made in the form of a proposed contract, the appropriate regional director shall determine whether republication of the notice and/or extension of the comment period is necessary.

Factors considered in making such a determination shall include, but are not limited to, (i) the significance of the modification, and (ii) the degree of public interest which has been expressed over the course of the negotiations. At a minimum, the regional director will furnish revised contracts to all parties who requested the contract in response to the initial public notice.

**Definitions of Abbreviations Used in the Reports**

BCP Boulder Canyon Project
Reclamation Bureau of Reclamation
CAP Central Arizona Project
CUP Central Utah Project
CVP Central Valley Project
CRSP Colorado River Storage Project
XM Extraordinary Maintenance
EXM Emergency Extraordinary Maintenance
FR Federal Register
IDD Irrigation and Drainage District
ID Irrigation District
M&I Municipal and Industrial
O&M Operation and Maintenance
OM&R Operation, Maintenance, and Replacement
P–SMBP Pick-Sloan Missouri Basin Program
RRA Reclamation Reform Act of 1982
SOD Safety of Dams
SRPA Small Reclamation Projects Act of 1956
USACE U.S. Army Corps of Engineers
WD Water District
WIIN Act Water Infrastructure Improvements for the Nation Act

*Missouri Basin—Interior Region 5:* Bureau of Reclamation, Federal Building, 2021 4th Avenue North, Billings, Montana 59101, telephone 406–247–7733.

*New contract actions:*

30. Buford-Trenton ID, P–SMBP, North Dakota: Consideration of amendment to Contract No.079D620039 and Contract No. 20XX620085 for the addition of pump sites within project boundaries and an increase in project use power.

31. City of Aurora and Pitkin County, Fryingpan-Arkansas Project, Colorado: Consideration for long term excess capacity contract.

*Completed contract actions:*

19. Gray Goose ID, Gray Goose Project, P–SMBP, South Dakota: Amendment to Contract No. 0–07–60–W0563 for inclusion of lands. Completed on January 23, 2025.

20. Hillcrest Colony, Inc., Canyon Ferry Unit, P–SMBP, Montana: Renewal of long-term water service Contract No. 149E670110. Completed on January 29, 2025.

21. Pueblo West Metro District, Fryingpan-Arkansas Project, Colorado: Renewal of long-term water service Contract No. 4–07–70–W0692. Completed on January 23, 2025.

24. Town of Kirby, Boysen Unit, P–SMBP, Wyoming: Renewal of long-term water service Contract No. 5–07–60–WS173. Completed on April 29, 2025.

29. Fort Clark Irrigation District, Fort Clark Unit, P–SMBP, North Dakota: Renewal of water service Contract No. 209E630059. Completed on June 16, 2025.

*Discontinued contract actions:*

16. Frenchman-Cambridge ID, Frenchman-Cambridge Division, P–SMBP, Nebraska: No longer considering contract amendment for changes to place of use and point of diversions.

*Upper Colorado Basin—Interior Region 7:* Bureau of Reclamation, 125 South State Street, Room 8100, Salt Lake City, Utah 84138–1102, telephone 801–524–3600.

*New contract actions:*

13. Middle Rio Grande Project, New Mexico: Reclamation is discussing plans to store native Rio Grande system water and San Juan-Chama Project water in Abiquiu Reservoir under existing O&M authorities. This will be a five-year agreement with an option to extend, if needed.

14. San Juan-Chama Project, New Mexico: Reclamation wants to extend the existing term under Article 8 of Contract No. 16–WC–40–596, to continue utilizing the four Pueblos' (Pueblo of Nambe, Pueblo of San Ildefonso, Pueblo of Pojoaque and Pueblo Tesuque) share of Project water (1,079 acre-feet) for the Supplemental Water Acquisition Program. In exchange, Reclamation will continue to cover the four Pueblos' share of O&M costs.

15. Weber Basin Water Conservancy District, Utah: Weber Basin Water Conservancy District stated its intent to seek title transfer of the United States' ownership interests in certain Project facilities and associated lands pursuant to the John D. Dingell, Jr. Conservation, Management, and Recreation Act of March 12, 2019 (Pub. L. 116–9).

16. Davis Aqueduct Parallel Pipeline Project, Weber Basin Water Conservancy District, Utah: Amendment to XM Contract No. 22–WC–40–940 Amendment No. 1, funding pursuant to title IX of the Infrastructure Investment and Jobs Act of November 15, 2021 (Pub. L. 117–58) to increase budget to $23,000,000 for XM work and to update language on Articles VIII, XV and XVI.

17. Elephant Butte Irrigation District, Rio Grande Project, New Mexico: Reclamation and Elephant Butte Irrigation District (EBID) plan to enter a contract to partially convert EBID's irrigation water supply to miscellaneous purposes to comply with proposed delivery obligations to El Paso Count Water Improvement District #1 and Texas per the proposed settlement in TX. V. NM.

*Completed contract actions:*

6. Wyoming Water Development Commission, Seedskadee Project, Wyoming: The Wyoming Water Development Commission entered a contract with Reclamation to acquire the use of the remaining water in the Fontenelle Reservoir. As negotiations are not complete and funds remain in Task Order 2019–1, Reclamation extended the term of Technical Services Agreement No. 15–WC–40–559 under Section 9 of the Reclamation Project Act of 1939. Completed on March 14, 2025.

18. Cascade Development Company LC, Kennewick, Washington: Amended Technical Services Agreement No. 18–WC–40–715 Article 5(a) to extend the agreement period for 10 years per the Contributed Funds Act of May 4, 1921 (43 U.S.C. 395). Completed on May 9, 2025.

19. Ogden River Water Users Association, Ogden River Project, Utah: Reclamation entered Technical Services Agreement No. 25–40–WC–1008 under the Contributed Funds Act of March 4, 1921 (43 U.S.C. 395). Completed on March 14, 2025

20. Weber River Water Users Association, Weber River Project, Utah: Reclamation entered Technical Services Agreement No. 25–40–WC–1010 under the Contributed Funds Act of March 4, 1921 (43 U.S.C. 395). Completed on March 14, 2025.

21. Utah Department of Transportation, Utah: Reclamation entered Technical Services Agreement No. 25–WC–40–1000 under the Contributed Funds Act of March 4, 1921 (43 U.S.C. 395). Completed on February 2, 2025.

*Modified contract actions:*

3. Middle Rio Grande Project, New Mexico: Reclamation will continue annual leasing of water from various San Juan-Chama Project contractors in 2025 to stabilize flows in a critical reach of the Rio Grande to meet the needs of irrigators and preserve habitat for the silvery minnow. Reclamation leased approximately 11,669 acre-feet to San Juan-Chama Contractors in 2024.

*Lower Colorado Basin—Interior Region 8:* Bureau of Reclamation, P.O. Box 61470 (Nevada Highway and Park Street), Boulder City, Nevada 89006–1470, telephone 702–293–8192.

*New contract actions:*

18. Lake Havasu City, BCP, Arizona: Proposed revision to Exhibit C under Contract No. 3–07–30–W0039 to update well information as approved points of diversions under the contract.

19. La Paz County, BCP, Arizona: Proposed amendment to Contract No. 08–XX–30–W0530 to add a new point of diversion, Mark Wilmer Pumping Plant, at Lake Havasu, and proposed wheeling agreement, for Central Arizona Water Conservation District to wheel water through the CAP canal.

20. Nevada Department of Wildlife, BCP, Nevada: Proposed approval of a new point of diversion under Contract No. 14–06–300–2405.

21. Arizona State Land Department, BCP, Arizona: Proposed revision to Exhibit B and C under Contract No. 4–07–30–W0317 to update lessee information and corresponding map.

*Completed contract actions:*

22. City of Needles, The Metropolitan Water District of Southern California, Lower Colorado Water Supply Project, California: Amendment No. 3 to Contract No. 06–XX–30–W0452. Completed on February 27, 2025.

16. Arizona State Land Department, City of Phoenix, Central Arizona Water Conservation District, CAP, Arizona: Transfer of 3,900 acre-feet per year of CAP M&I water under Arizona State Land Department's subcontract No. 07–XX–30–W0503 to the City of Phoenix. Completed on February 27, 2025.

17. Circle City Water Company, LLC, City of Surprise, Central Arizona Water Conservation District, CAP, Arizona: Transfer of 3,932 acre-feet per year of CAP M&I water to Surprise resulting in termination of Circle City's subcontract No. 07–XX–30–W0463 and increasing the water entitlement under Surprise's subcontract No. 07–XX–30–W0505 to 14,181 acre-feet per year of CAP M&I water. Completed on February 27, 2025.

3. Gold Dome Mining Corporation and Wellton-Mohawk IDD, Gila Project, Arizona: Terminated contract No. 0–07–30–W0250 pursuant to Articles 11(d) and 11(e). Completed on April 23, 2025.

4. Estates of Anna R. Roy and Edward P. Roy, Gila Project, Arizona: Terminated Contract No. 6–07–30–W0124 pursuant to Article 9(c). Completed on April 23, 2025.

20. Nevada Department of Wildlife, BCP, Nevada: Proposed approval of a new point of diversion under Contract No. 14–06–300–2405. Completed May 8, 2025.

*Columbia–Pacific Northwest—Interior Region 9:* Bureau of Reclamation, 1150 North Curtis Road, Suite 100, Boise, Idaho 83706–1234, telephone 208–378–5306.

*New contract actions:*

20. State of Washington, Columbia Basin Project, Washington: Amendment to long-term water service Contract No. 11XX101734 to add terms and conditions for the temporary provision of up to an additional 50,000 acre-feet of project water during periods of declared drought emergency pursuant to the Reclamation States Emergency Drought Relief Act of 1991.

*California–Great Basin—Interior Region 10:* Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95825–1898, telephone 916–978–5250.

*Modified contract actions:*

28. Cachuma Project, California: Negotiation and execution of a repayment contract or an amendatory contract, as applicable, with the Cachuma Operation and Maintenance Board for SOD projects.

**Heidi Morrow,**

*Acting Director, Mission Assurance and Protection Organization.*

[FR Doc. 2025–17936 Filed 9–16–25; 8:45 am]

**BILLING CODE 4332–90–P**

## INTERNATIONAL TRADE COMMISSION

**[Investigation No. 337–TA–1447]**

### Certain Drug Products Containing C-Type Natriuretic Peptide Variants, and Components Thereof; Notice of a Commission Determination Not To Review an Initial Determination Granting Complainant's Motion To Amend the Complaint and Notice of Investigation

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission (''Commission'') has determined not to review an initial determination (''ID'') (Order No. 15) of the presiding Chief administrative law judge (''Chief ALJ'') granting Complainant's motion to amend the complaint and notice of investigation.

**FOR FURTHER INFORMATION CONTACT:** Jonathan D. Link, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–3103. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation on May 8, 2025, based on a complaint filed by BioMarin Pharmaceutical Inc. of Novato, CA (''Complainant''). 90 FR 19532–33 (May 8, 2025). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain drug products containing C-type natriuretic peptide variants and components thereof by reason of infringement of claims 15–20, and 31–48 of U.S. Reissue Patent No. 48,267. *Id.* at 19532. The complaint further alleges that a domestic industry exists. *Id.* The Commission's notice of investigation named as respondents: Ascendis Pharma, Inc. of Palo Alto, CA, Ascendis Pharma A/S of Hellerup, Denmark, and Ascendis Pharma Growth Disorders A/S of Hellerup, Denmark (collectively ''Ascendis''); and Wacker Biotech GmbH of Jena, Germany. *Id.* at 19533. The Office of Unfair Import Investigations (''OUII'') is participating in the investigation. *Id.*

On June 20, 2025, the Commission determined not to review Order No. 5, setting a 17-month target date as October 8, 2026, with any final initial determination to be due no later than June 8, 2026. *See* Order No. 5 (May 27, 2025), *unreviewed by* Comm'n Notice (June 20, 2025).

On June 17, 2025, Complainant filed a motion to amend the complaint and notice of investigation to add Bachem AG (''Bachem'') as an additional respondent. Complainant also requested that the Chief ALJ declassify certain discovery responses. On June 27, 2025, Ascendis filed a response in opposition to the motion, while OUII filed a response not opposing the motion. On July 9, Bachem filed a response in opposition to the motion. On July 14, 2025, Complainant filed a reply in support of its motion, and OUII filed a reply maintaining its non-opposition to the motion.

On July 24, 2025, the Chief ALJ issued Order No. 13, granting leave for Complainant to supplement its motion to amend. On July 30, 2025, Complainant filed a supplement to its motion to amend, which included a second proposed amended complaint. On August 1, 2025, OUII filed a response in support of the motion, while Ascendis and Bachem both filed responses continuing to oppose the motion.

On August 14, 2025, the Chief ALJ issued the subject ID (Order No. 15), granting Complainant's motion to amend the complaint and notice of investigation. The subject ID finds that Complainant has demonstrated good cause for the proposed amendments under Commission Rule 210.14(b), 19 CFR 210.14(b). *See* ID at 12–15. The Chief ALJ also granted Complainant's request to declassify certain discovery responses pursuant to Commission Rule 210.20(a), 19 CFR 210.20(a). *See id.* at 4–7. No party filed a petition for review of the subject ID.

The Commission has determined not to review the subject ID. The complaint and notice of investigation are amended to add Bachem AG of Bubendorf, Switzerland as a respondent.

The Commission vote for this determination took place on September 12, 2025.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: September 12, 2025.

**Sharon Bellamy,**

*Supervisory Hearings and Information Officer.*

[FR Doc. 2025–17924 Filed 9–16–25; 8:45 am]

**BILLING CODE 7020–02–P**

## DEPARTMENT OF JUSTICE

**[OMB Number 1110–0043]**

### Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of a Previously Approved Collection; Title—Voluntary Appeal File (VAF) Application Form

**AGENCY:** Criminal Justice Information Services Division, Federal Bureau of Investigation, Department of Justice.

**ACTION:** 60-Day notice.

**SUMMARY:** The Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division 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 60 days until November 17, 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 Jill Montgomery, FBI NICS Section, 1000 Custer Hollow Road, Clarksburg, WV 26306, *jamontgomery@fbi.gov* or 304–709–1476.

**SUPPLEMENTARY INFORMATION:** Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, 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 using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

*Abstract:* If a potential purchaser is delayed or denied a firearm and successfully appeals the decision, the NICS Section cannot retain a record of the overturned appeal or the supporting documentation. If the record is not able to be updated or the appeal was overturned because fingerprint submissions determined the prohibiting record did not match the, the purchaser may continue to be delayed or denied for future transactions, and if that individual appeals the decision, the documentation/information (*e.g.,* fingerprint cards, court records, pardons, etc.) must be resubmitted for every subsequent appeal. The VAF was established per 28 CFR part 25.10(g), for this reason. By this process, applicants can voluntarily request the NICS Section maintain information about themselves in the VAF to prevent future extended delays or denials of a firearm transfer. Those approved for entry into the VAF will be issued a unique personal identification number or ''UPIN''. The applicant must then provide their VAF UPIN to the FFL during future NICS checks. The VAF UPIN can also prevent similar results in other contexts where the NICS may be queried, such as when applying to receive a National Firearms Act firearm (*see* 28 CFR 25.6(j)(2)) or soon, during a ''firearm handler background check'' (*see* 89 FR 100424). The VAF is also open to persons that have never been the subject of a NICS check to preemptively prevent erroneous denials or extended delays.

**Overview of This Information Collection**

1. *Type of Information Collection:* Revision of a previously approved collection.

2. *The Title of the Form/Collection:* Voluntary Appeal File (VAF) Application Form.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Voluntary Appeal File (VAF) Application Form, 1110–0043. The applicable component within the Department of Justice is the Federal Bureau of Investigation, Criminal Justice Information Services Division.

4. *Affected public who will be asked or required to respond, as well as the obligation to respond:* Affected Public Individuals. The obligation to respond is voluntary.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated the time it takes to read, complete, and upload documents is 30 minutes. Travel time to the fingerprinting facility and post office is not factored in the time estimate. It is estimated 11,073 respondents will apply yearly.

6. *An estimate of the total annual burden (in hours) associated with the collection:* With 11,073 applicants responding, the formula for applicant burden hours would be as follows: (11,073 respondents × .5 hours) = 5,536.5 hours.

7. *An estimate of the total annual cost burden associated with the collection, Total Burden Hours:* Some applications are processed quickly while others can take up to 60 days, dependent on the complexity of the case. For instance, should it be determined the applicant was not a match to any prohibiting category based on submitted fingerprints, the application could be resolved within one day. Conversely, should the applicant match potential prohibiting categories based on fingerprint comparison, each potential prohibitor requires research, likely external, and could include multiple agencies in multiple locations. In those cases, the process could take up to 60 days. For these reasons, it is difficult to determine an annual hour burden to process a VAF application.

*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.

Dated: September 15, 2025.

**Darwin Arceo,**

*Department Clearance Officer for PRA, U.S. Department of Justice.*

[FR Doc. 2025–17954 Filed 9–16–25; 8:45 am]

**BILLING CODE 4410–02–P**

## DEPARTMENT OF JUSTICE

**[OMB Number 1110–0011]**

## Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of a Previously Approved Collection; ViCAP National Crime Database

**AGENCY:** Federal Bureau of Investigation, Department of Justice.

**ACTION:** 60-Day notice.

**SUMMARY:** The Department of Justice (DOJ), Federal Bureau of Investigation (FBI), Critical Incident Response Group (CIRG), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

**DATES:** Comments are encouraged and will be accepted for 60 days until November 17, 2025.

**FOR FURTHER INFORMATION CONTACT:** If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Nathan Graham, Program Manager, Federal Bureau of Investigation, Critical Incident Response Group, FBI Academy, Quantico, VA 22135, (703) 632–4309, *nsgraham@fbi.gov*.

**SUPPLEMENTARY INFORMATION:** 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 Federal Bureau of Investigation, 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.

*Abstract:* ViCAP is a unit of the Federal Bureau of Investigation (FBI) responsible for the analysis of serial violent and sexual crimes. The ViCAP National Crime Database maintains the largest investigative repository of major violent crime cases in the U.S. It is designed to collect and analyze information about Homicides (and attempts) that are known or suspected to be part of a series and/or are apparently random or sexually oriented; Sexual Assaults that are known or suspected to be part of a series and/or are committed by a stranger; Missing Persons where the circumstances indicate a strong possibility of foul play and the victim is still missing; and Unidentified Human Remains where the manner of death is known or suspected to be homicide.

**Overview of This Information Collection**

1. *Type of Information Collection:* Revision of a currently approved collection.

2. *The Title of the Form/Collection:* ViCAP National Crime Database.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* N/A.

4. *Affected public who will be asked or required to respond, as well as the obligation to respond:* Affected Public is state, local and tribal governments. The obligation to respond is voluntary.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* Approximately 5,700 respondents and approximately 20 minutes for an average respondent to respond.

6. *An estimate of the total annual burden (in hours) associated with the collection:* The total annual burden hours for this collection is approximately 1,900 burden hours ($5{,}700 \times 20\text{min}/60 = 1{,}900$).

7. *An estimate of the total annual cost burden associated with the collection, if applicable:* zero.

TOTAL BURDEN HOURS

| Activity | Number of respondents | Frequency (annually) | Total annual responses | Time per response (min) | Total annual burden (hours) |
|---|---|---|---|---|---|
| ViCAP National Crime Database | 5,700 | 1 | 5,700 | 20 | 1,900 |

*If additional information is required contact:* Darwin Arceo, Department Clearance Officer, United States Department of Justice, Justice Management Division, Enterprise Portfolio Management, Two Constitution Square, 145 N Street NE, 4W–218, Washington, DC.

Dated: September 15, 2025.

**Darwin Arceo,**

*Department Clearance Officer for PRA, U.S. Department of Justice.*

[FR Doc. 2025–17955 Filed 9–16–25; 8:45 am]

**BILLING CODE 4410–02–P**

## DEPARTMENT OF JUSTICE

**[OMB Number 1122–ONEW]**

## Agency Information Collection Activities; Proposed eCollection eComments; Requested; New Collection; Title—Optional Flexible Financial Assistance Survey

**AGENCY:** Office on Violence Against Women, Department of Justice.

**ACTION:** 60-Day notice.

**SUMMARY:** The Department of Justice (DOJ), Office on Violence Against Women will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

**DATES:** Comments are encouraged and will be accepted for 60 days until November 17, 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 Tiffany Watson, Office on Violence Against Women, at 202–514–5430 or *Tiffany.Watson@usdoj.gov*.

**SUPPLEMENTARY INFORMATION:** Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Office, 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.

*Abstract:* The Office on Violence Against Women (OVW) administers the Financial Assistance Grants for Victims of Sexual Assault, Domestic Violence, Dating Violence, and Stalking Program (FAV Program). This program is authorized by Consolidated Appropriations Act, 2023, Public Law 117–328, 136 Stat. 4459, 4532 and Consolidated Appropriations Act, 2024, Public Law 118–42, 138 Stat. 25, 143. The FAV Program supports victim service providers, Tribal governments, and Tribal organizations to provide flexible financial assistance to survivors of sexual assault, domestic violence, dating violence, and stalking, alongside other victim services. Flexible financial assistance is intended to support survivors in achieving safety, stability, and healing by paying for necessities that are not easily met by traditional service providers and with the flexibility to meet self-identified needs quickly. The first set of grants under the FAV program were issued in 2024.

The planned data collection is a short, optional survey that grant recipients under the FAV Program will make available to victims who receive flexible financial assistance. The optional survey will be fielded virtually via an OMB-approved survey platform, such as Qualtrics or Touchpoints. Grantees will also include aggregated survey results in their twice-annual performance reports submitted to OVW. This data will be used to ensure successful

implementation of this pilot program and monitor the program's operation. The survey will ask limited questions about how and when survivors of domestic violence, sexual assault, dating violence and stalking received flexible financial assistance, as well as information about the impact of financial assistance in pursuing safety and security for themselves and their families. This data will inform future programming and provide information about the effectiveness of OVW-funded financial assistance for victims to Congress and other stakeholders.

**Overview of This Information Collection**

1. *Type of Information Collection:* New collection.

2. *The Title of the Form/Collection:* Optional Flexible Financial Assistance Survey.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form Number: 1122–XXXX. U.S. Department of Justice, Office on Violence Against Women.

4. *Affected public who will be asked or required to respond, as well as the obligation to respond:* The affected public includes grantees under OVW's Financial Assistance Program and recipients of flexible financial assistance distributed by those grantees. The survey is optional.

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 it will take approximately 2,600 respondents approximately 10 minutes to complete the optional survey.

6. *An estimate of the total annual burden (in hours) associated with the collection:* The total annual hour burden to complete the data collection forms is 433 hours. OVW anticipates that 13 grantees will administer this survey to an annual average of 200 people who receive flexible financial assistance. Two hundred participants each at 13 sites totals 2,600 people completing the survey each year. If it takes 10 minutes to complete the survey, then that is 26,000 minutes annually, which is approximately 433 hours.

7. *An estimate of the total annual cost burden associated with the collection, if applicable:*

| Activity | Estimated number of respondents | Frequency | Total annual responses | Time per response (min.) | Total annual burden (hours) |
|---|---|---|---|---|---|
| Flexible Financial Assistance Survey | 2,600 | 1 time per recipient | 2,600 | 10 | 433 |
| Unduplicated Totals | 2,600 | | 2,600 | | 433 |

*If additional information is required contact:* Darwin Arceo, Department Clearance Officer, United States Department of Justice, Justice Management Division, Enterprise Portfolio Management, Two Constitution Square, 145 N Street NE, 4W–218, Washington, DC.

Dated: September 15, 2025.

**Darwin Arceo,**

*Department Clearance Officer for PRA, U.S. Department of Justice.*

[FR Doc. 2025–17953 Filed 9–16–25; 8:45 am]

**BILLING CODE 4410–FX–P**

## DEPARTMENT OF JUSTICE

**[OMB Number 1110–0046]**

## Agency Information Collection Activities; Proposed eCollection eComments Requested; Title—Revision of a Currently Approved Collection; Friction Ridge Cards: Arrest and Institution FD–249; Applicant FD–258; Identity History Summary Request FD–1164; FBI Standard Palm Print FD–884; Supplemental Finger and Palm Print FD–884a; Voluntary Appeal File Fingerprint FD–1212; Firearm-Related Challenge Fingerprint FD–1211 Restoration of Federal Firearm Rights Fingerprint FD–1222

**AGENCY:** Federal Bureau of Investigation (FBI), Department of Justice (DOJ).

**ACTION:** 60-Day notice.

**SUMMARY:** The DOJ, FBI, 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 60 days until November 17, 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: Brian A. Cain, Management and Program Analyst, FBI, CJIS, Criminal History Information and Policy Unit, BTC–3, 1000 Custer Hollow Road, Clarksburg, WV 26306; phone: 304–625–5590 or email *bacain@fbi.gov.*

**SUPPLEMENTARY INFORMATION:** Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, 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.

*Abstract:* Title 28, United States Code, Section 534, allows the FBI to acquire, collect, classify, and preserve identification/information, criminal identification, crime, and other records. The FBI permits such exchange of records and information with, and for the official use of, authorized officials of the Federal Government, including the United States Sentencing Commission; the States and cities; and penal and other institutions. It is essential that standard friction ridge cards be utilized for the FBI, CJIS Division to provide maximum service to all law enforcement and governmental agencies.

**Overview of This Information Collection**

1. *Type of Information Collection:* Revision of a previously approved collection.

2. *The Title of the Form/Collection:* Friction Ridge Cards.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Forms FD–249 (Arrest and Institution), FD–258 (Applicant), and FD–1164 (Identity History Summary Request); FD–884 (FBI Standard Palm Print); FD–884a (Supplemental Finger and Palm Print); FD–1212 (Voluntary Appeal File Fingerprint); FD–1211 (Firearm-Related Challenge Fingerprint); FD–1222 (Restoration of Federal Firearm Rights) encompassed under OMB 1110–0046; DOJ, FBI, CJIS Division.

4. *Affected public who will be asked or required to respond, as well as the obligation to respond:* Primary: City, county, state, federal and tribal law enforcement agencies; civil entities requesting security clearance and background checks. This collection is needed to collect information on individuals requesting background checks, security clearance, or those individuals who have been arrested for or accused of criminal activities. Acceptable data is stored as part of the Next Generation Identification System (NGI) of the FBI.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 459,238 annual respondents/ 10 minutes.

6. *An estimate of the total annual burden (in hours) associated with the collection:* The total annual burden hours for this collection is 12.4 million hours.

7. *An estimate of the total annual cost burden associated with the collection, if applicable:* $0.

TOTAL BURDEN HOURS

| Activity | Number of respondents | Frequency (annually) | Total annual responses | Time per response (min) | Total annual burden (million hours) |
|---|---|---|---|---|---|
| Survey | 459,238 | 1 | 459,238 | 10 | 12.4 |
| Unduplicated Totals | 459,238 | | 459,238 | | 12.4 |

*If additional information is required contact:* Darwin Arceo, Department Clearance Officer, United States Department of Justice, Justice Management Division, Enterprise Portfolio Management, Two Constitution Square, 145 N Street NE, 4W–218, Washington, DC.

Dated: September 15, 2025

**Darwin Arceo,**

*Department Clearance Officer for PRA, U.S. Department of Justice.*

[FR Doc. 2025–17952 Filed 9–16–25; 8:45 am]

**BILLING CODE 4410–02–P**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Proposed Consent Decree

On September 12, 2025, the Department of Justice lodged a proposed Consent Decree (''Decree'') with the United States District Court for the District of New Jersey in the lawsuit entitled *City of Vineland* v. *Vineland Ice and Storage, LLC, et al.,* Civil Action No. 1:22–cv–2444–CPO–MJS.

This is a tax foreclosure action by the City of Vineland for 544 E Pear Street in Vineland, New Jersey (''the Property''). The City named the United States as a defendant because the United States holds a lien on the Property to secure payment for costs incurred by the Environmental Protection Agency (''EPA'') in connection with EPA's response to hazardous substances at the South Jersey Ice and Cold Storage Superfund Site on the Property. The lien is pursuant to Section 107(l)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (''CERCLA''), 42 U.S.C. 9607)(l)(1), and is recorded in the Cumberland County Clerk's Office in Book 4181 of Mortgages for said county at page 7587 (the ''CERCLA Lien''). The United States removed the City's state-court action to federal district court in April 2022.

The proposed Decree will allow the City of Vineland to continue seeking a foreclosure judgment to obtain ownership of the Property without affecting the CERCLA Lien. The CERCLA Lien will remain on the Property until EPA's response costs are satisfied or the United States files a release. Under the Consent Decree, the United States agrees it will not seek judicial sale of the Property under 28 U.S.C. 2410(c) or foreclose on the Property under Section 107(l)(4) of CERCLA, 42 U.S.C. 9607(l)(4). In return, if the City decides to sell the property, it must pay the United States the lesser of $981,871.27 or the net sales proceeds of the Property. And if the City considers using the property for income-generating purposes, the City must notify EPA and EPA will be entitled to a percentage of the future income until its costs are satisfied.

The publication of this notice opens a period for public comment on the proposed Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *City of Vineland* v. *Vineland Ice and Storage, LLC, et al.,* D.J. Ref. No. 90–11–3–12363. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

| *To submit comments:* | *Send them to:* |
|---|---|
| By email | *pubcomment-ees.enrd@usdoj.gov.* |
| By mail | Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611. |

Any comments submitted in writing may be filed by the United States in whole or in part on the public court docket without notice to the commenter.

During the public comment period, the proposed Decree may be examined and downloaded at this Justice Department website: *https://www.justice.gov//decrees.* If you require assistance accessing the proposed Decree, you may request assistance by email or by mail to the addresses provided above for submitting comments.

**Eric D. Albert,**

*Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 2025–17942 Filed 9–16–25; 8:45 am]

**BILLING CODE 4410–15–P**

## DEPARTMENT OF JUSTICE

### National Institute of Corrections

**[4410–36]**

### Notice of Federal Advisory Committee Charter Renewal; Name of the Committee: NIC Advisory Board

**AGENCY:** National Institute of Corrections (NIC).

**ACTION:** Notice of Federal Advisory Committee Charter renewal.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, the purpose of this notice is to announce that the National Institute of Corrections has renewed the charter for the NIC Advisory Board for a two-year period through September 12, 2027. The NIC Advisory Board is a federal advisory committee enacted pursuant to the authority provided at 5 U.S.C. 1001–1014, the Federal Advisory Committee Act (FACA), and 41 CFR 102–3.50(a).

**DATES:** Renewed through September 12, 2027.

**ADDRESSES:** National Institute of Corrections, 320 1st Street NW, Washington, DC 20534.

*To Obtain a Copy of the Charter:* A complete copy of the Charter is available from the NIC in electronic format. An electronic copy can be downloaded in PDF format on the NIC website, *https://nicic.gov.* To obtain a paper copy of the Charter, please mail your request to the National Institute of Corrections, 320 1st Street NW, Washington, DC 20534.

**FOR FURTHER INFORMATION CONTACT:** Leslie LeMaster, Designated Federal Officer, Telephone: (202) 305–5773, Email: *llemaster@bop.gov*.

**SUPPLEMENTARY INFORMATION:** In general, the NIC provides training, technical assistance, information services, and policy/program development assistance to Federal, state, and local corrections agencies; through cooperative agreements, awards funds to support program initiatives; and provides leadership to influence correctional policies, practices, and operations nationwide in areas of emerging interest and concern to correctional executives and practitioners as well as public policymakers. The NIC Advisory Board is a Federal advisory committee created by statute whose mandate is to advise the NIC on long-range plans, advise on program development, and recommend guidance to assist the NIC's efforts in these areas. The Advisory Board will also advise the Attorney General about the appointment of the Director of the NIC. In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, this notice advises interested persons of the renewal of this Charter.

**Leslie LeMaster,**

*Designated Federal Officer, National Institute of Corrections.*

[FR Doc. 2025–17959 Filed 9–16–25; 8:45 am]

**BILLING CODE 4410–36–P**

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

**[Notice: 25–036]**

### Name of Information Collection: Proposal Submissions and Awards Management System for the NASA Small Business Innovation Research/ Small Business Technology Transfer (SBIR/STTR) Program Solicitations; Correction

**AGENCY:** National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of a new information collection, correction.

**SUMMARY:** NASA published a document in the **Federal Register** on September 10, 2025, concerning a proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995 (PRA).

**FOR FURTHER INFORMATION CONTACT:** NASA PRA Clearance Officer, Stayce Hoult, 256–714–8575 or *stayce.d.hoult@nasa.gov.*

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** of September 10, 2025, in FR Doc. 2025–17398, on page 43644, in the first column, add the NASA Docket number in the **ADDRESSES** section to read: ''NASA–2025–0103''.

**Nanette Smith,**

*Team Lead, NASA Directives and Regulations.*

[FR Doc. 2025–17949 Filed 9–16–25; 8:45 am]

**BILLING CODE 7510–13–P**

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

**[Notice: 25–037]**

### Name of Information Collection: NASA Safety Reporting System (NSRS); Correction

**AGENCY:** National Aeronautics and Space Administration (NASA).

**ACTION:** Renewal of information collection, correction.

**SUMMARY:** NASA, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995 (PRA).

**FOR FURTHER INFORMATION CONTACT:** NASA PRA Clearance Officer, Stayce Hoult, 256–714–8575 or *stayce.d.hoult@nasa.gov.*

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** of September 10, 2025, in FR Doc. 2025–17399, on page 43645, in the second column, add the NASA Docket number in the **ADDRESSES** section to read: ''NASA–2025–0102''.

**Nanette Smith,**

*Team Lead, NASA Directives and Regulations.*

[FR Doc. 2025–17950 Filed 9–16–25; 8:45 am]

**BILLING CODE 7510–13–P**

## POSTAL REGULATORY COMMISSION

**[Docket Nos. CP2024–95; CP2024–507; K2025–461; MC2025–1686 and K2025–1676; MC2025–1687 and K2025–1677; MC2025–1688 and K2025–1678]**

### New Postal Products

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

**DATES:** *Comments are due:* September 22, 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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II. Public Proceeding(s)
III. Summary Proceeding(s)

**I. Introduction**

Pursuant to 39 CFR 3041.405, the Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related

to Competitive negotiated service agreement(s). The request(s) may propose the addition of a negotiated service agreement from the Competitive product list or the modification of an existing product currently appearing on the Competitive product list.

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

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

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

Section III identifies the docket number(s) associated with each Postal Service request, if any, to add a standardized distinct product to the Competitive product list or to amend a standardized distinct product, the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. Standardized distinct products are negotiated service agreements that are variations of one or more Competitive products, and for which financial models, minimum rates, and classification criteria have undergone advance Commission review. *See* 39 CFR 3041.110(n); 39 CFR 3041.205(a). Such requests are reviewed in summary proceedings pursuant to 39 CFR 3041.325(c)(2) and 39 CFR 3041.505(f)(1). Pursuant to 39 CFR 3041.405(c)–(d), the Commission does not appoint a Public Representative or request public comment in proceedings to review such requests. The comment due date discussed above does not apply to Section III proceedings (Docket Nos. MC2025–1687 and K2025–1677).

**II. Public Proceeding(s)**

1. *Docket No(s).:* CP2024–95; *Filing Title:* USPS Request Concerning Amendment Two to Priority Mail Express, Priority Mail, USPS Ground Advantage & Parcel Select Contract 1, with Materials Filed Under Seal; *Filing Acceptance Date:* September 12, 2025; *Filing Authority:* 39 CFR 3035.105; *Public Representative:* Jennaca Upperman; *Comments Due:* September 22, 2025.

2. *Docket No(s).:* CP2024–507; *Filing Title:* USPS Request Concerning Amendment One to Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 213, with Materials Filed Under Seal; *Filing Acceptance Date:* September 12, 2025; *Filing Authority:* 39 CFR 3035.105 and 39 CFR 3041.505; *Public Representative:* Jennaca Upperman; *Comments Due:* September 22, 2025.

3. *Docket No(s).:* K2025–461; *Filing Title:* USPS Request Concerning Amendment One to Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 770, with Materials Filed Under Seal; *Filing Acceptance Date:* September 12, 2025; *Filing Authority:* 39 CFR 3035.105 and 39 CFR 3041.505; *Public Representative:* Christopher Mohr; *Comments Due:* September 22, 2025.

4. *Docket No(s).:* MC2025–1686 and K2025–1676; *Filing Title:* USPS Request to Add Priority Mail Contract 928 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* September 12, 2025; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Almaroof Agoro; *Comments Due:* September 22, 2025.

5. *Docket No(s).:* MC2025–1688 and K2025–1678; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1412 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* September 12, 2025; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Almaroof Agoro; *Comments Due:* September 22, 2025.

**III. Summary Proceeding(s)**

1. *Docket No(s).:* MC2025–1687 and K2025–1677; *Filing Title:* USPS Request to Add New Fulfillment Standardized Distinct Product, PM–GA Contract 854, and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* September 12, 2025; *Filing Authority:* 39 U.S.C. 3642 and 3633, 39 CFR 3035.105, and 39 CFR 3041.325.

This Notice will be published in the **Federal Register**.

**Erica A. Barker,**

*Secretary.*

[FR Doc. 2025–17977 Filed 9–16–25; 8:45 am]

**BILLING CODE 7710–FW–P**

## POSTAL SERVICE

### Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage Negotiated Service Agreements; Priority Mail and USPS Ground Advantage Negotiated Service Agreements; Priority Mail Negotiated Service Agreements

**AGENCY:** Postal Service.

**ACTION:** Notice.

**SUMMARY:** The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

**DATES:** *Date of required notice:* September 17, 2025.

**FOR FURTHER INFORMATION CONTACT:** Sean C. Robinson, 202–268–8405.

**SUPPLEMENTARY INFORMATION:** The United States Postal Service hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), it filed with the Postal Regulatory Commission the following requests:

| Date filed with Postal Regulatory Commission | Negotiated service agreement product category and No. | MC docket No. | K docket No. |
|---|---|---|---|
| 09/08/25 | PM–GA 848 | MC2025–1677 | K2025–1667 |

[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).

| Date filed with Postal Regulatory Commission | Negotiated service agreement product category and No. | MC docket No. | K docket No. |
|---|---|---|---|
| 09/09/25 | PME–PM–GA 1411 | MC2025–1678 | K2025–1668 |
| 09/09/25 | PM–GA 849 | MC2025–1679 | K2025–1669 |
| 09/09/25 | PM–GA 850 | MC2025–1681 | K2025–1671 |
| 09/10/25 | PM–GA 851 | MC2025–1682 | K2025–1672 |
| 09/10/25 | PM–GA 852 | MC2025–1683 | K2025–1673 |
| 09/11/25 | PM 927 | MC2025–1684 | K2025–1674 |
| 09/11/25 | PM–GA 853 | MC2025–1685 | K2025–1675 |
| 09/12/25 | PM–928 | MC2025–1686 | K2025–1676 |
| 09/12/25 | PM–GA 854 | MC2025–1687 | K2025–1677 |
| 09/12/25 | PME–PM–GA 1412 | MC2025–1688 | K2025–1678 |

Documents are available at *www.prc.gov*.

**Sean C. Robinson,**

*Attorney, Corporate and Postal Business Law.*

[FR Doc. 2025–17940 Filed 9–16–25; 8:45 am]

**BILLING CODE 7710–12–P**

## RAILROAD RETIREMENT BOARD

### Proposed Collection; Comment Request

*Summary:* In accordance with the requirement of Section 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

*Comments are invited on:* (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

*Title and purpose of information collection:* Application for Survivor Death Benefits; OMB 3220–0031.

Under Section 6 of the Railroad Retirement Act (RRA) (45 U.S.C. 231e), lump-sum death benefits are payable to surviving widow(er)s, children, and certain other dependents. Lump-sum death benefits are payable after the death of a railroad employee only if there are no qualified survivors of the employee immediately eligible for annuities. With the exception of the residual death benefit, eligibility for survivor benefits depends on whether the deceased employee was ''insured'' under the RRA at the time of death. If the deceased employee was not insured, jurisdiction of any survivor benefits payable is transferred to the Social Security Administration and survivor benefits are paid by that agency instead of the RRB. The requirements for applying for benefits are prescribed in 20 CFR 217, 219, and 234.

The collection obtains the information required by the RRB to determine entitlement to and amount of the survivor death benefits applied for. To collect the information, the RRB uses Forms AA–21, *Application for Lump-Sum Death Payment and Annuities Unpaid at Death;* AA–21cert, *Application Summary and Certification;* G–131, *Authorization of Payment and Release of All Claims to a Death Benefit or Accrued Annuity Payment;* and G–273a, *Funeral Director's Statement of Burial Charges.* One response is requested of each respondent. Completion is required to obtain benefits.

The RRB proposes no changes to Forms AA–21, AA–21cert and G–131.

The RRB proposes the following changes to Form G–273a:

- In field 3, changed 3rd sentence and added 4th sentence to ''If paid by prearrangement, please show the name of the person who made the prearrangement and any beneficiary, not the insurance company or financial institution making the final payment. If there was a pre-need agreement, please attach a copy of the contract.''
- In the Paperwork Reduction Act and Privacy Act Notices section, propose minor change to address.

ESTIMATE OF ANNUAL RESPONDENT BURDEN

| Form No. | Annual responses | Time (minutes) | Burden (hours) |
|---|---|---|---|
| AA–21cert with assistance | 3,500 | 20 | 1,167 |
| AA–21 without assistance | 200 | 40 | 133 |
| G–131 | 20 | 5 | 2 |
| G–273a | 2,000 | 10 | 333 |
| Total | 5,720 | | 1,635 |

*Additional Information or Comments:* To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material or comments regarding the information collection should be addressed to Brian Foster, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–1275 or emailed to *Brian.Foster@rrb.gov.* Written comments should be received within 60 days of this notice.

**Brian Foster,**

*Clearance Officer.*

[FR Doc. 2025–17981 Filed 9–16–25; 8:45 am]

**BILLING CODE 7905–01–P**

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–103961; File No. SR–CBOE–2025–063]**

## Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fees Schedule To Adopt an Administrative Fee To Offset Its Costs in Administering the Marketing Fee Program

September 12, 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 September 2, 2025, Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') 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 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 Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') proposes to amend its Fees Schedule to adopt an administrative fee to offset its costs in administering the Marketing Fee program. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*) and at the Exchange's Office of the Secretary.

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The Exchange proposes to amend its Fees Schedule, effective September 2, 2025.

The Exchange first notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. More specifically, the Exchange is only one of 18 options venues to which market participants may direct their order flow. Based on publicly available information, no single options exchange has more than 14% of the market share.[3] Thus, in such a low-concentrated and highly competitive market, no single options exchange possesses significant pricing power in the execution of option order flow. The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can shift order flow or discontinue to reduce use of certain categories of products in response to fee changes. Accordingly, competitive forces constrain the Exchange's transaction fees, and market participants can readily trade on competing venues if they deem pricing levels at those other venues to be more favorable. In response to competitive pricing, the Exchange, like other options exchanges, offers rebates and assesses fees for certain order types executed on or routed through the Exchange.

By way of background, the Marketing Fee is assessed on transactions of Market-Makers, resulting from customer orders at the per contract rate provided in the Fees Schedule on all classes of equity options, options on ETFs, options on ETNs and index options.[4] A Designated Primary Market-Maker (''DPM''), a ''Preferred Market-Maker (''PMM''), or a Lead Market-Maker (''LMM'') (collectively ''Preferenced Market-Maker'') are given access to the Marketing Fee funds generated from a Preferenced order. The funds collected via this Marketing Fee are then put into pools controlled by the Preferenced Market-Maker. The Preferenced Market-Maker controlling a certain pool of funds can then determine the order flow provider(s) to which the funds should be directed in order to encourage such order flow provider(s) to send orders to the Exchange. Each month, undisbursed Marketing Fees in excess of $250,000 will be reimbursed to the Market-Makers that contributed to the pool based upon a one month look back and their pro-rata portion of the entire amount of Marketing Fee collected during that month.

The Exchange now proposes to adopt an administrative fee to offset its costs in administering the Marketing Fee program. Specifically, the Exchange proposes to assess an administrative fee of 0.45% of the total amount of funds collected each month. The Exchange will closely monitor the amount of funds raised by this administrative fee and amend the fee in the future if necessary, so that the fee provides sufficient funds to adequately offset the Exchange's costs in administering the program. The Exchange is not making any other changes to its Marketing Fee program. The Exchange also notes that the proposed administrative fee is identical to the fee that at least one other options exchange assesses in connection with administering their respective marketing fee program.[5]

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[6] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[7] 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

[3] *See* Cboe Global Markets U.S. Options Monthly Market Volume Summary (August 25, 2025), available at *https://markets.cboe.com/us/options/market_statistics/*.

[4] A Marketing Fee of $0.25 per contract will be assessed to Market-Makers for transactions in Penny Program Classes and a Marketing Fee of $0.70 per contract will be assessed to Market-Makers for transactions in all other classes. The Marketing Fee does not apply to Sector Indexes, DJX, CBTX, MBTX, MRUT, MXEA, MXEF, MXACW, MXUSA, MXWLD, XSP, SPEQX, NANOS, FLEX Micros or Underlying Symbol List A. The fee also does not apply to: Market-Maker-to-Market-Maker transactions, including transactions resulting from orders from non-Trading Permit Holder market-makers; transactions resulting from penny cabinet trades and sub-penny cabinet trades; transactions in Flexible Exchange Options; transactions executed as a qualified contingent cross (''QCC'') under Rule 6.53(u); transactions executed in open outcry; and transactions in the Penny Program classes resulting from orders executed through the Step Up Mechanism under Rule 5.35.

[5] *See* Nasdaq PHLX LLC Rules, Options 7 (Pricing Schedule), Section 4, Marketing Fees.

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[8] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange also believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[9] which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Trading Permit Holders and other persons using its facilities.

The Exchange believes that it is reasonable to assess the proposed administrative fee to offset its costs in administering the Marketing Fee program. As noted above, the Exchange will closely monitor the amount of funds raised by this administrative fee and amend the fee in the future if necessary, so that the fee provides sufficient funds to adequately offset the Exchange's costs in administering the Marketing Fee program. The Exchange believes that it is equitable and not unfairly discriminatory to assess the administrative fee because it would apply uniformly to all funds collected under the Marketing Fee program as a means to offset costs of collecting and administering such funds.

Also, as described above, the proposed rule change is reasonable, equitable and not unfairly discriminatory as the proposed administrative fee is identical to the fee that at least one other options exchange assesses in connection with administering their respective marketing fee program.[10]

*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 that 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. As noted above, the proposed change will apply uniformly to all funds collected under the Marketing Fee program as a means to offset costs of collecting and administering such funds.

The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because, as noted above, at least one competing options exchange, and currently has an identical fee in place in connection with administering their respective marketing fee program.[11] The Exchange notes it operates in a highly competitive market. In addition to Cboe Options, TPHs have numerous alternative venues that they may participate on and director their order flow, including 17 other options exchanges, as well as off-exchange venues, where competitive products are available for trading. Based on publicly available information, no single options exchange has more than 18% of the market share of executed volume of options trades.[12] Therefore, no exchange possesses significant pricing power in the execution of option order flow. Moreover, the Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [13] The fact that this market is competitive has also long been recognized by the courts. In *NetCoalition* v. *Securities and Exchange Commission,* the D.C. Circuit stated as follows: ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . .''.[14] Accordingly, the Exchange does not believe its proposed changes to the incentive programs impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The Exchange neither solicited nor received comments on the proposed rule change.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[15] and paragraph (f) of Rule 19b–4[16] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include file number SR–CBOE–2025–063 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–CBOE–2025–063. This file number should be included on the subject line if email is used. To help the Commission process and review your

[8] *Id.*

[9] 15 U.S.C. 78f(b)(4).

[10] *See* Nasdaq PHLX LLC Rules, Options 7 (Pricing Schedule), Section 4, Marketing Fees.

[11] *Id.*

[12] *See* Cboe Global Markets U.S. Options Monthly Market Volume Summary (August 25, 2025), available at *https://markets.cboe.com/us/options/market_statistics/*.

[13] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

[14] *NetCoalition* v. *SEC,* 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4(f).

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–CBOE–2025–063 and should be submitted on or before October 8, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

**Sherry R. Haywood,**

*Assistant Secretary.*

[FR Doc. 2025–17930 Filed 9–16–25; 8:45 am]

**BILLING CODE 8011–01–P**

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–103959; File No. SR–CboeEDGX–2025–073]**

## Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fees Schedule To Adopt an Administrative Fee To Offset Its Costs in Administering the Marketing Fee Program

September 12, 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 September 2, 2025, Cboe EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') proposes to amend its Fees Schedule to adopt an administrative fee to offset its costs in administering the Marketing Fee program. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/options/regulation/rule_filings/edgx/*) and at the Exchange's Office of the Secretary.

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The Exchange proposes to amend its Fees Schedule, effective September 2, 2025.

The Exchange first notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. More specifically, the Exchange is only one of 18 options venues to which market participants may direct their order flow. Based on publicly available information, no single options exchange has more than 14% of the market share.[3] Thus, in such a low-concentrated and highly competitive market, no single options exchange possesses significant pricing power in the execution of option order flow. The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can shift order flow or discontinue to reduce use of certain categories of products in response to fee changes. Accordingly, competitive forces constrain the Exchange's transaction fees, and market participants can readily trade on competing venues if they deem pricing levels at those other venues to be more favorable. In response to competitive pricing, the Exchange, like other options exchanges, offers rebates and assesses fees for certain order types executed on or routed through the Exchange.

By way of background, under the Marketing Fees Program, marketing fees are charged to all Market Makers who are counterparties to a trade with a Customer.[4] Each Primary Market Maker (''PMM'') and Directed Market Maker (''DMM'') will have a marketing fee pool into which the Exchange will deposit the applicable per-contract marketing fee. For orders directed to DMMs, the applicable marketing fees are allocated to the DMM pool. For non-directed orders, the applicable marketing fees are allocated to the PMM pool. All Market Makers that participated in such transaction will pay the applicable marketing fees to the Exchange, which will allocate such funds to the Market Maker that controls the distribution of the marketing fee pool. Each month, the Market Maker will provide instruction to the Exchange describing how the Exchange is to distribute the marketing fees in the pool to the order flow provider, who submit as agent, Customer orders to the Exchange. The total balance of the undispersed marketing fees for a PMM pool or DMM pool cannot exceed $250,000. Each month, undisbursed marketing fees in excess of $250,000 will be reimbursed to the Market Makers that contributed to the pool based upon a one month look back and their pro-rata portion of the entire amount of marketing fee collected during that month.

The Exchange now proposes to adopt an administrative fee to offset its costs in administering the Marketing Fee program. Specifically, the Exchange proposes to assess an administrative fee of 0.45% of the total amount of funds collected each month. The Exchange will closely monitor the amount of funds raised by this administrative fee and amend the fee in the future if necessary, so that the fee provides sufficient funds to adequately offset the Exchange's costs in administering the program. The Exchange is not making any other changes to its Marketing Fee program. The Exchange also notes that the proposed administrative fee is identical to the fee that at least one

[17] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Cboe Global Markets U.S. Options Monthly Market Volume Summary (August 25, 2025), available at *https://markets.cboe.com/us/options/market_statistics/*.

[4] A marketing fee of $0.25 per contract will be assessed to Market Makers for transactions in Penny Program Securities and a Marketing Fee of $0.70 per contract will be assessed to Market Makers for transactions in Non-Penny Program Securities. Marketing fees shall not apply to executions of: orders subject to AIM and SAM Pricing set forth in footnote 6 of the Fees Schedule, Qualified Contingent Cross Orders, or complex orders on the Exchange's complex order book.

other options exchange assesses in connection with administering their respective marketing fee program.[5]

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[6] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[7] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[8] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange also believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[9] which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Members and other persons using its facilities.

The Exchange believes that it is reasonable to assess the proposed administrative fee to offset its costs in administering the Marketing Fee program. As noted above, the Exchange will closely monitor the amount of funds raised by this administrative fee and amend the fee in the future if necessary, so that the fee provides sufficient funds to adequately offset the Exchange's costs in administering the Marketing Fee program. The Exchange believes that it is equitable and not unfairly discriminatory to assess the administrative fee because it would apply uniformly to all funds collected under the Marketing Fee program as a means to offset costs of collecting and administering such funds.

Also, as described above, the proposed rule change is reasonable, equitable and not unfairly discriminatory as the proposed administrative fee is identical to the fee that at least one other options exchange assesses in connection with administering their respective marketing fee program.[10]

*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 that 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. As noted above, the proposed change will apply uniformly to all funds collected under the Marketing Fee program as a means to offset costs of collecting and administering such funds.

The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because, as noted above, at least one competing options exchange, and currently has an identical fee in place in connection with administering their respective marketing fee program.[11] The Exchange notes it operates in a highly competitive market. In addition to the Exchange, Members have numerous alternative venues that they may participate on and director their order flow, including 17 other options exchanges, as well as off-exchange venues, where competitive products are available for trading. Based on publicly available information, no single options exchange has more than 18% of the market share of executed volume of options trades.[12] Therefore, no exchange possesses significant pricing power in the execution of option order flow. Moreover, the Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.''[13] The fact that this market is competitive has also long been recognized by the courts. In *NetCoalition* v. *Securities and Exchange Commission,* the D.C. Circuit stated as follows: ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . .''.[14] Accordingly, the Exchange does not believe its proposed changes to the incentive programs impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The Exchange neither solicited nor received comments on the proposed rule change.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[15] and paragraph (f) of Rule 19b–4[16] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

[5] *See* Nasdaq PHLX LLC Rules, Options 7 (Pricing Schedule), Section 4, Marketing Fees.

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] *Id.*

[9] 15 U.S.C. 78f(b)(4).

[10] *See* Nasdaq PHLX LLC Rules, Options 7 (Pricing Schedule), Section 4, Marketing Fees.

[11] *Id.*

[12] *See* Cboe Global Markets U.S. Options Monthly Market Volume Summary (August 25, 2025), available at *https://markets.cboe.com/us/options/market_statistics/.*

[13] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

[14] *NetCoalition* v. *SEC,* 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4(f).

## IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–CboeEDGX–2025–073 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–CboeEDGX–2025–073. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–CboeEDGX–2025–073 and should be submitted on or before October 8, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

**Sherry R. Haywood,**

*Assistant Secretary.*

[FR Doc. 2025–17928 Filed 9–16–25; 8:45 am]

**BILLING CODE 8011–01–P**

[17] 17 CFR 200.30–3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–103958; File No. SR–FINRA–2025–003]**

## Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing of Amendment No. 1 and Order Instituting Proceedings To Determine Whether To Approve Or Disapprove a Proposed Rule Change, as Modified by Amendment No. 1, To Amend FINRA Rule 3220 (Influencing or Rewarding Employees of Others)

September 12, 2025.

## I. Introduction

On May 29, 2025, the Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend FINRA Rule 3220 (Influencing or Rewarding Employees of Others) (formerly NASD Rule 3060) (the ''Gifts Rule'') to, among other things, increase the gift limit from $100 to $250[3] per person per year, provide FINRA authority to grant exemptive relief from the Gifts Rule, and codify existing guidance regarding, among other things, gifts incidental to business entertainment, valuation of gifts, aggregation of gifts, personal gifts, *de minimis* gifts and promotional or commemorative items, donations due to federally declared major disasters, and supervision and recordkeeping (the ''originally proposed rule change'').[4]

The originally proposed rule change was published for public comment in the **Federal Register** on June 17, 2025.[5] The public comment period closed on July 8, 2025. The Commission received comment letters in response to the Notice.[6] On July 14, 2025, FINRA consented to an extension of the time period in which the Commission must approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to approve or disapprove the proposed rule change to September 15, 2025.[7] On September 11, 2025, FINRA responded to the comment letters received in response to the Notice and filed an amendment to modify the originally proposed rule change (''Amendment No. 1).[8]

The Commission is publishing this order pursuant to Section 19(b)(2)(B) of the Exchange Act[9] to solicit comments on the proposed rule change, as modified by Amendment No. 1, and to institute proceedings to determine whether to approve or disapprove the proposed rule change, as modified by Amendment No. 1 (hereinafter referred to as the ''proposed rule change'' unless otherwise specified).

## II. Description of the Proposed Rule Change, as Modified by Amendment No. 1

### *A. Background*

In general, the Gifts Rule prohibits any broker-dealer that is a member of FINRA (''member'') or person associated with a member, directly or indirectly, from giving anything of value in excess of $100 per year to any person where such payment is in relation to the business of the recipient's employer.[10] It also requires members to maintain separate records of all payments made or gratuities given in any amount known to the member pursuant to Exchange Act Rule 17a–4.[11] FINRA stated that the Gifts Rule is designed to avoid improprieties, such as conflicts of interest, that may arise when a member or associated person makes a gift to an employee of another person, such as an institutional customer, vendor, or counterparty with the hope of strengthening the business relationship with them.[12]

In addition, FINRA has published guidance regarding the application of the Gifts Rule, including NASD Notice to Members 06–69,[13] Frequently Asked Questions,[14] and an interpretive letter.[15]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Amendment No. 1 (defined below) would modify the proposed rule change to increase the gift limit further from $250 to $300.

[4] *See* Exchange Act Release No. 103226 (Jun. 11, 2025), 90 FR 25674 (Jun. 17, 2025) (File No. SR–FINRA–2025–003) (''Notice'').

[5] *See* Notice.

[6] The comment letters are available at *https://www.sec.gov/comments/sr-finra-2025-003/srfinra2025003.htm.*

[7] *See* letter from April Collaku, Assistant General Counsel, Office of General Counsel, FINRA (dated, July 14, 2025), *https://www.finra.org/sites/default/files/2025-07/sr-finra-2025-003-extension1.pdf.*

[8] *See* letter from Ilana Reid, Associate General Counsel, Office of General Counsel, FINRA (dated September 11, 2025), *https://www.sec.gov/comments/sr-finra-2025-003/srfinra2025003.htm*; *see also* Amendment No. 1.

[9] 15 U.S.C. 78s(b)(2)(B).

[10] FINRA Rule 3220(a).

[11] FINRA Rule 3220(c).

[12] Notice at 25674.

[13] NASD Notice to Members 06–69 (Dec. 2006) (''NTM 06–69'').

[14] Gifts/Business Entertainment/Non-Cash Compensation FAQs, *https://www.finra.org/rules-guidance/key-topics/gifts-gratuities-and-non-cash-compensation/faqs* (''FAQs'').

[15] Letter from Gary L. Goldsholle, Vice President & Associate General Counsel, FINRA, to Amal Aly,

Continued

*B. The Proposed Rule Change, as Modified by Amendment No. 1*

FINRA's proposed rule change, as modified by Amendment No. 1, would, among other things, increase the gift limit from $100 to $300 per person per year, provide FINRA exemptive authority regarding the Gifts Rule, substantially codify FINRA's existing guidance pertaining to the Gifts Rule, and make conforming changes to the gift limits in FINRA's non-cash compensation rules.[16]

1. Increasing the Gift Limit From $100 to $300

FINRA stated that the current gift limit of $100 has been in place since 1992.[17] FINRA's originally proposed rule change would have amended FINRA Rule 3220(a) to increase the current gift limit to $250.[18] As modified by Amendment No. 1, the proposed rule change would increase the gift limit further from $250 to $300 to account for expected future inflation for approximately 10 years.[19] FINRA also stated that, if approved, it would review the gift limit periodically to determine if additional modifications are needed to reflect changing economic conditions.[20]

2. Exemptive Relief

Proposed Rule 3220(d) would authorize FINRA to conditionally or unconditionally grant an exemption from any provision of Rule 3220. Specifically, proposed new Rule 3220(d) would state that FINRA staff has authority to grant exemptions, pursuant to the FINRA Rule 9600 Series (Procedures for Exemption), from FINRA Rule 3220 ''for good cause shown, after taking into account all relevant factors and provided that such exemption is consistent with the purposes of the Rule, the protection of investors, and the public interest.'' [21]

3. Supplementary Material Consistent With Existing FINRA Guidance and Interpretive Positions

As noted above, FINRA staff has published guidance interpreting issues related to the Gifts Rule, including NTM 06–69, FAQs, and the Aly Letter. The proposed rule change would add Supplementary Material to FINRA Rule 3220 consistent with this guidance, as well as new material not covered by existing guidance. Each supplemental rule section is described below.

a. Proposed Rule 3220.01 (Gifts Incidental to Business Entertainment)

Currently, there is no express exclusion from FINRA Rule 3220 for gifts given during the course of a business entertainment event.[22] However, FINRA has stated that gifts given during business entertainment may fall within the exclusion for promotional items.[23] Proposed Rule 3220.01 would add such an exclusion, stating that a gift given during the course of a business entertainment event would be subject to FINRA Rule 3220 unless it is consistent with the requirements of proposed Rules 3220.04 and 3220.06. In effect, a gift given during the course of a business entertainment event would be subject to the $300 limit on gifts in Rule 3220(a) unless it is a personal gift under proposed Rule 3220.04 or of *de minimis* value or a promotional or commemorative item under proposed Rule 3220.06.[24] FINRA stated that for the purpose of this limit, the cost of the business entertainment event itself would not be included in the value of the gift.[25]

b. Proposed Rule 3220.02 (Valuation of Gifts)

Current FINRA guidance states that a member should value gifts (other than tickets for sporting or other events) at the higher of cost or market value exclusive of tax and delivery charges.[26] Proposed Rule 3220.02 would codify a modified version of this guidance, stating that gifts (other than tickets for sporting or other events) must be valued at cost, exclusive of tax and delivery charges.

Current FINRA guidance also states that when valuing tickets for sporting or other events, a member must use the higher of cost or face value.[27] Consistent with this guidance, proposed Rule 3220.02 would require that when valuing tickets for sporting or other events a member must use the higher of cost or face value.

Additionally, current FINRA guidance states that if gifts are given to multiple recipients, members should record the names of each recipient and calculate and record the value of the gift on a pro rata per recipient basis for purposes of complying with the gift limit.[28] Proposed Rule 3220.02 would substantially codify this guidance, stating that if gifts are given to multiple recipients, members must record the names of each recipient and calculate and record the value of the gift on a pro rata per recipient basis for purposes of ensuring compliance with the $300 limit in proposed Rule 3220(a).

c. Proposed Rule 3220.03 (Aggregation of Gifts)

Current FINRA guidance states that a member must aggregate all gifts given by the member and its associated persons to a particular recipient over the course of a year when assessing compliance with the gift limit.[29] Under the current guidance, each member also must state in its procedures whether it is aggregating all gifts given by the member and its associated persons on a calendar year, fiscal year, or on a rolling basis beginning with the first gift to any particular recipient.[30] Consistent with this guidance, proposed Rule 3220.03 would require that members aggregate all gifts given by the member and each associated person of the member to a particular recipient over the course of the year for purposes of ensuring compliance with the $300 gift limit in proposed Rule 3220(a). Proposed Rule 3220.03 would also substantially codify existing guidance and require that each member state in its procedures whether it is aggregating all gifts given by the member and its associated persons on a calendar year, fiscal year, or on a rolling basis beginning with the first gift to any particular recipient. Proposed Rule 3220.03 would also state, however, that the aggregation requirements of proposed Rule 3220.03 would not apply to personal gifts under proposed Rule 3220.04 or to gifts of *de minimis* value

Managing Director & Associate General Counsel, SIFMA, dated December 17, 2007 (''Aly Letter''), *https://www.finra.org/rules-guidance/guidance/interpretive-letters/amal-aly-sifma-reasonable-and-customary-bereavement-gifts*.

[16] *See* Notice at 25674. The non-cash compensation rules prohibit members and their associated persons from directly or indirectly accepting or making payments or offers of payments of any non-cash compensation to any person in connection with the sale of direct participation programs (*see* FINRA Rule 2310 (Direct Participation Programs)), variable insurance contracts, (*see* FINRA Rule 2320 (Variable Contracts of an Insurance Company)), investment company securities (*see* FINRA Rule 2341 (Investment Company Securities)), and the public offerings of securities (*see* FINRA Rule 5110 (Corporate Financing Rule—Underwriting Terms and Arrangements)). *Id.* at 25678.

[17] Notice at 25675 and Rule 3220(a); *see* Exchange Act Release No. 31662 (Dec. 28, 1992), 58 FR 370 (Jan. 5, 1993) (Order Approving File No. SR–NASD–92–40) (increasing the gift limit from $50 to $100).

[18] *See* Notice at 25675.

[19] *See* Amendment No. 1; *see also* Notice at 25675.

[20] *See* Notice at 25675.

[21] Proposed Rule 3220(d).

[22] *See* Notice at 25675.

[23] NTM 06–69.

[24] *See* Notice at 25675–25676.

[25] *Id.* at 25676.

[26] NTM 06–69.

[27] *Id.*

[28] *Id.*

[29] *Id.*

[30] *Id.*

or promotional or commemorative items under proposed Rule 3220.06 as they are already not subject to the gift limit.[31]

d. Proposed Rule 3220.04 (Personal Gifts) [32]

Current FINRA guidance states that the prohibitions in the Gifts Rule generally do not apply to personal gifts (*e.g.,* a wedding gift or a congratulatory gift for the birth of a child), provided that these gifts are not ''in relation to the business of the employer of the recipient.'' [33] Current FINRA guidance also provides several factors members should consider in determining whether a gift is ''in relation to the business of the employer of the recipient,'' including the nature of any pre-existing personal or family relationship between the person giving the gift and the recipient, and whether the associated person paid for the gift.[34] Under current FINRA guidance, FINRA presumes that a gift for which a member bears the cost (either directly or by reimbursing an employee) is in relation to the business of the employer of the recipient.[35]

Proposed Rule 3220.04 would codify obligations consistent with this guidance. First, proposed Rule 3220.04 would state that gifts that are given for infrequent life events (*e.g.,* a wedding gift or a congratulatory gift for the birth of a child) are not subject to the restrictions in Rule 3220(a) or the recordkeeping requirements in Rule 3220(c), provided the gifts are customary and reasonable, personal in nature, and not in relation to the business of the employer of the recipient. Second, proposed Rule 3220.04 would state that in determining whether a gift is ''personal in nature and not in relation to the business of the employer of the recipient,'' members should consider a number of factors, including the nature of any pre-existing personal or family relationship between the person giving the gift and the recipient and whether the associated person paid for the gift. Third, proposed Rule 3220.04 would state that when a member bears the cost of a gift, either directly or by reimbursing an associated person, FINRA will presume the gift is not personal in nature and instead is in relation to the business of the employer of the recipient.

e. Proposed Rule 3220.05 (Bereavement Gifts) [36]

Current FINRA guidance states that reasonable and customary bereavement gifts (*e.g.,* appropriate flowers or food platter for the mourners) sent on behalf of a member or its associated persons to acknowledge the death of an employee of a client, or a member of such employee's immediate family are not considered to be ''in relation to the business of the employer of the recipient.'' [37] Consistent with this guidance, proposed Rule 3220.05 would state that bereavement gifts that are customary and reasonable are not considered to be in relation to the business of the employer of the recipient and, therefore, are not subject to the restrictions in Rule 3220(a) or the recordkeeping requirements in Rule 3220(c).

f. Proposed Rule 3220.06 De minimis Gifts and Promotional or Commemorative Items)

i. De minimis Gifts and Promotional Items

Current FINRA guidance states that Rule 3220 does not apply to gifts of *de minimis* value (*e.g.,* pens, notepads or modest desk ornaments) or to promotional items of nominal value that display the firm's logo (*e.g.,* umbrellas, tote bags or shirts).[38] Current FINRA guidance also states that in order for a promotional item to fall within this exclusion, its value must be ''substantially below'' the current $100 gift limit.[39] Consistent with this guidance and recognizing proposed Rule 3220(a)'s increase to the gift limit, proposed Rule 3220.06 would state that gifts of a *de minimis* value (*e.g.,* pens, notepads, or modest desk ornaments) or promotional items of nominal value that display the member's logo (*e.g.,* umbrellas, tote bags, or shirts) are not subject to the restrictions in Rule 3220(a) or the recordkeeping requirements in Rule 3220(c), provided that the value of the gift or promotional item is substantially below the $300 limit.

ii. Commemorative Items

Current FINRA guidance states that, in general, neither the prohibition in FINRA Rule 3220(a) nor the recordkeeping requirements in FINRA Rule 3220(c) apply to customary Lucite tombstones, plaques or other similar solely decorative items commemorating a business transaction, even when such items have a cost of more than $100.[40] Consistent with this guidance, proposed Rule 3220.06(b) would state that customary and reasonable solely decorative items commemorating a business transaction are not subject to the restrictions in Rule 3220(a) or the recordkeeping requirements in Rule 3220(c).

g. Proposed Rule 3220.07 (Donations Due to Federally Declared Major Disasters)

Current FINRA guidance states that it does not consider donations by a member or an associated person to an employee of an institutional customer to provide assistance to the individual in connection with a federally declared major disaster to be ''in relation to the business of the employer of the recipient'' for purposes of Rule 3220(a).[41] Current FINRA guidance also states that it encourages members to establish written procedures concerning disaster-related donations to employees of institutional customers.[42] Consistent with this guidance, proposed Rule 3220.07 would state that donations by a member or an associated person to any person, principal, proprietor, employee, agent, or representative of another person to provide assistance to the individual for losses sustained in a natural event that the President has declared to be a major disaster, such as a wildfire, hurricane, tornado, earthquake, or flood, are not considered ''in relation to the business of the employer of the recipient'' for purposes of Rule 3220(a). Proposed Rule 3220.07 would also state that such donations are not subject to the restrictions in Rule 3220(a) or the recordkeeping requirements of Rule 3220(c).

h. Proposed Rule 3220.08 (Supervision and Recordkeeping)

FINRA Rule 3220(c) requires among other things, that members retain a separate record of all payments or gratuities in any amount known to the member for the period specified by

[31] *See id.*

[32] As originally proposed, proposed Rule 3220.04 (Personal Gifts) would have treated a bereavement gift (*e.g.,* appropriate flowers or food platter for the mourners) sent on behalf of a member or its associated persons to acknowledge the death of an employee of a client, or a member of such employee's immediate family as a personal gift. As modified by Amendment No. 1, bereavement gifts would be separately governed under proposed Rule 3220.05 (Bereavement Gifts), described more fully below.

[33] NTM 06–69.

[34] *Id.*

[35] *Id.*

[36] Amendment No. 1 added proposed Rule 3220.05 to differentiate bereavement gifts from personal gifts, resulting in renumbering of the supplementary materials proposed in the originally proposed rule change. *See supra* note 32.

[37] Aly Letter.

[38] NTM 06–69.

[39] *Id.*

[40] *Id.*

[41] FAQs.

[42] *Id.*

Exchange Act Rule 17a–4.[43] Current FINRA guidance also states that FINRA Rule 3110 (formerly NASD Rule 3010) requires a member to have a supervisory system reasonably designed to achieve compliance with the Gifts Rule.[44] Current FINRA guidance further states that in order to meet the requirements of FINRA Rules 3220(c) and 3110, members are required to have systems and procedures reasonably designed to ensure that gifts in relation to the business of the employer of the recipient given by the member and its associated persons to employees of clients of the member are: (1) reported to the member, (2) reviewed for compliance with the Gifts Rule, including aggregation, and (3) maintained in the member's records.[45] Such procedures should include provisions reasonably designed to ensure that an associated person who is making a gift is not responsible for determining whether such gift is personal rather than in relation to the business of the recipient's employer.[46] Current FINRA guidance also states that items of *de minimis* value or nominal promotional or commemorative items are not subject to the Gifts Rule's record-keeping requirements.[47]

Consistent with this guidance, proposed Rule 3220.08 would state that Rule 3110 requires a member to have a supervisory system reasonably designed to achieve compliance with Rule 3220. Proposed Rule 3220.08 would further state that to meet these standards, members are required to have systems and procedures reasonably designed to ensure that payments and gratuities in relation to the business of the employer of the recipient given by the member and its associated persons to employees of another person are: (1) reported to the member; (2) reviewed for compliance with Rule 3220; and (3) maintained in the member's records. In addition, proposed Rule 3220.08 would require that such procedures be reasonably designed to ensure that an associated person who is giving a payment or gratuity is not responsible for determining whether such payment or gratuity is in relation to the business of the recipient's employer. Proposed Rule 3220.08 would further state that members are not required to maintain records of gifts that are excluded from the restrictions of the Gifts Rule consistent with the requirements of proposed Rules 3220.04–3220.07.

i. Proposed FINRA Rule 3220.09 (Gifts to a Member's Associated Persons or Individual Retail Customers)

The proposed rule change would add new proposed Rule 3220.09, stating that Rule 3220 would not apply to gifts from a member to its own associated persons, or to gifts from a member or an associated person to individual retail customers.

4. Proposed Conforming Changes to the Non-Cash Compensation Rules

The proposed rule change would make conforming changes to the respective gift limits in Rule 2310 (Direct Participation Programs), Rule 2320 (Variable Contracts of an Insurance Company), Rule 2341 (Investment Company Securities), and Rule 5110 (Corporate Financing Rule—Underwriting Terms and Arrangements) (collectively, the ''Non-Cash Compensation Rules'').[48] ''The Non-Cash Compensation Rules prohibit members and their associated persons from directly or indirectly accepting or making payments or offers of payments of any non-cash compensation to any person in connection with the sale of variable insurance contracts,[49] investment company securities,[50] direct participation programs,[51] and the public offerings of securities.''[52] [53] The Non-Cash Compensation Rules include exceptions from this prohibition for gifts that do not exceed $100 per individual per year and are not preconditioned on the achievement of a sales target.[54] Consistent with the proposed change to the gift limit in Rule 3220(a), the proposed rule change would raise the dollar limits in the Non-Cash Compensation Rules from $100 to $300.[55]

## III. Proceedings To Determine Whether To Approve or Disapprove File No. SR–FINRA–2025–003 and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Exchange Act to determine whether the proposed rule change should be approved or disapproved.[56] Institution of proceedings is appropriate at this time in view of the legal and policy issues raised by the proposed rule change. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to the proposed rule change.

Pursuant to Section 19(b)(2)(B) of the Exchange Act, the Commission is providing notice of the grounds for disapproval under consideration.[57] The Commission is instituting proceedings to allow for additional analysis and input concerning whether the proposed rule change is consistent with the Exchange Act and the rules thereunder.

## IV. Request for Written Comments

The Commission requests that interested persons provide written submissions of their views, data, and arguments with respect to the issues identified above, as well as any other concerns they may have with the proposed rule change, as modified by Amendment No. 1. In particular, the Commission invites the written views of interested persons concerning whether the proposed rule change, as modified by Amendment No. 1, is consistent with the Exchange Act and the rules thereunder.

Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b–4, any request for an opportunity to make an oral presentation.[58]

Interested persons are invited to submit written data, views, and arguments regarding whether the proposed rule change, as modified by Amendment No. 1, should be approved or disapproved by October 8, 2025. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by October 22, 2025.

Comments may be submitted by any of the following methods:

[43] *See* NTM 06–69 (reminding members that the FINRA Gifts Rule requires ''separate recordkeeping'' of gifts and gratuities).

[44] *Id.*

[45] *Id.*

[46] *Id.*

[47] *Id.*

[48] Notice at 25678.

[49] *See* Rule 2320(g)(4) (Variable Contracts of an Insurance Company).

[50] *See* Rule 2341(l)(5) (Investment Company Securities).

[51] *See* Rule 2310(c) (Direct Participation Programs).

[52] *See* Rule 5110(f) (Corporate Financing Rule—Underwriting Terms and Arrangements).

[53] Notice at 25678.

[54] *See* Rules 2310(c)(2)(A); 2320(g)(4)(A); 2341(l)(5)(A); and 5110(f)(2)(A).

[55] Notice at 25678.

[56] 15 U.S.C. 78s(b)(2)(B).

[57] *Id.*

[58] Section 19(b)(2) of the Exchange Act, as amended by the Securities Acts Amendments of 1975, Public Law 94–29, 89 Stat. 97 (1975), grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. *See* Securities Acts Amendments of 1975, Report of the Senate Committee on Banking, Housing and Urban Affairs to Accompany S. 249, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

*Electronic Comments*

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–FINRA–2025–003 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–FINRA–2025–003. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of such filing will be available for inspection and copying at the principal office of FINRA. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–FINRA–2025–003 and should be submitted on or before October 8, 2025. If comments are received, any rebuttal comments should be submitted on or before October 22, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[59]

**Sherry R. Haywood,**

*Assistant Secretary.*

[FR Doc. 2025–17927 Filed 9–16–25; 8:45 am]

**BILLING CODE 8011–01–P**

[59] 17 CFR 200.30–3(a)(12); 17 CFR 200.30–3(a)(57).

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–103955; File No. SR–CboeBZX2025–125]**

## Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 11.23 To Explicitly Provide That the Exchange May Extend the Quote-Only Period for an Initial Public Offering Auction Where a Derivative Security Fails To Meet the Exchange's Listing Qualification Requirements as Set Forth in Exchange Rule 14.11

September 12, 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 September 3, 2025 Cboe BZX Exchange, Inc. (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 Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [4] and Rule 19b–4(f)(6) thereunder.[5] 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 Rule 11.23 to explicitly provide that the Exchange may extend the Quote-Only Period [6] for an initial public offering (''IPO'') Auction [7] where a Derivative Security [8] fails to meet the Exchange's listing qualification requirements as set forth in Exchange Rule 14.11. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/equities/regulation/rule_filings/bzx/*) and at the Exchange's Office of the Secretary.

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The Exchange proposes to amend Rule 11.23 to explicitly provide that the Exchange may extend the Quote-Only period for an IPO Auction where a Derivative Security fails to meet the Exchange's listing qualification requirements as set forth in Rule 14.11. The Exchange believes this proposal reinforces the Exchange's broad discretionary authority over the initial and continued listing of securities,[9] and particularly its authority to halt a Derivative Security listed on the Exchange that does not meet the Exchange's listing qualifications requirements. The Exchange also believes the proposal clarifies that in order to halt trading in a Derivative Security eligible for an IPO Auction the Exchange will extend the Quote-Only Period of an IPO Auction.

Exchange Rule 11.23(d)(2) sets forth the IPO and Halt Auction Process. Specifically, Rule 11.23(d)(2)(B) provides that the Quote-Only Period of an IPO Auction may be extended in four specific instances: (i) there are unmatched market orders on the Auction Book [10] associated with the auction; (ii) the underwriter requests an extension; (iii) where the Indicative Price [11] moves the greater of 10% or fifty (50) cents in the fifteen (15) seconds prior to the auction; or (iv) in the event

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] 15 U.S.C. 78s(b)(3)(A)(iii).

[5] 17 CFR 240.19b–4(f)(6).

[6] The term ''Quote-Only Period'' shall mean a designated period of time prior to a Halt Auction, a Volatility Closing Auction, or an IPO Auction during which Users may submit orders to the Exchange for participation in the auction. *See* Exchange Rule 11.23(a)(17).

[7] *See* Exchange Rule 11.22(l)(2)(B).

[8] The term ''Derivative Security'' means a security that meets the definition of ''new derivative securities product'' in Rule 19b–4(e) under the Exchange Act. *See* Exchange Rule 1.5(dd).

[9] *See* Exchange Rules 14.2 and 14.6.

[10] *See* Exchange Rule 11.23(a)(1).

[11] *See* Exchange Rule 11.23(a)(10).

of a technical or systems issue at the Exchange that may impair the ability of Users [12] to participate in the IPO Auction or of the Exchange to complete the IPO Auction. Now, the Exchange proposes to adopt Rule 11.23(d)(2)(B)(v) which would provide that the Quote-Only Period may also be extended where a Derivative Security fails to meet the Exchange's listing qualification requirements as set forth in Rule 14.11.

The Exchange believes this proposal reinforces the Exchange's broad discretionary authority over the initial and continued listing of securities,[13] and particularly its authority to halt a Derivative Security listed on the Exchange that does not meet the Exchange's listing qualifications requirements. The Exchange also believes the proposal clarifies that in order to halt trading in a Derivative Security eligible for an IPO Auction the Exchange will extend the Quote-Only Period of an IPO Auction. The Exchange notes that another exchange's rules explicitly provide that it may halt trading in a listed security when it requests from the issuer information relating to the issuer's ability to meet listing qualification requirements,[14] which mirrors the intent of this proposed rule.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[15] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [16] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [17] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that this proposal benefits and protects investors because it is designed to reinforce the Exchange's broad discretionary authority over the initial and continued listing of securities,[18] and particularly its authority to halt a Derivative Security listed on the Exchange that does not meet the Exchange's listing qualifications requirements. The Exchange believes this proposed change will avoid confusion and enhance clarity with respect to how the Exchange will halt trading in a Derivative Security that is eligible to participate in an IPO Auction.

The Exchange does not believe that the proposal is an expansion of the Exchange's broad discretionary authority over the initial and continued listing of securities on the Exchange, but instead reinforces such authority applicable under existing Exchange rules.[19] The Exchange also notes that another exchange has explicit rule language permitting trading halts when requesting issuer information about listing qualification compliance, which mirrors the intent of this proposed rule.[20]

*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. On the contrary, the proposed rule change is not designed to address any competitive issues but is only intended to reinforce the Exchange's broad discretionary authority over the initial and continued listing of securities and clarify that the Exchange will extend the Quote-Only Period of an IPO Auction if the Derivative Security fails to meet the Exchange's listing qualification requirements as set forth in Rule 14.11.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The Exchange neither solicited nor received comments on the proposed rule change.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act [21] and Rule 19b–4(f)(6) [22] thereunder. Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; or (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [23] and Rule 19b–4(f)(6) [24] thereunder.

A proposed rule change filed under Rule 19b–4(f)(6) [25] normally does not become operative prior to 30 days after the date of the filing. However, Rule 19b–4(f)(6)(iii) [26] permits the Commission to designate a shorter time if such action is consistent with the

[12] *See* Exchange Rule 1.5(cc).

[13] *See* Exchange Rules 14.2 and 14.6.

[14] *See* Nasdaq Stock Market, LLC (''Nasdaq'') Rule 4120(a)(5)(B).

[15] 15 U.S.C. 78f(b).

[16] 15 U.S.C. 78f(b)(5).

[17] *Id.*

[18] *See* Exchange Rules 14.2 and 14.6.

[19] Interpretation and Policy .01(c) to Exchange Rule 14.6 broadly references the Exchange's discretion for instituting a halt for the maintenance of a fair and orderly market. Exchange Rule 14.2 provides the Exchange with ''broad discretionary authority over the initial and continued listing of securities on the Exchange in order to maintain the quality of and public confidence in its market, to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and to protect investors and the public interest. The Exchange may use such discretion to deny initial listing, apply additional or more stringent criteria for the initial or continued listing of particular securities, or suspend or delist particular securities based on any event, condition, or circumstance that exists or occurs that makes initial or continued listing of the securities on the Exchange inadvisable or unwarranted in the opinion of the Exchange, even though the securities meet all enumerated criteria for initial or continued listing on the Exchange.'' Furthermore, the Exchange notes that various Exchange rule filings to adopt rules governing the listing and trading of Derivative Securities contemplate the Exchanges authority to halt trading in such securities. For example, the order approving the adoption of the ETF Shares listing rule under Exchange Rule 14.11(l) provided that the Exchange ''may consider all relevant factors in exercising its discretion to halt or suspend trading in a series of ETF Shares. Trading may be halted . . . because of other market conditions, or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. These may include . . . or (4) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present.'' *See* Securities Exchange Act No. 88566 (April 6, 2020) 85 FR 20312 (April 10, 2020) (SR–CboeBZX–2019–097) (Notice of Filing of Amendment No. 2 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 2, To Adopt BZX Rule 14.11(l) Governing the Listing and Trading of Exchange-Traded Fund Shares).

[20] *See* Nasdaq Rule 4120(a)(5)(B).

[21] 15 U.S.C. 78s(b)(3)(A).

[22] 17 CFR 240.19b–4(f)(6).

[23] 15 U.S.C. 78s(b)(3)(A).

[24] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[25] *Id.*

[26] 17 CFR 240.19b–4(f)(6)(iii).

protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the Exchange may immediately add clarity to its rulebook by explicitly providing that the Exchange will extend the Quote-Only Period of an IPO Auction if the Derivative Security fails to meet the Exchange's listing qualification requirements as set forth in Rule 14.11. The Commission finds that waiving 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.[27]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–CboeBZX2025–125 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–CboeBZX2025–125. 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–CboeBZX2025–125 and should be submitted on or before October 8, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[28]

**Sherry R. Haywood,**

*Assistant Secretary.*

[FR Doc. 2025–17925 Filed 9–16–25; 8:45 am]

**BILLING CODE 8011–01–P**

[27] 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* U.S.C. 78c(f).

[28] 17 CFR 200.30–3(a)(12), (59).

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–103957; File No. SR–CboeBZX–2025–123]**

## Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule by Revising the Additive Rebate Associated With Securities Priced Below $1.00 in LMM Add Volume Tiers 2–4

September 12, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 2, 2025, Cboe BZX Exchange, Inc. (''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items II and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

**I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') proposes to amend its Fee Schedule by revising the additive rebate associated with securities priced below $1.00 in LMM Add Volume Tiers 2–4. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/equities/regulation/rule_filings/BZX/*) and at the Exchange's Office of the Secretary.

**II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The Exchange proposes to amend its Fee Schedule applicable to its equities trading platform (''BZX Equities'') by revising the additive rebate associated with securities priced below $1.00 in LMM Add Volume Tiers 2–4. The Exchange proposes to implement these changes effective September 1, 2025.

The Exchange first notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. More specifically, the Exchange is only one of 16 registered equities exchanges, as well as a number of alternative trading systems and other off-exchange venues that do not have similar self-regulatory responsibilities under the Securities Exchange Act of 1934 (the ''Act''), to which market participants may direct their order flow. Based on publicly available information,[3] no single registered equities exchange has more than 14% of the market share. Thus, in such a low-concentrated and highly competitive market, no single equities exchange possesses significant pricing power in the execution of order flow. The Exchange in particular operates a ''Maker-Taker'' model whereby it pays rebates to members that add liquidity and assesses fees to those that remove

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Cboe Global Markets, U.S. Equities Market Volume Summary, Month-to-Date (August 19, 2025), available at *https://www.cboe.com/us/equities/market_statistics/.*

liquidity. The Exchange's Fee Schedule sets forth the standard rebates and rates applied per share for orders that provide and remove liquidity, respectively. Currently, for orders in securities priced at or above $1.00, the Exchange provides a standard rebate of $0.00160 per share for orders that add liquidity and assesses a fee of $0.0030 per share for orders that remove liquidity.[4] For orders in securities priced below $1.00, the Exchange does not provide a rebate for orders that add liquidity and assesses a fee of 0.30% of the total dollar value for orders that remove liquidity.[5] Additionally, in response to the competitive environment, the Exchange also offers tiered pricing which provides Members opportunities to qualify for higher rebates or reduced fees where certain volume criteria and thresholds are met. Tiered pricing provides an incremental incentive for Members to strive for higher tier levels, which provides increasingly higher benefits or discounts for satisfying increasingly more stringent criteria.

LMM Tiers

Under footnote 14 of the Fee Schedule, the Exchange details pricing for its Lead Market Makers (''LMMs'') in BZX-listed securities. In particular, the Exchange offers four LMM Add Volume Tiers that provide an additive rebate for orders yielding fee codes B,[6] V,[7] Y,[8] HB,[9] HV,[10] and HY [11] where a Member in enrolled as an LMM in a minimum number of securities and reaches certain add volume-based criteria. Currently, the Exchange provides an additive rebate of $0.0006 per share in all securities for orders appended with fee codes V and HV that satisfy the criteria of LMM Add Volume Tier 2. The Exchange currently provides an additive rebate of $0.0003 per share in all securities for orders appended with fee codes B and HB that satisfy the criteria of LMM Add Volume Tier 3. Additionally, the Exchange provides an additive rebate of $0.0006 per share in all securities for orders appended with fee codes Y and HY that satisfy the criteria of LMM Add Volume Tier 4. The Exchange does not currently offer a separate additive rebate for orders appended with the applicable fee codes that satisfy the criteria of LMM Add Volume Tiers 2–4 in securities priced below $1.00.[12] The Exchange now proposes to provide a separate additive rebate of 0.15% of total dollar value in securities priced below $1.00 appended with the applicable fee codes that satisfy the criteria of LMM Add Volume Tiers 2–4. The purpose of separating the additive rebate for securities priced below $1.00 from the additive rebate paid to orders appended with the applicable fee codes that satisfy the criteria of LMM Add Volume Tiers 2–4 in securities priced at or above $1.00 is for business and competitive reasons, as the Exchange believes that paying an additive rebate to LMMs that satisfy the criteria of LMM Add Volume Tiers 2–4 in securities priced below $1.00 as proposed would decrease the Exchange's expenditures with respect to transaction pricing in a manner that is still consistent with the Exchange's overall pricing philosophy of encouraging added liquidity. The Exchange does not propose to amend the additive rebate currently paid to orders appended with the applicable fee codes that satisfy the criteria of LMM Add Volume Tiers 2–4 in securities priced at or above $1.00.

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.[13] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [14] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [15] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers as well as Section 6(b)(4) [16] as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities.

As described above, the Exchange operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. The Exchange believes that its proposal to reduce the additive rebate associated with securities priced below $1.00 in LMM Add Volume Tiers 2–4 reflects a competitive pricing structure designed to incentivize market participants to direct their order flow to the Exchange, which the Exchange believes would enhance market quality to the benefit of all Members. In particular, the Exchange believes its proposal to reduce the additive rebate associated with securities priced below $1.00 in LMM Add Volume Tiers 2–4 is reasonable, equitable, and consistent with the Act because such change is designed to decrease the Exchange's expenditures with respect to transaction pricing in order to offset some of the costs associated with the Exchange's current pricing structure, which provides various rebates for liquidity-adding orders, and the Exchange's operations generally, in a manner that is consistent with the Exchange's overall pricing philosophy of encouraging added liquidity. The proposed reduced additive rebate of 0.15% of total dollar value is reasonable and appropriate because while it is slightly lower than the existing rebate, it remains competitive with other fees assessed by competing Exchanges offering similar LMM Add Volume Tiers.[17] The Exchange further believes that the proposed reduction to the additive rebate associated with LMM Add Volume Tiers 2–4 is not unfairly discriminatory because it applies to all LMMs equally, in that all LMMs will receive the lower additive rebate upon satisfying the criteria associated with

[4] *See* BZX Equities Fee Schedule, Standard Rates.

[5] *Id.*

[6] Fee code B is appended to displayed orders that add liquidity to BZX in Tape B securities.

[7] Fee code V is appended to displayed orders that add liquidity to BZX in Tape A securities.

[8] Fee code Y is appended to displayed orders that add liquidity to BZX in Tape C securities.

[9] Fee code HB is appended to non-displayed orders that add liquidity to BZX in Tape B securities.

[10] Fee code HV is appended to non-displayed orders that add liquidity to BZX in Tape A securities.

[11] Fee code HY is appended to non-displayed orders that add liquidity to BZX in Tape C securities.

[12] Fee codes V and HV are applicable to LMM Add Volume Tier 2; fee codes B and HB are applicable to LMM Add Volume Tier 3; and fee codes Y and HY are applicable to LMM Add Volume Tier 4.

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(5).

[15] *Id.*

[16] 15 U.S.C. 78f(b)(4).

[17] *See e.g.,* NYSE Arca Marketplace: Market Maker Fees and Credits, LMM Transaction Fees and Credits. NYSE Arca provides enhanced credits based on the quality of the market in an assigned ETP, but limits these credits to securities priced at or above $1.00.

LMM Add Volume Tiers 2–4 in securities priced below $1.00.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Rather, as discussed above, the Exchange believes that the proposed change would encourage the submission of additional order flow to a public exchange, thereby promoting market depth, execution incentives and enhanced execution opportunities, as well as price discovery and transparency for all Members. As a result, the Exchange believes that the proposed changes further the Commission's goal in adopting Regulation NMS of fostering competition among orders, which promotes ''more efficient pricing of individual stocks for all types of orders, large and small.''

The Exchange believes the proposed rule changes do not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Particularly, the proposed change to reduce the additive rebate associated with securities priced below $1.00 in LMM Add Volume Tiers 2–4 does not impose an unnecessary burden as all LMMs will receive the reduced additive rebate for orders that satisfy the criteria of LMM Add Volume Tiers 2–4 in securities priced below $1.00. The Exchange does not believe the proposed changes burden competition, but rather, enhances competition as it is intended to increase the competitiveness of BZX by amending existing pricing incentives in order to attract order flow and incentivize participants to increase their participation on the Exchange. Greater overall order flow, trading opportunities, and pricing transparency benefits all market participants on the Exchange by enhancing market quality and continuing to encourage LMMs to send orders, thereby contributing towards a robust and well-balanced market ecosystem.

Next, the Exchange believes the proposed rule changes do not impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. As previously discussed, the Exchange operates in a highly competitive market. Members have numerous alternative venues that they may participate on and direct their order flow, including other equities exchanges, off-exchange venues, and alternative trading systems. Additionally, the Exchange represents a small percentage of the overall market. Based on publicly available information, no single equities exchange has more than 14% of the market share.[18] Therefore, no exchange possesses significant pricing power in the execution of order flow. Indeed, participants can readily choose to send their orders to other exchange and off-exchange venues if they deem fee levels at those other venues to be more favorable. Moreover, the Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [19] The fact that this market is competitive has also long been recognized by the courts. In NetCoalition v. Securities and Exchange Commission, the D.C. Circuit stated as follows: ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . .''.[20] Accordingly, the Exchange does not believe its proposed fee change imposes any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The Exchange neither solicited nor received comments on the proposed rule change.

[18] *Supra* note 3.

[19] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

[20] *NetCoalition* v. *SEC,* 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [21] and paragraph (f) of Rule 19b–4 [22] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–CboeBZX–2025–123 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–2025–123. 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–2025–123 and should be submitted on or before October 8, 2025.

[21] 15 U.S.C. 78s(b)(3)(A).

[22] 17 CFR 240.19b–4(f).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

**Sherry R. Haywood,**

*Assistant Secretary.*

[FR Doc. 2025–17926 Filed 9–16–25; 8:45 am]

**BILLING CODE 8011–01–P**

## SMALL BUSINESS ADMINISTRATION

**[Disaster Declaration #21284 and #21285; TEXAS Disaster Number TX–20061]**

### Administrative Declaration of a Disaster for the State of Texas

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Notice.

**SUMMARY:** This is a notice of an Administrative declaration of a disaster for the State of Texas dated September 11, 2025.

*Incident:* Spring Branch Apartment Complex Fire.

**DATES:** Issued on September 11, 2025.

*Incident Period:* August 19, 2025 through August 20, 2025.

*Physical Loan Application Deadline Date:* November 10, 2025.

*Economic Injury (EIDL) Loan Application Deadline Date:* June 11, 2026.

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

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

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

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

*Primary Counties:* Harris.

*Contiguous Counties:*

*Texas:* Brazoria, Chambers, Fort Bend, Galveston, Liberty, Montgomery, Waller.

The Interest Rates are:

| | Percent |
|---|---|
| *For Physical Damage:* | |
| Homeowners with Credit Available Elsewhere | 6.000 |
| Homeowners without Credit Available Elsewhere | 3.000 |
| Businesses with Credit Available Elsewhere | 8.000 |
| Businesses without Credit Available Elsewhere | 4.000 |
| Non-Profit Organizations with Credit Available Elsewhere | 3.625 |
| Non-Profit Organizations without Credit Available Elsewhere | 3.625 |
| *For Economic Injury:* | |
| Business and Small Agricultural Cooperatives without Credit Available Elsewhere | 4.000 |
| Non-Profit Organizations without Credit Available Elsewhere | 3.625 |

The number assigned to this disaster for physical damage is 212845 and for economic injury is 212850.

The State which received an Administrative Declaration is Texas.

(Catalog of Federal Domestic Assistance Number 59008)

(Authority: 13 CFR 123.3(b).)

**James Stallings,**

*Associate Administrator, Office of Disaster Recovery & Resilience.*

[FR Doc. 2025–17931 Filed 9–16–25; 8:45 am]

**BILLING CODE 8026–09–P**

## SMALL BUSINESS ADMINISTRATION

**[Disaster Declaration #21288 and #21289; OHIO Disaster Number OH–20012]**

### Administrative Declaration of a Disaster for the State of Ohio

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Notice.

**SUMMARY:** This is a notice of an Administrative declaration of a disaster for the State of Ohio dated September 12, 2025.

*Incident:* Flooding.

**DATES:** Issued on September 12, 2025.

*Incident Period:* July 26, 2025 through July 28, 2025.

*Physical Loan Application Deadline Date:* November 12, 2025.

*Economic Injury (EIDL) Loan Application Deadline Date:* June 12, 2026.

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

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

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

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

*Primary County:* Fairfield.

*Contiguous Counties:*

Ohio: Franklin, Hocking, Licking, Perry, Pickaway.

The Interest Rates are:

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

The number assigned to this disaster for physical damage is 212886 and for economic injury is 212890.

The State which received an EIDL Declaration is Ohio.

(Catalog of Federal Domestic Assistance Number 59008)

(Authority: 13 CFR 1234.3(b).)

**James Stallings,**

*Associate Administrator, Office of Disaster Recovery & Resilience.*

[FR Doc. 2025–17956 Filed 9–16–25; 8:45 am]

**BILLING CODE 8026–09–P**

[23] 17 CFR 200.30–3(a)(12).

## SMALL BUSINESS ADMINISTRATION

**[Disaster Declaration #21290 and #21291; WISCONSIN Disaster Number WI–20004]**

### Presidential Declaration of a Major Disaster for the State of Wisconsin

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Notice.

**SUMMARY:** This is a Notice of the Presidential declaration of a major disaster for the State of Wisconsin (FEMA–4892–DR), dated September 11, 2025.

*Incident:* Severe Storms, Straight-line Winds, Flooding, and Mudslides.

**DATES:** Issued on September 11, 2025.

*Incident Period:* August 9, 2025 through August 12, 2025.

*Physical Loan Application Deadline Date:* November 10, 2025.

*Economic Injury (EIDL) Loan Application Deadline Date:* June 11, 2026.

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

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

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that as a result of the President's major disaster declaration on September 11, 2025, applications for disaster loans may be submitted online using the MySBA Loan Portal *https://lending.sba.gov* or other locally announced locations. Please contact the SBA disaster assistance customer service center by email at *disastercustomerservice@sba.gov* or by phone at 1–800–659–2955 for further assistance.

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

*Primary Counties (Physical Damage and Economic Injury Loans):* Milwaukee, Washington, Waukesha.

*Contiguous Counties (Economic Injury Loans Only):* Wisconsin: Dodge, Fond Du Lac, Jefferson, Ozaukee, Racine, Sheboygan, Walworth.

The Interest Rates are:

| | Percent |
|---|---|
| *For Physical Damage:* | |
| Homeowners with Credit Available Elsewhere | 6.000 |
| Homeowners without Credit Available Elsewhere | 3.000 |
| Businesses with Credit Available Elsewhere | 8.000 |
| Businesses without Credit Available Elsewhere | 4.000 |
| Non-Profit Organizations with Credit Available Elsewhere | 3.625 |
| Non-Profit Organizations without Credit Available Elsewhere | 3.625 |
| *For Economic Injury:* | |
| Business and Small Agricultural Cooperatives without Credit Available Elsewhere | 4.000 |
| Non-Profit Organizations without Credit Available Elsewhere | 3.625 |
| The number assigned to this disaster for physical damage is 212906 and for economic injury is 212910.. | |

(Catalog of Federal Domestic Assistance Number 59008)

(Authority: 13 CFR 1234.3(b).)

**James Stallings,**

*Associate Administrator, Office of Disaster Recovery & Resilience.*

[FR Doc. 2025–17962 Filed 9–16–25; 8:45 am]

**BILLING CODE 8026–09–P**

## SMALL BUSINESS ADMINISTRATION

**[Disaster Declaration #21286 and #21287; WEST VIRGINIA Disaster Number WV–20020]**

### Presidential Declaration of a Major Disaster for Public Assistance Only for the State of West Virginia

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Notice.

**SUMMARY:** This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of West Virginia (FEMA–4884–DR), dated September 11, 2025.

*Incident:* Severe Storms, Straight-line Winds, Flooding, Landslides, and Mudslides.

**DATES:** Issued on September 11, 2025.

*Incident Period:* June 14, 2025 through June 15, 2025.

*Physical Loan Application Deadline Date:* November 10, 2025.

*Economic Injury (EIDL) Loan Application Deadline Date:* June 11, 2026.

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

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

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that as a result of the President's major disaster declaration on September 11, 2025, Private Non-Profit organizations that provide essential services of a governmental nature may file disaster loan applications online using the MySBA Loan Portal *https://lending.sba.gov* or other locally announced locations. Please contact the SBA disaster assistance customer service center by email at *disastercustomerservice@sba.gov* or by phone at 1–800–659–2955 for further assistance.

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

*Primary Counties:* Marion, Ohio.

The Interest Rates are:

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

The number assigned to this disaster for physical damage is 212866 and for economic injury is 212870.

(Catalog of Federal Domestic Assistance Number 59008)

(Authority: 13 CFR 1234.3(b).)

**James Stallings,**

*Associate Administrator, Office of Disaster Recovery & Resilience.*

[FR Doc. 2025–17910 Filed 9–16–25; 8:45 am]

**BILLING CODE 8026–09–P**

## DEPARTMENT OF STATE

**[Public Notice: 12823]**

### Notice of Determinations; Culturally Significant Object Being Imported for Exhibition—Determinations: ''La Superba: Genoa and The Wolfsoniana'' Exhibition

**SUMMARY:** Notice is hereby given of the following determinations: I hereby determine that a certain object being imported from abroad pursuant to an agreement with its foreign owner or custodian for temporary display in the exhibition ''La Superba: Genoa and The Wolfsoniana'' at The Wolfsonian–Florida International University, Miami Beach, Florida, and at possible

additional exhibitions or venues yet to be determined, is of cultural significance, and, further, that its 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 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. 2025–17919 Filed 9–16–25; 8:45 am]

**BILLING CODE 4710–05–P**

## DEPARTMENT OF STATE

**[Public Notice: 12825]**

### Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: Exhibition entitled ''Art and Life in Imperial Rome: Trajan and His Times'' and ''Ancient Splendor: Roman Art in the Time of Trajan''

**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 entitled ''Art and Life in Imperial Rome: Trajan and His Times'' at the Museum of Fine Arts, Houston, in Houston, Texas, and entitled ''Ancient Splendor: Roman Art in the Time of Trajan'' at the Saint Louis Art Museum, St. Louis, Missouri, 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 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. 2025–17934 Filed 9–16–25; 8:45 am]

**BILLING CODE 4710–05–P**

## SURFACE TRANSPORTATION BOARD

**[Docket No. FD 36882]**

### OmniTRAX Holdings Combined, Inc., and HGS Railway Holdings, Inc.—Continuance in Control Exemption—Sunrise Industrial Rail, LLC

OmniTRAX Holdings Combined, Inc. (OmniTRAX), and HGS Railway Holdings, Inc. (HGS) (collectively, Omni-HGS), both noncarriers, have filed a verified notice of exemption under 49 CFR 1180.2(d)(2) to continue in control of Sunrise Industrial Rail, LLC (Sunrise), a noncarrier currently controlled by OmniTRAX, once Sunrise is authorized to commence common carrier operations.

This transaction is related to a concurrently filed verified notice of exemption in *Sunrise Industrial Rail, LLC—Lease & Change of Operator Exemption—Railroad Lines of Brookhaven Logistics Center, LLC, in Suffolk County, N.Y.,* FD 36883, in which Sunrise Industrial Rail, LLC, seeks Board approval to (1) lease and operate approximately 0.47 miles of rail line and 14,348 feet of additional track owned by Brookhaven Logistics Center, LLC, located in Suffolk County, N.Y.; and (2) replace Brookhaven Rail, LLC, as the common carrier service provider.

Omni-HGS states that Sunrise is currently a noncarrier entity controlled by OmniTRAX and that Omni-HGS will continue to exercise control of Sunrise upon Sunrise's becoming a Class III rail carrier. According to the verified notice, OmniTRAX and HGS are under joint managerial and operational control. See *HGS Ry. Holdings, Inc.—Continuance in Control Exemption—HGS–FCR, LLC,* FD 36180, slip op at 2–3 n. 3 (STB served May 23, 2018). OmniTRAX is a noncarrier holding company that currently controls 24 Class III carriers, and HGS is also a noncarrier holding company that controls two Class III railroads.[1]

Omni-HGS represents that: (1) the line that Sunrise seeks to lease and operate as a common carrier does not connect with the lines of any of the existing rail carriers within the Omni-HGS corporate family; (2) the proposed transaction is not part of a series of anticipated transactions that would result in such a connection; and (3) the transaction does not involve a Class I carrier. Therefore, the proposed transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. *See* 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. However, 49 U.S.C. 11326(c) does not provide for labor protection for transactions under 49 U.S.C. 11324 and 11325 that involve only Class III rail carriers. Accordingly, because this transaction involves Class III rail carriers only, the Board may not impose labor protective conditions here.

The earliest this transaction may be consummated is October 4, 2025, the

[1] Specifically, Omni-HGS states that OmniTRAX currently controls: Alabama & Tennessee River Railway, LLC; Brownsville & Rio Grande International Railway, LLC; Central Texas & Colorado River Railway, LLC; Chicago Rail Link, L.L.C.; Cleveland & Cuyahoga Railway, LLC; Fulton County Railway, LLC; Georgia & Florida Railway, LLC; Georgia Woodlands Railroad, L.L.C.; Great Western Railway of Colorado, L.L.C.; Illinois Railway, LLC; Kettle Falls International Railway, LLC; Manufacturers' Junction Railway, L.L.C.; Nebraska, Kansas and Colorado Railway, LLC; The Newburgh & South Shore Railroad, LLC; Northern Ohio & Western Railway, L.L.C.; Omni River Ridge, LLC d/b/a River Ridge Railroad; OmniTRAX SBVR, LLC d/b/a South Branch Valley Railroad; Panhandle Northern Railroad, L.L.C.; Peru Industrial Railroad, LLC; Sand Springs Railway Company; Santa Maria Valley Railroad, LLC; Savannah Industrial Transportation, LLC (limited/provisional); Stockton Terminal and Eastern Railroad; and The Winchester and Western Railroad Company. According to the verified notice, HGS currently controls HGS–ATN, LLC, and HGS–FCR, LLC.

effective date of the exemption (30 days after the verified notice was filed). If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed by September 26, 2025 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36882, must be filed with the Surface Transportation Board either via e-filing on the Board's website or in writing addressed to 395 E Street SW, Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Omni-HGS's representative, Daniel R. Elliott, GKG Law, PC, 1055 Thomas Jefferson Street NW, Suite 620, Washington, DC 20007.

According to Omni-HGS, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and from historic reporting requirements under 49 CFR 1105.8(b).

Board decisions and notices are available at *www.stb.gov.*

Decided: September 12, 2025.

By the Board, Anika S. Cooper, Chief Counsel, Office of Chief Counsel.

**Brendetta Jones,**

*Clearance Clerk.*

[FR Doc. 2025–17944 Filed 9–16–25; 8:45 am]

**BILLING CODE 4915–01–P**

## SURFACE TRANSPORTATION BOARD

**[Docket No. FD 36883]**

### Sunrise Industrial Rail, LLC—Lease and Change of Operator Exemption—Railroad Lines of Brookhaven Logistics Center, LLC, in Suffolk County, N.Y.

Sunrise Industrial Rail, LLC (Sunrise), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to (1) lease and operate approximately 0.47 miles of rail line and 14,348 feet of additional track owned by Brookhaven Logistics Center, LLC (BLC), in Suffolk County, N.Y., (collectively, the Line); and (2) replace Brookhaven Rail, LLC (Brookhaven Rail), as the common carrier service provider. Sunrise indicates that the Line does not have mileposts.

According to the verified notice, the Line is currently operated by Brookhaven Rail pursuant to a railroad operating and sublicense agreement with BLC. The verified notice states that Sunrise and BLC are completing agreement terms under which Sunrise will lease the Line, among other assets, owned by BLC and Sunrise will replace Brookhaven Rail as the common carrier service provider on the Line.[1] Sunrise states that Brookhaven Rail does not object to the proposed change in operator.

This transaction is related to a concurrently filed verified notice of exemption in *OmniTRAX Holdings Combined, Inc.—Continuance in Control Exemption—Sunrise Industrial Rail, LLC,* FD 36882, in which OmniTRAX Holdings Combined, Inc., and HGS Railway Holdings, Inc., seek to continue in control of Sunrise upon Sunrise's becoming a Class III rail carrier.

Sunrise certifies that its projected annual revenues as a result of the transaction will not exceed those that would qualify it as a Class III rail carrier and will not exceed $5 million. Sunrise also certifies that it will not be contractually limited in its ability to interchange traffic with any third-party connecting carrier. Under 49 CFR 1150.32(b), a change in operator requires that notice be given to shippers. Sunrise states that it has provided notice to all customers on the Line.

The transaction may be consummated on or after October 4, 2025, the effective date of the exemption (30 days after the verified notice was filed).

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than September 26, 2025 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36883, must be filed with the Surface Transportation Board either via e-filing on the Board's website or in writing addressed to 395 E Street SW, Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Sunrise's representative, Daniel R. Elliott, GKG Law, PC, 1055 Thomas Jefferson Street NW, Suite 620, Washington, DC 20007.

According to Sunrise, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and from historic preservation reporting requirements under 49 CFR 1105.8(b).

Board decisions and notices are available at *www.stb.gov.*

Decided: September 12, 2025.

By the Board, Anika S. Cooper, Chief Counsel, Office of Chief Counsel.

**Brendetta Jones,**

*Clearance Clerk.*

[FR Doc. 2025–17943 Filed 9–16–25; 8:45 am]

**BILLING CODE 4915–01–P**

[1] According to the verified notice, Brookhaven Rail also currently operates over approximately 12,500 feet of excepted track. (See Notice 5 (citing *Brookhaven Rail Terminal—Pet. for Declaratory Ord.,* FD 35819 (STB served Aug. 30, 2016).) Authority from the Board may be required should Brookhaven Rail continue to operate over that track following consummation of this transaction. See *Effingham R.R.—Pet. for Declaratory Ord.—Constr. At Effingham, Ill.,* 2 S.T.B. 606, 609–610 (1997) (Board has licensing authority over proposal by new carrier to construct and operate over excepted track that would constitute carrier's entire operation).

## SURFACE TRANSPORTATION BOARD

**[Docket No. MCF 21137]**

### Van Pool Transportation LLC and AG Van Pool Holdings, LP—Acquisition of Control—George M. Carroll Transportation, Inc.

**AGENCY:** Surface Transportation Board.

**ACTION:** Notice Tentatively Approving and Authorizing Finance Transaction.

**SUMMARY:** On August 18, 2025, Van Pool Transportation LLC (Van Pool) and AG Van Pool Holdings, LP (AG Holdings) (collectively, Applicants), both noncarriers, filed an application to acquire control of an interstate passenger motor carrier, George M. Carroll Transportation, Inc. dba George M. Carroll Inc. (GMCT), from its sole shareholder, John Schindler (Seller). The Board is tentatively approving and authorizing the transaction. If no opposing comments are timely filed, this notice will be the final Board action.

**DATES:** Comments must be filed by November 3, 2025. If any comments are filed, Applicants may file a reply by November 17, 2025. If no opposing comments are filed by November 3, 2025, this notice shall be effective on November 4, 2025.

**ADDRESSES:** Comments, referring to Docket No. MCF 21137, 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 Applicants' representative: Kiefer A. Light, Beacon Mobility Corp., 3700 Embassy Parkway, Suite 500, Akron, OH 44333.

**FOR FURTHER INFORMATION CONTACT:** Jonathon Binet at (202) 915–4348. If you require an accommodation under the

Americans with Disabilities Act, please call (202) 245–0245.

**SUPPLEMENTARY INFORMATION:** According to the application, Van Pool is a Delaware limited liability company indirectly controlled by AG Holdings through intermediary holding companies.[1] (Appl. 2–4.) Neither Van Pool nor AG Holdings is a federally regulated carrier. (*Id.* at 2–3.) However, Van Pool directly owns and controls all equity and voting interest in 21 interstate passenger motor carriers (the Affiliate Regulated Carriers). (*Id.*) [2] The Affiliate Regulated Carriers are: [3]

- NRT Bus, Inc., which primarily provides non-regulated student transportation services for schools in Massachusetts (Essex, Middlesex, Norfolk, Suffolk, and Worcester Counties), and occasional charter services, (Appl. 4);
- Trombly Motor Coach Service, Inc., which primarily provides non-regulated student transportation services for schools in Massachusetts (Essex and Middlesex Counties), and occasional charter services, (*id.*);
- Salter Transportation, Inc., which primarily provides non-regulated student transportation services for schools in Massachusetts (Essex County) and southern New Hampshire, and occasional charter services, (*id.* at 5);
- Easton Coach Company, LLC, which provides (i) intrastate paratransit, shuttle, and line-run services under contracts with regional transportation authorities and other organizations, primarily in New Jersey and eastern Pennsylvania, and (ii) private charter motor coach and shuttle services (interstate and intrastate), primarily in eastern Pennsylvania, (*id.*);
- F. M. Kuzmeskus, Inc., d/b/a Travel Kuz, which provides (i) non-regulated school bus transportation services, (ii) intrastate and interstate motor coach and limousine charter services, and (iii) limited intrastate and interstate charter services using school buses, all in western Massachusetts and southern Vermont, (*id.* at 5–6);
- Alltown Bus Service Inc., which primarily provides non-regulated student transportation services for schools in the metropolitan area of Chicago, Ill., and its northern suburbs, and occasional charter services, (*id.* at 6);
- DS Bus Lines, Inc., which primarily provides (i) non-regulated student transportation services for schools in Kansas (Beloit, Kansas City, Lincoln, Olathe, and Shawnee), Missouri (Belton and Smithville), Colorado (the metropolitan area of Denver), and Oklahoma (the metropolitan area of Tulsa), (ii) intrastate employee shuttle services in Colorado and Texas, and (iii) occasional charter services, (*id.*);
- Royal Coach Lines, Inc., which primarily provides (i) non-regulated student transportation services for schools in the metropolitan area of Westchester County, N.Y., and southern Connecticut, and (ii) contract and charter transportation services, (*id.* at 7);
- Local Motion, LLC, which provides non-regulated school bus, charter, and shuttle services in the metropolitan area of Boston, Mass., (*id.*);
- Butler's Bus Service, Inc. (BBS), which primarily provides non-regulated student transportation services for schools in New Hampshire (Manchester, North Haverhill, Milford, and Center Barnstead) and Vermont (Orleans, Lyndonville, and White River Junction), and occasional charter services, (*id.*);
- TransAction Corporate Shuttles, Inc (TCS), which provides shuttle, on-demand transportation, and charter services in Massachusetts, (*id.* at 8);
- Dell Transportation Corp., which primarily provides non-regulated student transportation services for schools in New York (Hempstead, Port Washington, and Great Neck), and occasional charter services, (*id.*);
- Hendrickson Bus Corporation, which primarily provides non-regulated student transportation services and charter services for school-sponsored functions in New York (Bayville and Port Washington), (*id.*)
- Huntington Coach Corporation, which primarily provides non-regulated student transportation services and charter services for school-sponsored functions in New York (Bayville and Port Washington), (*id.* at 9);
- Huntington Coach, L.L.C., which primarily provides non-regulated student transportation services and charter services for school-sponsored functions in Huntington Station, N.Y., (*id.*);
- Towne Bus Corp., which primarily provides non-regulated student transportation services and charter services for school-sponsored functions in Long Island, N.Y., (*id.*);
- Towne Bus LLC, which primarily provides non-regulated student transportation services and charter services for school-sponsored functions in Long Island, N.Y., (*id.* at 10);
- Van Trans LLC, which primarily provides non-regulated student transportation services and charter services for school-sponsored functions in Bronx, N.Y., (*id.*);
- WE Transport (NY) LLC, which primarily provides non-regulated student transportation services and charter services for school-sponsored functions in Long Island, N.Y., (*id.*);
- WE Transport LLC, which primarily provides non-regulated student transportation services and charter services for school-sponsored functions in Bridgeport, Conn., (*id.* at 11); and
- WE Transport, Inc., which primarily provides non-regulated student transportation services for schools and charter services for school-sponsored functions in Long Island, N.Y., (*id.*).

In the proposed transaction, Van Pool will acquire all of GMCT's issued and outstanding stock, placing GMCT under the Applicants' control. (*Id.* at 12.) GMCT, a motor carrier, is a New York corporation owned by the Seller with its principal place of business in Newburgh, N.Y. (*Id.* at 11.) The application states that Seller is a noncarrier and does not control any other interstate passenger motor carriers. (*Id.*)

According to the application, GMCT primarily provides home-to-school and charter student transportation services, with a focus on special needs students. (*Id.* at 11–12.) GMCT also occasionally provides charter services for special occasions. (*Id.* at 12.) GMCT's primary service area is within Orange County,

[1] Specifically, the Applicants state that Van Pool is wholly owned by VP Intermediate Company (VP Intermediate), a Delaware corporation and noncarrier holding company, and that VP Intermediate is wholly owned by Beacon Mobility Corp. (Beacon Mobility), a Delaware corporation and noncarrier holding company. (Appl. 13.) Beacon Mobility is wholly owned by Beacon Mobility Intermediate Corp. (Beacon Intermediate), a Delaware corporation and noncarrier holding company. (*Id.*) Beacon Intermediate is wholly owned by Beacon Mobility Preferred Issuer, LLC (Beacon Preferred), a Delaware limited liability company and noncarrier holding company, and Beacon Preferred is wholly owned and controlled by Van Pool Group Holdings, L.P. (Group Holdings), a Delaware limited partnership and noncarrier holding company. (*Id.*) Group Holdings is majority-owned and controlled by AG Holdings, a Delaware limited partnership and noncarrier holding company. (*Id.*) AG Holdings is owned by investment funds affiliated with Audax Management Company, LLC, a Delaware limited liability company. (*Id.*) Applicants state that ''none of the aforementioned entities control any regulated interstate passenger carriers other than as set forth in [the] Application.'' (*Id.* at 13–14.)

[2] The Applicants note that they previously sought and obtained Board approval for the acquisition of Bill's Taxi Service Inc. d/b/a A&A Metro Transportation (A&A). (Appl. 3 n.2); *see Van Pool Transp. LLC—Acquis. of Control—Bill's Taxi Serv. Inc.,* MCF 21134 (STB served June 13, 2025). They explain that A&A is not one of the Affiliated Regulated Carriers because the Applicants and A&A ultimately opted not to consummate the transaction. (*Id.*); *see* Applicants' Notice of Non-Consummation at 2, Aug. 1, 2025, *Van Pool Transp. LLC,* Docket No. MCF 21134.

[3] Additional information about these motor carriers, including principal place of business, U.S. Department of Transportation (USDOT) numbers, motor carrier numbers, USDOT safety fitness ratings, fleet composition, and driver count, can be found in the application. (*See* Appl., Ex. A.)

N.Y., particularly Newburgh and surrounding area. (*Id.*) However, GMCT's charter operations include interstate service to Pennsylvania or Connecticut on rare occasions based on customer needs. (*Id.*) GMCT's fleet consists of approximately eight school buses (1–8 passengers), four school buses (16+ passengers), 28 minibuses (16+ passengers) and five vans (9–15 passengers). (*Id.*) The Applicants also provide details about GMCT's principal place of business, USDOT number, FMCSA docket number, and safety rating. (*Id.,* Ex. A.)

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 that result from the proposed transaction, and (3) the interest of affected carrier employees. Applicants have submitted the information required by 49 CFR 1182.2, including information to demonstrate that the acquisition of GMCT 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 the involved carriers exceeded $2 million during a consecutive 12-month period ending not more than 6 months before the date of the agreement of the parties, *see* 49 CFR 1182.2(a)(5). (*See* Appl. 14–18.)

The application asserts that the proposed transaction will not have a material, detrimental impact on the adequacy of transportation services available to the public. (*Id.* at 14.) The Applicants state that GMCT will continue to provide the same services using the same name for the foreseeable future and anticipate that the services available to the public will improve as a result of the transaction. (*Id.* at 14–15.) The Applicants explain that acquiring control of GMCT will improve operating efficiencies, increase equipment utilization rates, and be more cost effective because of economies of scale and Applicants' experience in the market sectors served by GMCT. (*Id.* at 15.) The Applicants further state that adding GMCT to the Affiliated Regulated Carriers will enhance the viability of the Applicants' organization. (*Id.*) The Applicants assert that these enhancements will help ensure the provision of adequate service to the public. (*Id.*)

The application asserts that the impact of the transaction on the regulated motor carrier industry will be negligible at most. (*Id.* at 17.) The Applicants state that there is strong demand for school and charter transportation services within GMCT's service area and that demand is projected to grow in the foreseeable future. (*Id.*) The application further states that GMCT faces direct competition from several other national, regional, and local passenger service providers in its service area, including Gallagher Bus Service, First Student, Student Transportation of America, and Orange County Transit. (*Id.*) Although GMCT's customer base and service offerings overlap slightly with those of the Affiliated Regulated Carriers, Applicants argue that neither competition nor the public interest will be affected because the overlap is minimal, the geographic service areas are largely distinct, and GMCT's operating environment is highly competitive. (*Id.* at 18.)

The Applicants concede that the proposed transaction will increase fixed charges in the form of higher interest expenses, explaining that funds will be borrowed to finance the transaction. (*Id.* at 15.) The Applicants state that the increase in fixed charges will not affect the provision of transportation to the public. (*Id.* at 15–16.) Additionally, according to the application, the Applicants do not expect the transaction to have a substantial impact on employees or labor conditions because they intend to continue GMCT's existing operations. (*Id.* at 16.) The Applicants do not anticipate a measurable increase or reduction in GMCT's workforce but acknowledge that staffing redundancies may result in limited downsizing of back-office or managerial-level personnel. (*Id.*) The Applicants do not expect the transaction to result in changes in compensation levels or benefits. (*Id.*)

Based on the Applicants' representations, the Board finds that their proposed acquisition of control of GMCT is consistent with the public interest. The application will be tentatively approved and authorized. 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 by expiration of the comment period, this notice 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 acquisition of control of GMCT is approved and authorized, subject to 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 on November 4, 2025, unless opposing comments are filed by November 3, 2025. If any comments are filed, Applicants may file a reply by November 17, 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.

October 22, 2025.

Decided: September 10, 2025.

By the Board, Board Members Fuchs, Hedlund, and Schultz.

**Zantori Dickerson,**

*Clearance Clerk.*

[FR Doc. 2025–17933 Filed 9–16–25; 8:45 am]

**BILLING CODE 4915–01–P**

## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

**[Docket Nos. USTR–2025–0004 and USTR–2025–0005]**

## Request for Public Comments and Notice of Public Hearing Relating to the Operation of the Agreement Between the United States of America, the United Mexican States, and Canada

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

**ACTION:** Request for comments and notice of public hearing.

**SUMMARY:** USTR is commencing a public consultation process in advance of the joint review (Joint Review) of the Agreement between the United States of America, the United Mexican States, and Canada (USMCA or Agreement) on July 1, 2026. As directed by Congress, USTR is seeking public comments on the operation of the Agreement, including on the operation of the North American Competitiveness Committee (Competitiveness Committee) established therein.

**DATES:**

*November 3, 2025 at 11:59 p.m. EST:* Deadline for submitting written comments and requests to appear at the hearing. The request to appear must include a summary of testimony.

*November 17, 2025:* USTR will hold a public hearing in the main hearing room of the U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, beginning at 10 a.m. If necessary, the hearing may continue the next business day.

*Seven calendar days after the last day of the public hearing, at 11:59 p.m. EST:* Deadline for submission of post-hearing rebuttal comments.

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

**FOR FURTHER INFORMATION CONTACT:** Randall Oliver, Director for Canada, at *Randall.T.Oliver@ustr.eop.gov* or 202.395.9449, or Braeden Young, Director for Mexico, at *Braeden.P.Young@ustr.eop.gov* or 202.395.9620.

**SUPPLEMENTARY INFORMATION:**

## I. Background

The USMCA entered into force on July 1, 2020.[1] Article 34.7 of the USMCA provides for the Agreement to terminate 16 years after the date of entry into force, unless each Party confirms that it wishes to continue the Agreement for a new 16-year term. Article 34.7 of the USMCA requires the Free Trade Commission (Commission), which is composed of government representatives of the United States, Mexico, and Canada (collectively, the Parties), to meet on the sixth anniversary of entry into force (*i.e.,* July 1, 2026) to conduct a Joint Review of the operation of the Agreement, evaluate any recommendations for action submitted by a Party, and decide on any appropriate actions. As part of the Commission's Joint Review, each Party must confirm if it wishes to extend the term of the Agreement.[2] In addition, a Party wishing to make a recommendation for the Commission to take action must do so at least one month before the Joint Review meeting takes place (by June 1, 2026).

Pursuant to Section 611 of the *United States-Mexico-Canada Agreement Implementation Act* (19 U.S.C. 4611), prior to the Joint Review, USTR must provide an opportunity for the presentation of views relating to the operation of the USMCA, including a public hearing. To assist USTR as it develops positions and recommendations for the Joint Review, USTR invites interested persons to submit written comments (Part II) or oral testimony (Part III) on matters relevant to the Joint Review.

As part of this process, this notice also invites comments from interested persons on the Competitiveness Committee established under Article 26.1 of the USMCA to develop and implement cooperative activities in support of a strong economic environment that incentivizes production in North America, among other purposes. To date, the Competitiveness Committee has focused on expanding trilateral cooperation on North American workforce development issues and maintaining North American trade flows during emergency situations.[3]

## II. Request for Public Comments

Interested persons must submit written comments using the docket titled ''Request for Comments on the Operation of the Agreement between the United States of America, the United Mexican States, and Canada,'' docket number USTR–2025–0004, using the electronic portal at *https://comments.ustr.gov/s/* and following the instructions in Part IV below. To be assured of consideration, USTR must receive written comments by 11:59 p.m. EST on November 3, 2025. Additional instructions on how to submit written comments are provided below in Part IV.

In particular, this notice invites comments regarding:

- Any aspect of the operation or implementation of the USMCA.
- Any issues of compliance with the Agreement.
- Recommendations for specific actions that USTR should propose ahead of the Joint Review to promote balanced trade, new market access, and alignment on economic security with Mexico and Canada.
- Factors affecting the investment climate in North America and in the territories of each Party, as well as the effectiveness of the USMCA in promoting investment that strengthens U.S. competitiveness, productivity, and technological leadership.
- Strategies for strengthening North American economic security and competitiveness, including collaborative work under the Competitiveness Committee, and cooperation on issues related to non-market policies and practices of other countries.

## III. Hearing Participation

USTR will convene a public hearing on November 17, 2025, at 10:00 a.m. EST, in the Main Hearing Room at the U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. If necessary, the hearing will continue the next business day. Persons wishing to appear at the hearing must provide written notification of their intention and a summary of the proposed testimony by November 3, 2025. Requests to appear must include a summary of testimony, and may be accompanied by a prehearing submission. Remarks at the hearing are limited to five minutes to allow for possible questions. Because the hearing will be public, testimony should not include any business confidential information (BCI).

Small businesses (generally defined by the Small Business Administration as firms with fewer than 500 employees) or organizations representing small business members that submit comments should self-identify as such, so that USTR may be aware of issues of particular interest to small businesses.

Interested persons must submit their request to appear and a summary of the testimony using the docket titled ''Request to Appear at the Hearing on the Operation of the Agreement between the United States of America, the United Mexican States, and Canada,'' docket number USTR–2025–0005, using the electronic portal at *https://comments.ustr.gov/s/* and following the instructions in Part IV below. To be assured of consideration, USTR must receive the request to appear and the summary of testimony by November 3, 2025, by 11:59 p.m. EST.

Post-hearing rebuttal comments, which should be limited to rebutting or supplementing testimony presented at the hearing, may be submitted within seven calendar days after the last day of the public hearing. Rebuttal comments must be submitted to the appropriate docket titled ''Request for Comments on the Operation of the Agreement between the United States of America, the United Mexican States, and Canada,'' docket number USTR–2025–0004, using the

[1] The full text of the UMSCA is available at *https://ustr.gov/trade-agreements/free-trade-agreements/united-states-mexico-canada-agreement/agreement-between.*

[2] *See* USMCA, art. 34.7 (establishing the Joint Review and process for each Party to confirm its wishes regarding extension of the Agreement).

[3] *See Decision No. 5 of the Free Trade Commission of the CUSMA, T–MEC, and USMCA (''The Agreement'')* (Feb. 2023), *https://ustr.gov/sites/default/files/files/agreements/usmca/DECISION%205%20VI.PDF; Addendum to Decision No. 5 of the Free Trade Commission of the CUSMA, T–MEC, and USMCA (''Addendum'') (May 2024), https://ustr.gov/sites/default/files/Addendum%20to%20USMCA%20FTC%20Decison%20No.%205.pdf.*

electronic portal at *https://comments.ustr.gov/s/* and following the instructions in Part IV.

**IV. Procedures for Written Submissions**

To be assured of consideration, submit written comments, requests to appear at the hearing, summaries of testimony, and post-hearing rebuttal comments using the appropriate dockets on the portal at *https://comments.ustr.gov/s/* and as detailed in Parts II and III. All submissions must be in English. You do not need to establish an account to submit comments or a request to testify. The first screen allows you to enter identification and contact information. Third party organizations such as law firms, trade associations, or customs brokers should identify the full legal name of the organization they represent and identify the primary point of contact for the submission. USTR may not consider a comment or request if insufficient information is provided.

You may upload documents and indicate whether USTR should treat the documents as business confidential or public information. Any page containing BCI must be clearly marked ''BUSINESS CONFIDENTIAL'' on the top of that page and the submission should clearly indicate, via brackets, highlighting, or other means, the specific information that is BCI. If requesting confidential treatment, you must certify in writing that the information would not customarily be released to the public. Interested persons uploading attachments containing BCI also must submit a public version of their comments.

**Daniel Watson,**

*Assistant U.S. Trade Representative for the Western Hemisphere, Office of the United States Trade Representative.*

[FR Doc. 2025–18010 Filed 9–16–25; 8:45 am]

**BILLING CODE 3290–F4–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

**[Docket No.: FAA–2025–2928]**

### Advisory Circular No. 450.169–1A, Launch and Reentry Collision Avoidance Analysis

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

**ACTION:** Notice of availability, request for comments.

**SUMMARY:** The Federal Aviation Administration (FAA) is solicitating public comment on its intentions to revise an existing Advisory Circular (AC) that provides guidance to launch and reentry vehicle operators on how to complete launch and reentry collision avoidance analyses for the purpose of vehicle operator license applications. Specifically, the proposed revisions would clarify that, for certain commercial launch and reentry operations supporting National Aeronautics and Space Administration (NASA) missions, collision avoidance (COLA) analyses may be obtained from two NASA components. The current version of the AC only identifies the 19th Space Defense Squadron (SDS) as an FAA-approved COLA provider.

**DATES:** Written comments must be received by October 17, 2025.

**ADDRESSES:** Please send comments identified with ''Launch and Reentry Collision Avoidance Analysis,'' and [Enter docket number] to the email address, *9-ast-asz210-directives@faa.gov.*

FAA will consider all comments and recommendations received while developing the final version of the AC. AST will also acknowledge receipt of all comments and recommendations if contact information is provided. The final version will be published on FAA website (*www.faa.gov/regulations_policies/advisory_circulars*).

*Privacy:* The Department of Transportation's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477), as well as at *DocketsInfo.dot.gov.*

**FOR FURTHER INFORMATION CONTACT:** James Hatt, Space Policy Division Manager, Office of Commercial Space Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591–0001; *James.A.Hatt@faa.gov.*

**SUPPLEMENTARY INFORMATION:**

**Background**

The Commercial Space Launch Act of 1984, as amended and codified at 51 U.S.C. 50901 through 50923 (''the Act''), authorizes DOT, and FAA through delegation,[1] to oversee, license, and regulate commercial launch and reentry activities, and the operation of launch and reentry sites as carried out by U.S. citizens or within the United States. The Act's requirements are implemented in parts 400 through 460 of title 14 of the Code of Federal Regulations (14 CFR).

In accordance with the requirements set forth in § 450.169(e), launch and reentry vehicle operators are required to, among other things, obtain for each launch or reentry a COLA analysis from a Federal entity identified by the FAA, or another entity agreed to by the Administrator.

On August 10, 2023, FAA published an AC, titled ''Launch and Reentry Collision Avoidance Analysis'' (AC No.: 450.169–1), which provides launch and reentry vehicle operators with guidance pertaining to the COLA analysis requirements. Among other things, the AC specifies that the 19th SDS could be used for the purpose of COLA processing.

FAA is now proposing the issuance of a revised AC (AC No. 450.169–1A) to clarify that, for certain commercial launch and reentry operations supporting NASA missions, COLA analyses may also be obtained from two NASA components. Specifically, for the International Space Station (ISS) and its supporting vehicles, COLA analyses may also be obtained from the Trajectory Operations and Planning Officer (TOPO) at Johnson Space Center, and for NASA robotic missions not involving human space flight, COLA analyses may also be obtained from the Conjunction Assessment Risk Analysis (CARA) program at the Goddard Space Flight Center.

**Comments Invited**

FAA invites the public to submit comments on the draft AC, as specified in the **ADDRESSES** section. Commenters should include the subject line ''Launch and Reentry Collision Avoidance Analysis'' and FAA–2025–2928 on all comments submitted to FAA. The most helpful comments will reference a specific portion of the draft document, explain the reason for any recommended change, and include supporting data. Public comments submitted in accordance with the process set forth in this **Federal Register** notice will be considered for the purpose of the final version of this draft AC. However, even following the release of the final version of this draft AC, members of the public will continue to have the ability to submit feedback and suggestions pertaining to the AC in accordance with the process outlined in the AC.

You may examine the draft AC on the agency's public website and in the docket as follows:

- At *www.regulations.gov* in Docket [enter docket number].
- At the ''Commercial Space Draft Advisory Circulars (ACs)'' page of the agency's public website, which is located at *https://www.faa.gov/space/legislationregulationguidance/draft_docs/ac.*

[1] *See* 49 CFR 1.83(b).

Issued in Washington, DC.

**James A. Hatt,**

*Manager, Space Policy Division, Office of Commercial Space Transportation.*

[FR Doc. 2025–17922 Filed 9–16–25; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

**[Docket No. FAA–2025–0607]**

### Agency Information Collection Activities: Requests for Comments; Clearance of Approval of a Renewed Information Collection

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

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval for renewal of an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on April 16th, 2025. The collection involves responses to questions regarding an individual's identity to gain access to U.S. Federal Government web applications. The information to be collected will be used to verify the requestor's identity and create a user account.

**DATES:** Written comments should be submitted by October 21st, 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:** Christopher Kyle Brimage by email at: *kyle.brimage@faa.gov*; phone: 405–596–9143.

**SUPPLEMENTARY INFORMATION:**

*Public Comments Invited:* You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information.

*OMB Control Number:* 2120–0808.

*Title:* MyAccess Non-credentialed User Access Requests.

*Form Numbers:* N/A.

*Type of Review:* Renewal of a currently approved collection.

*Background:* The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on April 16, 2025 (FR 90 16058). Uncredentialed users requesting access to web-based applications published by the Federal Aviation Administration or other United States Federal Government entities using FAA's MyAccess program are required to positively identify themselves. The proposed collection of information will be used to verify the identity of the user requesting access and create a user account.

The identification of the requesting user is based on answers provided via a web interface that are matched against sources such as public records, mobile accounts, credit reporting bureaus and other available data. If a positive identification is made, some of the collected information is used to create a user account to allow the user access to the requested web application.

*Respondents:* Any un-credentialed individual who requests a user account to access web applications published by the FAA or other U.S. Federal Government entities that are integrated with the FAA's MyAccess program.

*Frequency:* The collection is done one time for each new account request.

*Estimated Average Burden per Response:* 0.07 hours (4 minutes).

*Estimated Total Annual Burden:* 0.07 hours (4 minutes) per respondent, one time only. There is no recurring annual burden per respondent.

Issued in Oklahoma City, OK, on September 15th, 2025.

**Christohper Kyle Brimage,**

*Information Technology Specialist, Enterprise Search & Integration Services Branch (ADE–320)—Solutions Delivery Directorate, AIT, AFN, FAA, USDOT.*

[FR Doc. 2025–17961 Filed 9–16–25; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

**[Docket No. FMCSA–2025–0194]**

### Hours of Service of Drivers; Pilot Program To Allow Commercial Drivers To Pause Their 14-Hour Driving Window

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

**ACTION:** Notice of proposed pilot program; request for comments.

**SUMMARY:** FMCSA proposes a pilot program allowing temporary regulatory relief from the Agency's hours-of-service (HOS) requirement that all driving by drivers of property-carrying commercial motor vehicles (CMVs) be completed within 14 hours after coming on duty. During the proposed pilot program, known as the ''Split Duty Period Pilot Program,'' participating CMV drivers would have the option to extend their 14-hour ''driving window'' by taking one off-duty, sleeper berth, or on-duty/not driving period (taken at the location of a pick-up or delivery of cargo), including what is sometimes called ''detention time'', of no less than 30 minutes and no more than 3 hours. Participation would be limited to approximately 256 commercial driver's license (CDL) holders who meet the eligibility criteria specified for participation. Because the program would be applicable only to the rules for drivers of property-carrying CMVs, drivers of passenger-carrying CMVs would not be eligible for participation. This pilot program would examine whether such flexibility achieves a level of safety that is equivalent to, or greater than, the level of safety that would be achieved through compliance with the current regulations. FMCSA believes that the exemption covered by the proposed pilot program provides the flexibility to take extra rest, avoid driving during traffic congestion, and mitigate the impacts of unreasonable ''detention times,'' thereby improving the working conditions of America's truck drivers.

**DATES:** Comments must be received on or before November 17, 2025.

**ADDRESSES:** You may submit comments identified by Docket Number FMCSA–2025–0194 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov/docket/FMCSA-2025-0194/document.* Follow the online instructions for submitting comments.

• *Mail:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Washington, DC 20590–0001.

• *Hand Delivery or Courier:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

• *Fax:* (202) 493–2251.

**FOR FURTHER INFORMATION CONTACT:** Dr. Samuel R. White, Applied Research Division, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001; *Samuel.White@dot.gov;* (202) 875–1029. If you have questions on viewing or submitting material to the docket, call Dockets Operations at (202) 366–9826.

**SUPPLEMENTARY INFORMATION:**

## I. Public Participation and Request for Comments

### *A. Submitting Comments*

If you submit a comment, please include the docket number for this notice (FMCSA–2025–0194), indicate the specific section of this document to which your comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *https://www.regulations.gov/docket/FMCSA-2025-0194/document,* click on this notice, click ''Comment,'' and type your comment into the text box on the following screen.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing.

FMCSA will consider all comments and material received during the comment period.

Confidential Business Information (CBI)

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to the notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to the notice, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission that constitutes CBI as ''PROPIN'' to indicate it contains proprietary information. FMCSA will treat such marked submissions as confidential under the Freedom of Information Act, and they will not be placed in the public docket of the NPRM. Submissions containing CBI should be sent to Brian Dahlin, Chief, Regulatory Evaluation Division, Office of Policy, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001 or via email at *brian.g.dahlin@dot.gov.* At this time, you need not send a duplicate hardcopy of your electronic CBI submissions to FMCSA headquarters. Any comments FMCSA receives not specifically designated as CBI will be placed in the public docket for this rulemaking.

### *B. Viewing Comments and Documents*

To view any documents mentioned as being available in the docket, go to *https://www.regulations.gov/docket/FMCSA-2025-0194/document* and choose the document to review. To view comments, click this notice, then click ''Browse Comments.'' If you do not have access to the internet, you may view the docket online by visiting Dockets Operations on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

### *C. Privacy*

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, including any personal information the commenter provides, to *www.regulations.gov* as described in the system of records notice DOT/ALL 14 (Federal Docket Management System (FDMS)), which can be reviewed at *https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices.* The comments are posted without edits and are searchable by the name of the submitter.

## II. Legal Basis

FMCSA has authority under 49 U.S.C. 31315(c) to conduct pilot programs. These programs are research studies where one or more temporary exemptions are granted to a person or class of persons subject to certain Federal Motor Carrier Safety Regulations (FMCSRs), to allow for the testing of innovative alternatives to those regulations (49 U.S.C. 31315(c)(1); see also 49 CFR 381.400). FMCSA must publish in the **Federal Register** a detailed description of each pilot program, including the exemptions being considered, and provide such notice and an opportunity for public comment before the effective date of the program. The Agency is required to ensure that the safety measures in its pilot programs are designed to achieve a level of safety that is equivalent to, or greater than, the level of safety that would be achieved through compliance with the current regulations. Pilot programs are limited to not more than 3 years from the start date (49 U.S.C. 31315(c)(2)). The requirements in 49 CFR part 395—Hours of Service of Drivers, are eligible for pilot program exemptions. (49 CFR 381.400(f)(8)).

At the conclusion of each pilot program, FMCSA must submit a report to Congress concerning the findings, conclusions, and recommendations, including suggested amendments to laws and regulations that would enhance motor carrier, CMV, and driver safety, and improve compliance with the FMCSRs (49 U.S.C. 31315(c)(5)).

## III. Background

### *HOS Rulemaking—Pause to the 14-Hour Window*

On August 22, 2019, FMCSA published a notice of proposed rulemaking (NPRM) concerning drivers' HOS which proposed certain amendments to provide greater flexibility for drivers, without adversely affecting safety (84 FR 44190). As part of that rulemaking, FMCSA proposed that a single off-duty period of between 30 minutes and 3 consecutive hours could be excluded from the 14-hour ''driving window,'' provided the driver complies with the existing requirement to take 10 consecutive hours off-duty before beginning driving. The Agency explained that a single pause of up to 3 hours would provide significantly more flexibility than is allowed under the current rules. The pause would have allowed drivers to take an off-duty break without concerns of exhausting their available hours under the 14-hour ''driving window.'' This would also have allowed them to get additional rest or avoid traffic congestion.

*FMCSA Decision To Exclude the Pause From the Final Rule*

After reviewing the public comments to the NPRM, the Agency decided not to include the pause to the 14-hour ''driving window'' in the final rule (85 FR 33396, June 1, 2020). Although FMCSA explained that it continued to believe that an opportunity for a single off-duty pause in the 14-hour ''driving window'' could provide flexibility for drivers without compromising safety, many commenters believed that drivers would be pressured by carriers, shippers, or receivers to use the break for reasons other than accommodating their own rest or schedule. These comments suggested that the pause could have unintended consequences that were not adequately evaluated in the development of the NPRM.

*Previous FMCSA Proposal To Conduct a Split Duty Period Pilot Program*

To further evaluate the outcomes of a split duty period, the Agency later proposed a pilot program which would have examined the level of safety of extending the 14-hour ''driving window'' after a 30-minute to 3-hour off-duty period (85 FR 55061, Sept. 3, 2020). Due to changes in programmatic priorities over time, FMCSA ultimately did not initiate the pilot program. Since then, drivers have continued to encounter various scenarios in which they might have benefited from the flexibility to extend the 14-hour ''driving window,'' including encountering unreasonably long periods of ''detention time'' when waiting to load or unload. The previously proposed pilot program, however, would not have allowed on-duty time of any type to count toward a ''pause,'' even if that program had been completed.

*FMCSA's Proposal To Conduct a New Split Duty Period Pilot Program*

The pilot program FMCSA is currently proposing is designed, among other purposes, to allow drivers to use up to 3 hours of off duty, sleeper berth, or on-duty/not driving time (provided it is taken at the location of cargo delivery or pickup) to extend their 14-hour ''driving window.'' The goal of this pilot program's exemption is to safely and flexibly give drivers more control over their work schedule.

FMCSA acknowledges, as noted by comments received in response to the 2019 HOS NPRM, that the potential benefits of increased flexibility could be undermined if the pause is used by carriers, shippers, or receivers for purposes other than the productivity and safety of drivers, *e.g.,* to justify existing or further delays in loading or unloading. During the proposed pilot program, FMCSA plans to track the type of duty status participating drivers use to extend their 14-hour ''driving window,'' which will assist the Agency in estimating the extent to which ''detention time'' occurs, as well as its potential effects on driver fatigue and safety performance metrics, compared to pauses taken under other circumstances. During the proposed pilot program, FMCSA would also actively monitor and watch for any indication that shippers, receivers, or employing motor carriers are inappropriately influencing or misusing a driver's ability to determine how and when to utilize the flexibility provided by the exemption. In addition to potentially providing relief from ''detention time,'' the Agency believes that a pause (off-duty, sleeper berth, or on-duty/not driving time [provided it is taken at the location of a cargo delivery or pickup]) of up to 3 consecutive hours during a work shift may enable drivers to avoid congestion. The subsequent driving time would then be more productive, as drivers may have a greater opportunity to travel at the posted speed limits rather than at lower speeds through heavy traffic and congestion. It may also reduce the pressure to drive above the posted speed limits because of concerns related to the 14-hour ''driving window.'' In addition, drivers would have greater flexibility to take a rest break (off-duty or sleeper berth time) to reduce the likelihood of experiencing fatigue while driving. Drivers would continue to take 10 consecutive hours off-duty at the end of the duty period, meaning that they could in fact get more overall hours of rest under the proposed pilot program than without it, despite the potential to extend the 14-hour ''driving window'' on individual days. In addition, this exemption would have no direct impact on any applicable requirements covered by § 395.3(a)(3) or (b), except that a pause taken in accordance with the exemption may serve as the ''interruption'' required by § 395.3(a)(3)(ii), provided that it has a duration of at least 30 minutes and otherwise complies with the requirements of that paragraph.

With regard to safety impacts, the Agency notes that the proposed pilot program would not affect current limits on on-duty and/or driving hours. Any on-duty/not driving time (taken at the location of a cargo delivery or pickup) used to extend the driver's 14-hour ''driving window'' under this pilot program's exemption would continue to count against the 60/70-hour on-duty time limits in a 7 or 8-day period (respectively). However, any off duty or sleeper berth time used to extend the driver's 14-hour ''driving window'' under this pilot program's exemption would not count against the 60/70-hour rule. In addition, drivers would still be required to have 10 consecutive hours off-duty or in the sleeper berth at the end of their shift and continue to be limited under the 60/70-hour rule.

*Applicable Regulations*

Under 49 CFR 395.3(a)(2), a driver of a property-carrying CMV may drive only during a period of 14 consecutive hours after coming on duty following 10 consecutive hours off duty. The driver may not drive after the end of the 14-consecutive-hour period without first taking 10 consecutive hours off duty or in the sleeper berth (including the option to take the ''equivalent of at least 10 consecutive hours off-duty'' as referenced in § 395.1(g)(1)(i)(E)).

*Relevant Research*

FMCSA will conduct additional research during the refinement of the pilot program design. The Agency believes that the proposal for this pilot program is supported by ''The Impact of Driving, Non-Driving Work, and Rest Breaks on Driving Performance in Commercial Motor Vehicle Operations.'' [1] That study showed that the safety critical event (SCE) rate increased modestly with increasing work and driving hours, up to a 14-hour ''window'', but also that breaks can be used to counteract the negative effects of time-on-task. The results from the break analyses indicated that significant safety benefits can be afforded when drivers take breaks from driving. However, this study data cannot be extrapolated to determine the potential impact of including up to a 3-hour pause in the 14-hour ''driving window.'' After completion of a thorough review and refinement, any additional relevant information will be included in subsequent **Federal Register** notices (such as those related to an information collection request (ICR) prior to initiation of the pilot program.

**IV. Pilot Program Requirements**

Specific requirements for pilot programs are found in 49 U.S.C. 31315(c) and subparts D and E of 49 CFR part 381. A pilot program is a study in which participants are given exemptions from one or more provisions of the FMCSRs for up to 3 years to

[1] Blanco, M., Hanowski, R., Olson, R., Morgan, J., Soccolich, S., Wu, S.C., & Guo, F. (2011).

gather data to evaluate alternatives or innovative approaches to regulations, while ensuring that an equivalent level of safety is maintained.

A pilot program must include the following elements in each pilot program plan:

(A) A scheduled life of each pilot program of not more than 3 years.

(B) A specific data collection and safety analysis plan that identifies a method for comparison.

(C) A reasonable number of participants necessary to yield statistically valid findings.

(D) An oversight plan to ensure that participants comply with the terms and conditions of participation.

(E) Adequate countermeasures to protect the health and safety of study participants and the general public.

(F) A plan to inform State partners and the public about the pilot program and to identify approved participants to safety compliance and enforcement personnel and to the public.

At the conclusion of each pilot program, FMCSA reports to Congress the findings and conclusions of the program and any recommendations it considers appropriate, including suggested amendments to laws and regulations that would enhance motor carrier, CMV, and driver safety and improve compliance with the FMCSRs (§ 381.520, see also 49 U.S.C. 31315(c)(5)).

*Scheduled Life of Pilot Program*

The pilot program will take approximately 34 months (up to 36 months) to complete in its entirety.

*Specific Data Collection and Safety Analysis Plan*

As detailed in this notice, the data collection portion of the pilot program will be 4 months per participating driver. Of that time, for each driver, 1 month will involve the collection of data while the driver operates under ''baseline'' conditions (*i.e.,* according to the current regulations). The remaining 3 months of the data collection period will consist of operations under the exemption.

Details of the data collection plan for this pilot program are subject to change based on comments to the notice and further review by analysts. Proposed information to be collected from each participating motor carrier and driver before the pilot program begins (*i.e.,* during the application phase) are discussed in Section VIII of this notice. Following a pre-study briefing, participants would receive a smartphone provided by FMCSA's research services contractor installed with data collection apps necessary for the research (*e.g.,* fatigue measurement apps, survey apps, etc.). These devices would not include any additional automated data collection applications that collect and record information without the driver's consent. Drivers would also receive a wrist actigraphy device (*i.e.,* ''smartwatch''). FMCSA proposes the collection of the following information:

- Records of duty status prepared using an electronic logging device, to evaluate participants' use of the split duty period exemption/optional pause.
- Roadside inspection data and crash records.
- Wrist actigraphy data, to evaluate total sleep time, time of day sleep was taken, and sleep quality, *e.g.,* sleep latency and intermittent wakefulness.
- Psychomotor Vigilance Test (PVT) data, to evaluate drivers' behavioral alertness/effects of fatigue, based on reaction times. For this study, drivers would be required to complete daily iterations of a brief PVT, a 3-minute behavioral alertness test which measures drivers' alertness levels by timing their reactions to visual stimuli.
- Subjective sleepiness ratings, using the Karolinska Sleepiness Scale (KSS),[2] to measure drivers' perceptions of their fatigue levels.
- Survey data (*e.g.,* driver pre-and-post study surveys to provide contextual information).
- Other information necessary to complete the analyses may be collected through the participating motor carrier. Every effort will be made to reduce the burden on the motor carrier in collecting and reporting this data.

The ''method of comparison'' for the ''safety analysis plan'' will vary depending on the data, but may include *t*-tests, $\chi^2$ tests, other inferential/descriptive statistics, and/or qualitative analyses to include case narratives (*e.g.,* for crash events). To make effective comparisons between drivers operating in compliance with the current regulations and drivers operating under the conditions of the exemption, the study has been structured as a *within subjects* research design, which will compare data for the same drivers operating under both conditions.

*Reasonable Number of Participants Necessary To Yield Statistically Valid Findings*

FMCSA is not aware of any past research which might inform estimates of effect size for the pilot program described in this notice. Therefore, preliminary statistical power analyses were performed in an effort to estimate ranges of required sample sizes given practically significant effect sizes. For example, given an effect size $d_z$ of 0.25, $\alpha$ error probability = 0.05, and statistical power of $(1-\beta) = 0.95$, for a *t*-test examining the difference between dependent means (as is the case for a within-subjects research design), we estimate the total required sample size to be 175.

To control for an unknown effect size (*i.e.,* $d_z$) which may be smaller than estimated in the previous paragraph, we explored how increasing the sample size could be balanced against slightly decreased statistical power (*e.g.,* 0.80) to increase the chances of detecting smaller effects using the same type of statistical tests. Based on those additional analyses, we selected an increased target sample size of 256 drivers. This number is advantageous in that it provides a moderately improved probability of detecting ''small'' effect sizes relative to a sample size of 175, while providing adaptability to changes in research needs that might arise going forward (*e.g.,* a change to a mixed design vs the present plan to utilize a within subjects design).

*Oversight Plan To Ensure That Participants Comply With the Terms and Conditions of Participation*

Eligibility criteria for participation in the proposed pilot program are covered in section VII of this notice.

To ensure that drivers and motor carriers continue to meet these criteria, that the use of the exemption is according to the terms and conditions covered in this notice, and that drivers and motor carriers continue to provide the agreed-upon data, the following oversight plan, or a variation of it, will be used:

(1) Carriers' SMS data, including out-of-service rates and other performance parameters, will be reviewed on a monthly basis during the data collection portion of the pilot program.

(2) Carriers' crash records, including any crashes involving participating drivers, will be reviewed at frequency of not less than every two days during the data collection portion of the pilot program.

(3) Carriers' Motor Carrier Management Information System data, including licensing and insurance data, will be reviewed at a frequency of not less than every three days during the data collection portion of the pilot program.

[2] The KSS is a nine-point Likert-type scale ranging from ''extremely alert'' to ''extremely sleepy'' and has been widely used in the literature as a subjective assessment of alertness.

(4) Incoming data, including, for example, actigraph records and records of duty status prepared using an electronic logging device, will be reviewed daily to weekly, depending on the element being reviewed.

*Adequate Countermeasures To Protect the Health and Safety of Study Participants and the General Public*

FMCSA believes that the same measures which would be used to verify motor carrier/driver compliance with the terms and conditions of the pilot program represent adequate countermeasures to protect the health and safety of study participants and the general public.

In addition, FMCSA would reserve the right to remove any motor carrier or driver from the pilot program for reasons related to, but not limited to, the failure to meet all program requirements or a determination of increased safety concerns. (see 49 U.S.C. 31315(c)(3)). FMCSA would additionally reserve the right to terminate the pilot program at any time such as if there is evidence of increased safety risk resulting from the use of the exemption to extend the 14-hour ''driving window.'' (see 49 U.S.C. 31315(c)(4)).

*Plan To Inform State Partners and the Public About the Pilot Program and To Identify Approved Participants to Safety Compliance and Enforcement Personnel and to the Public*

FMCSA plans to inform State partners about the program through a variety of means, including email announcement, announcement on the FMCSA website, and discussion of the program at events frequently attended by representatives of State partner agencies.

FMCSA will identify approved participants to safety compliance and enforcement personnel via document provided to each participant that must be carried by the driver during the data collection portion of the pilot program which identifies them as an approved participant. In addition, FMCSA will provide a list of participating motor carriers and drivers to State and Federal enforcement officials via FMCSA's Query Central system. Query Central is a non-public system accessible to State and Federal enforcement officials. Separately, FMCSA would provide a list of participating motor carriers (but not participating drivers) on its public website.

## V. Structure of the Pilot Program

The proposed pilot program would test whether and how pausing the 14-hour ''driving window'' by an amount equal to the length of a single off-duty, sleeper berth, or on-duty/not driving period (taken at the location of a pick-up or delivery of cargo) of between 30 minutes and 3 hours, affects safety performance, sleepiness, and metrics related to driver fatigue. To make this comparison, FMCSA would collect data from drivers participating in a repeated measures study, including a 1-month period during which drivers would operate in compliance with the current regulatory requirements, and a separate 3-month period during which the same drivers would be issued an exemption from current HOS regulations to allow them to pause their 14-hour ''driving window,'' as previously described.

FMCSA proposes collecting data from approximately 256 CDL drivers operating in various locations in the United States for small, medium, and large motor carriers, as well as independent owner-operators, who would have applied and been accepted for participation in the pilot program.

Based on preliminary statistical power analyses, FMCSA believes that this sample is of a sufficient size to detect statistical differences having moderately small effect sizes between drivers utilizing the optional ''pause'' and drivers operating under current regulations. The Agency notes, however, that some of the variables proposed for data collection represent infrequent events—*e.g.,* crashes. It is anticipated that such cases will contribute to meaningful qualitative, if not quantitative, analyses.

Subject to the outcomes of recruitment efforts, voluntary withdrawal of participants from the pilot program, and other types of attrition, FMCSA may need to recruit more than 256 drivers to collect a full 4 months of data from 256 individuals. In addition, the same factors may result in data collection activities for the study lasting longer than 4 months overall, despite the collection of only 4 months of data from individual drivers. In conducting statistical analyses, FMCSA will take measures to ensure that covarying factors, *e.g.,* seasonal variations in crash rates, are accounted for to the extent practicable.

Safety performance would be evaluated through a review of inspection records (*e.g.,* HOS and unsafe driving violations) and crash data. Depending on feedback received in response to this notice, FMCSA may request voluntary transfer of external-facing camera footage to gather information about crashes and other SCEs, as well as telematics data, to gather information about driving events (*e.g.,* harsh braking). Subjective assessments of sleepiness/fatigue will be performed regularly. Sleep quality and duration will be estimated through actigraph data. The effects of driver fatigue will be measured through regular administration of the psychomotor vigilance task.

Participating carriers meeting the eligibility criteria, as described later in this notice, would be permitted to refer their drivers for participation. Drivers would be enrolled in the pilot program contingent upon approval from the employing motor carrier, as applicable. Owner operators who independently operate a motor carrier would self-certify accordingly.

## VI. Management of the Pilot Program

FMCSA has designated a project manager for the pilot program. FMCSA would develop the applications, agreements, and forms to be used by interested carriers and potential study group members. Participating carriers would be announced publicly.

Eligibility requirements and procedural matters are discussed in Sections VII and VIII of this notice.

## VII. Eligibility Criteria To Participate

### *A. Motor Carriers*

The Agency proposes that in order to qualify for participation in the pilot program, motor carriers would have to meet the following eligibility criteria:

1. Must have proper operating authority and registration;

2. Must have the minimum levels of financial responsibility, if applicable;

3. Must not be a high or moderate risk carrier, as defined in the Agency's **Federal Register** notice titled ''Notification of Changes to the Definition of a High-Risk Motor Carrier and Associated Investigation Procedures'' (81 FR 11875); [3]

4. Must not have a Conditional or Unsatisfactory safety rating;

5. Must not have any enforcement actions within the past 3 years; [4]

6. Must not have a driver out of service (OOS) rate above 5.97%; [5] and,

7. Must not have a vehicle OOS rate above the 21.41%.[6]

[3] Available at *https://www.federalregister.gov/documents/2016/03/07/2016-04972/notification-of-changes-to-the-definition-of-a-high-risk-motor-carrier-and-associated-investigation.*

[4] Enforcement actions include, for example, federal out of service orders and/or monetary penalties issued by FMCSA to a motor carrier or driver for non-compliance.

[5] Lowest annual average national driver out-of-service rate for past 5 calendar years (2021–2025) per FMCSA's Analysis & Information website at time of this notice.

[6] Lowest annual average national vehicle out-of-service rate for past 5 calendar years (2021–2025) per FMCSA's Analysis & Information website at time of this notice.

In addition, unpaid civil penalties may be grounds to be disapproved from participating in the pilot program.

Motor carriers participating in the pilot program would also be required to meet the following requirements:

- Grant permission for drivers to participate in the Split Duty Period Pilot Program.
- Agree to comply with all pilot program procedures, which will be established and made available in written form to carrier-applicants prior to initiation of the pilot program.
- Grant permission for researchers to gather records of duty status prepared using an electronic logging device for each participating driver throughout the study duration. Records of duty status provided for this pilot program will be:
  - Transferred by the motor carrier directly to third-party researchers contracted by FMCSA.
  - Stored securely and used by the researchers contracted by FMCSA only for the purposes of research for this pilot program as described in this **Federal Register** notice and as approved by an Institutional Review Board.
  - Described in the results section of a research report resulting from this pilot program only in an aggregate or anonymized manner.

Records of duty status provided to the researchers for this pilot program will not be:

- Transferred to FMCSA.
- Possessed by FMCSA.
- Reviewed by FMCSA.
- Used by FMCSA for enforcement actions against a motor carrier or driver for noncompliance.

- Grant permission for drivers participating in the study to operate under the split duty period exemption.

*B. Drivers*

The Agency proposes the following eligibility criteria for drivers participating in the Split Duty Period Pilot Program. A driver would not be eligible for participation in the pilot program if, during the 2-year period immediately preceding the date of participation, the driver had his or her license suspended, revoked, cancelled, or has been disqualified for a conviction of one of the disqualifying offenses listed in § 383.51.

In addition, drivers would be required to:

- Possess a valid CDL;
- Maintain a valid medical certificate from a healthcare professional on the Agency's National Registry of Certified Medical Examiners while participating in the pilot program;
- Be employed by a motor carrier approved for participation in the pilot program or certify as an owner-operator;
- Agree to comply with the study procedures, including the use of a wearable actigraph, the completion of tests/surveys related to fatigue/sleepiness, and the preparation of records of duty status using an electronic logging device. Records of duty status, actigraph data, and data collected using test/survey instruments will be transferred to third-party researchers contracted by FMCSA to perform the research services for the pilot program. The researchers will not transfer any of this data or information to FMCSA. It will not be used by FMCSA for the purposes of enforcement actions against a participating motor carrier or driver. It will only be used by the researchers for the research purposes described in this **Federal Register** notice, including to verify and characterize drivers' use of the optional pause, the effects of the pause on fatigue and driving behavior, and participants' adherence to the parameters of the pilot program. If this pilot program results in a research report, this data will only be presented in an aggregated or anonymized fashion such that an individual driver's data or identity could be determined from the information appearing in the report.

## VIII. Process To Apply To Participate

*A. Motor Carriers*

- Visit the pilot program website and complete an electronic application with screening questionnaire, which will request the following details, at a minimum: name, job title, carrier information, company name, and carrier size.
- The carrier's representative must acknowledge that all driver data, to include driving/performance data (except data/records the driver must furnish the motor carrier per the FMCSRs), sleep data, and fatigue data remain confidential and will not be shared with the company.

*B. Study Group Drivers*

- Visit the pilot program website and complete an electronic application including the following details, at a minimum: name, contact information, Medical Certification expiration date, CDL status, typical operation type (solo, team, etc.), duty reporting location, and whether they currently prepare records of duty status using an electronic logging device.
- Participate in a phone call with a member of the research team to confirm interest and eligibility.
- Identify their current employer to ensure the motor carrier is approved for participation in the pilot program (unless the individual is an independent owner operator).
- Provide written, informed consent after a briefing session on data collection techniques and methods.

## IX. Equivalent Level of Safety

FMCSA is unaware of any directly relevant past research regarding the use of split duty periods among commercial motor vehicle drivers in the same or similar context to the proposed pilot program—this is one of the reasons FMCSA believes the pilot program should be conducted. However, for practical purposes, the Agency presents the following straightforward arguments supporting its belief that the exemption covered by the pilot program will achieve, at minimum, an equivalent level of safety.

(1) *Effect on Overall Duty Cycle:* Although participating drivers would be permitted to pause a given 14-hour ''driving window'' by up to 3 hours, most use cases the Agency explored in developing this pilot proposal resulted in very similar duty cycle outcomes over time. For example, consider the following two cycles of duty statuses repeated over time:

| A (Baseline) | | B (Exemption) | |
|---|---|---|---|
| Off Duty .... | 10 Hours ... | Off Duty .... | 10 Hours. |
| Driving ..... | 8 Hours ..... | Driving ..... | 8 Hours. |
| On Duty .... | 6 Hours ..... | On Duty .... | 6 Hours. |
| | | Driving ..... | 3 Hours. |

When carried out over the course of a 5-day period, both drivers reach the 70-hour/8-day limit at exactly the same time on the same day, even though the driver in example ''B'' may exclude 3 hours of ''on-duty'' time from the calculation of each of their 14-hour ''driving windows.'' The primary difference between the two examples, for practical purposes, is that the driver in example ''B'' has much more flexibility in choosing how to allocate those 70 hours than the driver in example ''A.''

(2) *Effects of a 17-Hour Window:* The Agency already permits property-carrying drivers to intermittently utilize a 16-hour ''driving window'' under § 395.1(o), which places no restriction on eligibility for this extension based on type of duty status used, nor does it require an additional interruption in driving time to utilize. In contrast, while the proposed ''pause'' could result in an up to 17-hour ''driving window,'' it effectively incorporates both a requirement to interrupt driving and a restriction of duty status types during the ''pause'' to only non-driving duty statuses. Moreover, the proposed pause would not result in a longer overall

''duty window'' than the maximum recommended by literature FMCSA has previously cited in support of the 14-hour ''driving window.''

(3) *Allowing On-Duty Time To Serve as a Pause:* The Agency already permits drivers to use on-duty/not driving time to serve as the required 30-minute interruption of driving time required by § 395.3(a)(3)(ii). Further, in the case of the 30-minute interruption, there is no restriction placed on the nature of any on-duty/not driving time. In contrast, the proposed pilot program would only permit on-duty time which takes place at the location where cargo will be picked up or delivered, reflecting the intent that the option be used primarily for ''detention time'', not performing other work for the motor carrier.

(4) *Rotation of the Circadian Rhythm/Sleep Cycle:* The Agency's current HOS rules already allow for rotation of the circadian rhythm, including in common use cases. For example, consider a driver whose goal is to use all available driving time each day while minimizing time spent not driving. This driver would cycle through the following duty statuses:

| Maximizing Driving Under Current HOS Rules | |
|---|---|
| Off Duty | 10 Hours. |
| Driving | 8 Hours. |
| Off Duty | 0.5 Hours. |
| Driving | 3 Hours. |

This corresponds to a 21.5-hour cycle and a backward rotation of the driver's wake time by 2.5 hours after each period of 10 consecutive hours off duty. In contrast, a driver using the maximum pause under the pilot program after each period of 10 consecutive hours off duty will have slightly more rotation—3 hours—but the directionality is forward rather than backward. Forward rotation, in which the wake time gets later each day, is generally recognized as safer/less disruptive than backward rotation.

Besides these commonsense arguments demonstrating the high likelihood that an equivalent level of safety would be achieved, FMCSA would further support safe operations by reserving the right to remove any motor carrier or driver from the pilot program for reasons related, but not limited to, failure to meet all program requirements or a determination of increased safety concerns (see 49 U.S.C. 31315(c)(3)). FMCSA would reserve the right to terminate the pilot program at any time if, for example, there is evidence of increased safety risk by carriers and/or drivers participating in the pilot program (see 49 U.S.C. 31315(c)(4)).

In addition, data collected would be monitored by the research team. The contracted research team would be required to inform FMCSA within 24 hours after learning that a participating driver is involved in an ''accident'' as defined in § 390.5T. Should there be any adverse outcomes identified, FMCSA may end the pilot program early or remove a participating carrier as a measure to maintain an equivalent level of safety.

## X. Paperwork Reduction Act

The pilot program would require participating motor carriers to collect, maintain, and report to FMCSA certain information about their drivers who are participating in the pilot program. This would include identifying information and safety performance data for use in analyzing the drivers' safety history. The Agency will develop forms to promote uniformity in the data collected by the pilot carriers.

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) prohibits agencies from conducting information collection (IC) activities until they analyze the need for the collection of information and how the collected data will be managed. Agencies must also analyze whether technology could be used to reduce the burden imposed on those providing the data. The Agency must estimate the time burden required to respond to the IC requirements, such as the time required to complete a particular form. The Agency submits its IC analysis and burden estimate to the Office of Management and Budget (OMB) as a formal ICR; the Agency cannot conduct the IC until OMB approves the ICR.

Because certain aspects of this pilot program—such as the content of forms and reports—have not been finalized, the Agency is not publishing possible IC burden data at this time. A separate **Federal Register** notice will be published to solicit additional comments on the ICR.

## XI. Removal From the Program

FMCSA would reserve the right to remove any motor carrier or driver from the pilot program for reasons related to, but not limited to, the failure to meet all program requirements or a determination of increased safety concerns (see 49 U.S.C. 31315(c)(3)). FMCSA would additionally reserve the right to terminate the pilot program at any time such as if there is evidence of increased safety risk resulting from the use of the exemption to extend the 14-hour ''driving window'' (see 49 U.S.C. 31315(c)(4)).

## XII. Request for Public Comments

FMCSA seeks information in the following areas, but responses need not be limited to these questions:

1. Are any additional safeguards needed to ensure that the pilot program provides a level of safety equivalent to that without the 14-hour ''driving window'' pause exemption?

2. What safeguards should be considered to ensure that employing motor carriers, shippers, and receivers do not abuse the exemption by coercing or forcing participating drivers to use it at/during times not chosen by the driver?

3. What measures should FMCSA take to disincentivize abuse of the exemption by shippers and receivers (*e.g.,* through coercion, imposing of additional delays on participating drivers while waiting to load/unload, etc.)?

4. Are the types of data (*e.g.,* actigraph data, psychomotor vigilance task data, records of duty status prepared using an electronic logging device, etc.) proposed for collection so burdensome to provide as a participant as to discourage participation?

5. Should team drivers be allowed to participate in the pilot program? Should there be additional considerations for team drivers?

6. What additional factors, such as driver sex, geographic location, age, operating types, or driver experience, should be considered when selecting participants to ensure a representative sample is achieved?

7. Is the estimated sample size of 256 drivers sufficient to establish reasonable statistical power? Is 1 month of baseline data and 3 months of data while operating under the exemption sufficient to capture and differences in safety performance or fatigue between the two conditions?

8. Should FMCSA consider additional metrics for measuring safety performance and/or fatigue beyond those already proposed in this notice?

9. What other potential data collection tools should FMCSA use for the pilot program in addition to actigraphs, record of duty status prepared using an electronic logging device, and phone apps assessing fatigue?

10. Do the potential safety controls offered by requiring all participating drivers to provide data for the ''baseline'' 1-month period prior to providing data for the 3-month ''exemption'' period outweigh the potential drawbacks to validity of such a design (*e.g.,* order effects)?

11. Should FMCSA consider requesting that participating carriers grant voluntary permission for the collection of existing outward facing camera data for the purposes of capturing crash and SCE video footage (provided their decision does not affect their eligibility to participate in the pilot program)?

12. Should FMCSA consider requesting participating carriers grant voluntary permission for the collection of data from their existing telematics systems (*e.g.,* for driving events such as instances of harsh braking) provided their decision does not affect their eligibility to participate in the pilot program?

In addition, FMCSA encourages motor carriers and owner operators who are interested in participating in the proposed pilot program to express this interest via public comment.

Issued under authority delegated in 49 CFR 1.87.

**Jesse Elison,**

*Chief Counsel.*

[FR Doc. 2025–17938 Filed 9–16–25; 8:45 am]

**BILLING CODE 4910–EX–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

**[Docket Number FRA–2004–17188]**

### Notice of Petition for Amendment of Waiver of Compliance

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation (DOT).

**ACTION:** Notice.

**SUMMARY:** This document provides the public notice that Strasburg Rail Road Company (SRC) petitioned FRA for an amendment to an existing special approval and a waiver from certain regulations concerning stenciling of a rail car.

**DATES:** FRA must receive comments on the petition by October 17, 2025. FRA will consider comments received after that date to the extent practicable.

**ADDRESSES:**

*Comments:* Comments related to this docket 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 docket number. All comments received will be posted without change to *https://www.regulations.gov;* this includes any personal information. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION** section of this document for Privacy Act information related to any submitted comments or materials.

*Docket:* For access to the docket to read background documents or comments received, go to *https://www.regulations.gov* and follow the online instructions for accessing the docket.

**FOR FURTHER INFORMATION CONTACT:** Caleb Rogers, Railroad Safety Specialist, FRA Motive Power & Equipment Division, telephone: 202–366–4000, email: *caleb.rogers@dot.gov*.

**SUPPLEMENTARY INFORMATION:** Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that by letter received May 15, 2025 SRC petitioned FRA for an amendment of a special approval pursuant to 49 CFR part 215 (Railroad Freight Car Safety Standards), and a waiver of compliance from certain provisions of the Federal railroad safety regulations contained in part 215. The relevant Docket Number is FRA–2004–17188.

Specifically, SRC requests to amend the existing special approval pursuant to § 215.203, *Restricted cars,* in this docket for 10 cars (SRC 12, M&P 723, M&P 713, CV 40025, TW 1367, R 9194, R 6081, PRR 476087, PRR 96451, and PRR 194796) that are more than 50 years from the dates of original construction and add one car, PRR 474265. SCBG also seeks relief for the additional car from § 215.303, *Stenciling of restricted cars.* In support of its request, SRC notes that PRR 474265 has been brought into compliance with all relevant CFR regulations.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov*.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

Communications received by October 17, 2025 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

**Privacy Act**

Anyone can search the electronic form of any written communications and comments received into any of FRA's dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *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 also *https://www.regulations.gov/privacy-notice* for the privacy notice of *regulations.gov*.

Issued in Washington, DC.

**John Karl Alexy,**

*Associate Administrator for Railroad Safety, Chief Safety Officer.*

[FR Doc. 2025–17911 Filed 9–16–25; 8:45 am]

**BILLING CODE 4910–06–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

**[Docket Number FRA–2020–0028]**

### Notice of Petition for Extension of Waiver of Compliance

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation (DOT).

**ACTION:** Notice.

**SUMMARY:** This document provides the public notice that CSX Transportation, Inc. (CSX) petitioned FRA for an extension of relief from certain regulations concerning injury and illness reporting and recordkeeping.

**DATES:** FRA must receive comments on the petition by October 17, 2025. FRA will consider comments received after that date to the extent practicable.

**ADDRESSES:**

*Comments:* Comments related to this docket 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 docket number. All comments received will be posted without change to *https://www.regulations.gov;* this includes any personal information. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION** section of this document for Privacy Act

information related to any submitted comments or materials.

*Docket:* For access to the docket to read background documents or comments received, go to *https://www.regulations.gov* and follow the online instructions for accessing the docket.

**FOR FURTHER INFORMATION CONTACT:** Arnoldo Gonzalez, Railroad Safety Specialist, FRA Incident Management, Accident Reporting, and Analysis Division, telephone: 816–206–4809, email: *arnoldo.gonzalez@dot.gov*.

**SUPPLEMENTARY INFORMATION:** Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that by letter dated August 5, 2025, CSX petitioned FRA for an extension of a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 225 (Railroad Accidents/Incidents: Reports Classification, and Investigations). FRA assigned the petition Docket Number FRA–2020–0028.

CSX requests relief from 49 CFR 225.25(h), *Recordkeeping,* to continue using electronic, instead of physical, methods for posting its monthly listing of all injuries and occupational illnesses. In its petition, CSX explains that the information is available on its secure web portal called the Gateway, which employees can access through company computer terminals, home computers, and personal electronic devices.

In support of its petition, CSX states that its digital resource offers an equivalent level of compliance, as the listing may be reviewed at any time and from any location. CSX notes that it will ''post clear instructions on safety bulletin boards at each establishment, guiding employees to the electronic log.'' Employees are trained on how to access and use the Gateway system, and they can request a hard copy of the posting.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov*.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

Communications received by October 17, 2025 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

**Privacy Act**

Anyone can search the electronic form of any written communications and comments received into any of FRA's dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *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 also *https://www.regulations.gov/privacy-notice* for the privacy notice of *regulations.gov*.

Issued in Washington, DC.

**John Karl Alexy,**

*Associate Administrator for Railroad Safety, Chief Safety Officer.*

[FR Doc. 2025–17909 Filed 9–16–25; 8:45 am]

**BILLING CODE 4910–06–P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

### U.S. Maritime Transportation System National Advisory Committee (MTSNAC)

**AGENCY:** Maritime Administration (MARAD), U.S. Department of Transportation (DOT).

**ACTION:** Notice; solicitation of nominations for membership.

**SUMMARY:** DOT solicits nominations for membership to serve on the U.S. Maritime Transportation System National Advisory Committee (MTSNAC), which is intended to advise the Secretary of Transportation on matters relating to the U.S. maritime transportation system and its seamless integration with other segments of the transportation system.

**DATES:** The deadline for nominations for Committee members must be received on or before October 17, 2025.

**ADDRESSES:** Interested candidates may submit nominations by one of the following methods:

- *Email: MTSNAC@dot.gov,* subject line: MTSNAC Nomination.
- *Mail:* MTSNAC Designated Federal Officer, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590, please include name, mailing address and telephone number.

**FOR FURTHER INFORMATION CONTACT:** Marlise Fratinardo, Designated Federal Officer, Office of Ports & Waterways Planning, Maritime Administration, *marlise.fratinardo@dot.gov,* (312) 259–1529.

**SUPPLEMENTARY INFORMATION:** On January 18, 2011, MTSNAC was established by the Secretary in accordance with 46 U.S.C. 50402, and it is operated in accordance with the Federal Advisory Committee Act, 5 U.S.C. ch. 10. The purpose of MTSNAC is to advise the Secretary on matters relating to the U.S. maritime transportation system and its seamless integration with other segments of the transportation system.

In particular, MTSNAC advises on matters related to strengthening U.S. maritime capabilities essential to national security and economic prosperity, ensuring workforce availability, supporting the performance of port infrastructure, and enabling innovation. The Committee will be continuing, but subject to renewal every two years. The Committee is expected to meet at least three times per fiscal year. Unless otherwise required by law or approved by the Secretary, all meetings will be held virtually.

In this notice, DOT is soliciting nominations for membership to the Committee. The Committee shall report to the Secretary through the Maritime Administrator and comprise 27 members, representing Federal agency representatives, State and local government representatives, and private sector representatives from maritime industries, ports, labor, and academia with expertise in the maritime transportation system. Members are appointed by the Secretary. Members will serve two-year terms but may be reappointed. Past members of the advisory committee are welcome to apply. DOT is interested in ensuring membership is balanced fairly in terms of the points of view represented and the functions to be performed by the advisory committee.

*Process and Deadline for Submitting Nominations:* Qualified individuals can self-nominate or be nominated by any individual or organization. To be considered for MTSNAC, nominators should submit the following information:

(1) Name, title, and relevant contact information (including phone, fax, and email address) of the individual requesting consideration;

(2) A letter of support from a company, union, trade association, academic, or nonprofit organization on letterhead containing a brief description why the nominee should be considered for membership;

(3) A short biography of nominee, including professional and academic credentials; and

(4) An affirmative statement that the nominee meets all Committee eligibility requirements.

Please do not send company, trade association, or organization brochures or any other information. Materials submitted should total two pages or less. Should more information be needed, DOT staff will contact the nominee, obtain information from the nominee's past affiliations, or obtain information from publicly available sources, such as the internet.

Nominations must be received before October 17, 2025. Nominees selected for appointment to the Committee will be notified by return email and by a letter of appointment.

(Authority: 46 U.S.C. 50402, 49 CFR 1.93(a).)

By Order of the Maritime Administration.

**T. Mitchell Hudson, Jr.,**

*Secretary, Maritime Administration.*

[FR Doc. 2025–18006 Filed 9–16–25; 8:45 am]

**BILLING CODE 4910–81–P**

## DEPARTMENT OF THE TREASURY

### Office of Foreign Assets Control

### Notice of OFAC Sanctions Action

**AGENCY:** Office of Foreign Assets Control, Treasury.

**ACTION:** Notice.

**SUMMARY:** The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

**DATES:** This action was issued on September 12, 2025. See Supplementary Information for relevant dates.

**FOR FURTHER INFORMATION CONTACT:** OFAC: Associate Director for Global Targeting, 202–622–2420; the Assistant Director for Sanctions Compliance, 202–622–2490 or *https://ofac.treasury.gov/contact-ofac.*

**SUPPLEMENTARY INFORMATION:**

**Electronic Availability**

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website: *https://ofac.treasury.gov.*

**Notice of OFAC Action**

On September 12, 2025, OFAC 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. FEDIEL, Gebreil Ibrahim Mohamed (a.k.a. IBRAHIM, Jibril; a.k.a. MOHAMED, Gibril Ibrahim), Port Sudan, Sudan; DOB 10 May 1955; POB Altina, Sudan; nationality Sudan; Gender Male; Passport D00001664 (Sudan) expires 11 Aug 2029 (individual) [SUDAN–EO14098].

Designated pursuant to section 1(a)(ii)(A) of Executive Order 14098 of May 4, 2023, ''Imposing Sanctions on Certain Persons Destabilizing Sudan and Undermining the Goal of a Democratic Transition,'' (E.O. 14098), 88 FR 29529, for being a foreign person who is or has been a leader, official, senior executive officer, or member of the board of directors of the Justice and Equality Movement, an entity that has, or whose members have been responsible for, or complicit in, or have directly or indirectly engaged or attempted to engage in actions or policies that threaten the peace, security, or stability of Sudan, relating to the tenure of such leader, official, senior executive officer, or member of the board of directors.

**Entities**

1. AL–BARAA BIN MALIK BRIGADE (a.k.a. AL–BARA' IBN MALIK BRIGADE; a.k.a. AL–BARAA BIN MALIK BATTALION), Sudan; Organization Established Date 07 Jan 2020; Target Type Armed Group [SUDAN–EO14098].

Designated pursuant to section 1(a)(i)(A) of E.O. 14098, for being a foreign person who is responsible for, or complicit in, or who has directly or indirectly engaged or attempted to engage in, actions or policies that threaten the peace, security, or stability of Sudan.

**Bradley T. Smith,**

*Director, Office of Foreign Assets Control.*

[FR Doc. 2025–17932 Filed 9–16–25; 8:45 am]

**BILLING CODE 4810–AL–P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### Superfund Tax on Chemical Substances; Notice of Determinations To Add Substances to List of Taxable Substances

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice of determinations.

**SUMMARY:** This notice of determinations modifies the list of taxable substances to include the following 39 substances: acrylonitrile-butadiene rubber ($(C_4H_6)_n$-$(C_3H_3N)_m$; n=13.44, m=25.54), bromo-isobutene-isoprene rubber ($(C_4H_8)_n$-$(C_5H_{7.5}Br_{0.5})_m$; n=98.20, m=1.80), chloroprene rubber, ethylene-propylene-ethylidene norbornene rubber ($(C_2H_4)_m$-$(C_3H_6)_n(C_9H_{12})_o$; m=56.82, n=40.46, o=2.71), ethylene vinyl acetate (VA < 50%) ($(C_2H_4)_n$-$(C_4H_6O_2)_m$; n=78.95, m=21.05), ethylene vinyl acetate (VA ≥ 50%) ($(C_2H_4)_n$-$(C_4H_6O_2)_m$; n=75.42, m=24.58), hydrogenated acrylonitrile-butadiene rubber ($(C_4H_8)_n$-$(C_3H_3N)_m$; n=22.28, m=38.86), isobutene-isoprene rubber ($(C_4H_8)_n$-$(C_5H_8)_m$; n=99.10, m=0.90), poly(ethylene-propylene) rubber ($(C_2H_4)_m$-$(C_3H_6)_n$; m=59.04, n=40.96), emulsion styrene-butadiene rubber ($(C_4H_6)_m$-$(C_8H_8)_n$; m=15.83, n=2.53), solution styrene-butadiene rubber ($(C_4H_6)_m$-$(C_8H_8)_n$; m=67.16, n=32.85), emulsion styrene butadiene rubber ($(C_4H_6)_m$-$(C_8H_8)_n$; m=14.14, n=2.26), solution styrene-butadiene rubber ($(C_4H_6)_m$-$(C_8H_8)_n$; m=13.31, n=2.50), hydrogenated acrylonitrile-butadiene rubber ($(C_4H_8)_x$-$(C_3H_3N)_y$-$(C_{15}H_{24}O)_a$; x=2,783.05, y=1,907.27, a=5.74), bromobutyl isobutylene isoprene rubber ($(C_4H_8)_x(C_5H_8)_y(Br_2)_z$; x=7071, y=59, z=50), chlorobutyl isobutylene isoprene rubber ($(C_4H_8)_x(C_5H_8)_y(Cl_2)_z$); x=7036, y=88, z=70), DIPE–di-isopropyl ether, di-isodecyl phthalate, di-isononyl adipate, di-isononyl phthalate, di-tridecyl phthalate, ethylene propylene diene (EPDM) rubber ($(C_2H_4)_x(C_3H_6)_y(C_9H_{12})_z$; x=5134, y=2250, z=98), isodecyl alcohol, isodecyl benzoate, isooctyl alcohol, linear nonyl phthalate, linear nonyl undecyl phthalate, linear undecyl phthalate, linear nonyl tri-mellitate, neo decanoic acid, neo pentanoic acid, nonene, regular butyl rubber ($(C_4H_8)_x(C_5H_8)_y$; x=7036, y=88), tridecyl alcohol, tri-isononyl tri-mellitate, di-isobutylene, polyisobutylene, styrene-acrylonitrile ($(C_3H_3N)_a$-$(C_8H_8)_s$; a=0.26, s=0.74), and acrylonitrile butadiene styrene ($(C_3H_3N)_a$-$(C_4H_6)_b$-$(C_8H_8)_s$; a=0.16, b=0.10, s=0.74),

**DATES:** The effective date for purposes of the tax under section 4671 of the Internal Revenue Code (Code) for the taxable substances added to the list is January 1, 2026. For the effective date for purposes of refund claims under section 4662(e) of the Code for the taxable substances added to the list, see the determination for each substance.

**FOR FURTHER INFORMATION CONTACT:** Andrew Clark or Jacob Peeples at (202) 317–6855 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:**

## Background

Section 4671(a) of the Code imposes an excise tax on the sale or use of a taxable substance by the importer thereof (section 4671 tax). Section 4672(a)(1) of the Code defines the term *taxable substance* as any substance which, at the time of sale or use by the importer, is listed as a taxable substance by the Secretary of the Treasury or the Secretary's delegate (Secretary) on the list of taxable substances under section 4672(a) (List).

Under section 4672(a)(2), an importer or exporter of any substance may request that the Secretary determine whether such substance should be added to the List as a taxable substance or should be removed from the List. Under section 4672(a)(2)(B) and (a)(4) and (b)(2), the Secretary is required to add a substance to the List if the Secretary determines that any taxable chemicals that are listed in section 4661(b) of the Code constitute more than 20 percent of the weight, or more than 20 percent of the value, of the materials used to produce such substance, which determination is required under section 4672(a)(2)(B) and (a)(4) to be made based on the predominant method of production (weight or value test). Section 4672(a)(4) authorizes the Secretary to remove a substance from the List only if such substance meets neither the weight nor the value test of section 4672(a)(2)(B).

Section 4672(a)(3) includes an initial list of taxable substances. Section 4 of Notice 2021–66 (2021–52 I.R.B. 901) provides the list of 101 substances that the Secretary added to the List before November 15, 2021. On May 31, 2024, the Secretary published a Notice of Determination in the **Federal Register** (89 FR 47238) adding polyoxymethylene to the List; this Notice of Determination was also published in the Internal Revenue Bulletin as Notice 2024–50 (2024–26 I.R.B. 1789). On August 4, 2025, the Secretary published a Notice of Determinations in the **Federal Register** (90 FR 36520) adding 21 substances to the List; this Notice of Determinations was also published in the Internal Revenue Bulletin as Notice 2025–41 (2025–34 I.R.B. 325). Rev. Proc. 2022–26 (2022–29 I.R.B. 90), *as modified by* Rev. Proc. 2023–20 (2023–15 I.R.B. 636), provides the exclusive procedures by which an importer, exporter, or interested person may request a determination that a particular substance be added to or removed from the List.

Section 4671(b)(3) authorizes the Secretary to prescribe a tax rate for taxable substances in lieu of the tax rate specified in section 4671(b)(2). The tax rate prescribed by the Secretary for a substance added to the List is calculated by multiplying the conversion factor for each taxable chemical used in the production of the substance by the corresponding tax rate for that taxable chemical under section 4661(b), and adding those results together. Conversion factors are determined based on the predominant method of production of the substance. *See* sections 8 and 10.04(8) of Rev. Proc. 2022–26. Importers are not required to use the prescribed tax rate for a taxable substance and may calculate their own rate under section 4671(b)(1).

Pursuant to Section 4672(a)(4), this notice of determinations modifies the List to include the 39 additional taxable substances listed in the Summary of Determinations section of this notice, as explained in the Requests to Add Substances to the List and General Explanation of Determinations sections of this notice. The determination for each specific substance added to the List is explained in parts 1 through 39 of the Modifications to the List of Taxable Substances section of this notice.

The updated List and prescribed tax rates for taxable substances will be included in the instructions to Form 6627, *Environmental Taxes.*

## Summary of Determinations

On September 16, 2025, the Secretary determined to add the following substances to the List:

1. Acrylonitrile-butadiene rubber ($(C_4H_6)_n$-$(C_3H_3N)_m$; n=13.44, m=25.54)
2. Bromo-isobutene-isoprene rubber ($(C_4H_8)_n$-$(C_5H_{7.5}Br_{0.5})_m$; n=98.20, m=1.80)
3. Chloroprene rubber
4. Ethylene-propylene-ethylidene norbornene rubber ($(C_2H_4)_m$-$(C_3H_6)_n(C_9H_{12})_o$; m=56.82, n=40.46, o=2.71)
5. Ethylene vinyl acetate (VA < 50%) ($(C_2H_4)_n$-$(C_4H_6O_2)_m$; n=78.95, m=21.05)
6. Ethylene vinyl acetate (VA ≥ 50%) ($(C_2H_4)_n$-$(C_4H_6O_2)_m$; n=75.42, m=24.58)
7. Hydrogenated acrylonitrile-butadiene rubber ($(C_4H_8)_n$-$(C_3H_3N)_m$; n=22.28, m= 38.86)
8. Isobutene-isoprene rubber ($(C_4H_8)_n$-$(C_5H_8)_m$; n=99.10, m=0.90)
9. Poly(ethylene-propylene) rubber ($(C_2H_4)_m$-$(C_3H_6)_n$; m=59.04, n=40.96)
10. Emulsion styrene-butadiene rubber ($(C_4H_6)_m$-$(C_8H_8)_n$; m=15.83, n=2.53)
11. Solution styrene-butadiene rubber ($(C_4H_6)_m$-$(C_8H_8)_n$; m=67.16, n=32.85)
12. Emulsion styrene butadiene rubber ($(C_4H_6)_m$-$(C_8H_8)_n$; m=14.14, n=2.26)
13. Solution styrene-butadiene rubber ($(C_4H_6)_m$-$(C_8H_8)_n$; m=13.31, n=2.50)
14. Hydrogenated acrylonitrile-butadiene rubber ($(C_4H_8)_x$-$(C_3H_3N)_y$-$(C_{15}H_{24}O)_a$; x=2,783.05, y=1,907.27, a=5.74)
15. Bromobutyl isobutylene isoprene rubber ($(C_4H_8)_x(C_5H_8)_y(Br_2)_z$; x=7071, y=59, z=50)
16. Chlorobutyl isobutylene isoprene rubber ($(C_4H_8)_x(C_5H_8)_y(Cl_2)_z$); x=7036, y=88, z=70)
17. DIPE-di-isopropyl ether
18. Di-isodecyl phthalate
19. Di-isononyl adipate
20. Di-isononyl phthalate
21. Di-tridecyl phthalate
22. Ethylene propylene diene (EPDM) rubber ($(C_2H_4)_x(C_3H_6)_y(C_9H_{12})_z$; x=5134, y=2250, z=98)
23. Isodecyl alcohol
24. Isodecyl benzoate
25. Isooctyl alcohol
26. Linear nonyl phthalate
27. Linear nonyl undecyl phthalate
28. Linear undecyl phthalate
29. Linear nonyl tri-mellitate
30. Neo decanoic acid
31. Neo pentanoic acid
32. Nonene
33. Regular butyl rubber ($(C_4H_8)_x(C_5H_8)_y$; x=7036, y=88)
34. Tridecyl alcohol
35. Tri-isononyl tri-mellitate
36. Di-isobutylene
37. Polyisobutylene
38. Styrene-acrylonitrile ($(C_3H_3N)_a$-$(C_8H_8)_s$; a=0.26, s=0.74)
39. Acrylonitrile butadiene styrene ($(C_3H_3N)_a$-$(C_4H_6)_b$-$(C_8H_8)_s$; a=0.16, b=0.10, s=0.74)

## Requests To Add Substances to the List

For each of the substances listed in the Summary of Determinations section of this notice, an importer or an exporter submitted a petition to the IRS in accordance with Rev. Proc. 2022–26 requesting a determination under section 4672(a)(2) to add the substance to the List. For each substance, the petition represented that taxable chemicals constitute more than 20

percent of the weight of materials used to produce the substance, based on the predominant method of production.

**General Explanation of Determinations**

After reviewing the petitions for each of the substances listed in the Summary of Determinations section of this notice, the Secretary determined that taxable chemicals constitute more than 20 percent by weight of the materials used to produce the substance, based on the predominant method of production. Therefore, each of the substances is added to the List as required under section 4672(a)(2) and (4). The Secretary made the determinations to add these substances to the List in accordance with the requirements of section 4672(a)(2) and (4), and pursuant to the procedures set forth in Rev. Proc. 2022–26, *as modified by* Rev. Proc. 2023–20.

The relevant information for each taxable substance is provided in the specific determinations included in parts 1 through 39 of the Modifications to the List of Taxable Substances section of this notice. The tax rate for each taxable substance, as prescribed by the Secretary, is provided in paragraph (a)(6) of each specific determination. All scientific information provided in the specific determinations reflects the information provided by petitioners as published in each taxable substance's respective Notice of Filing.

Classification numbers proposed by each petitioner are included in paragraph (b) of each part, after each specific determination. The classification numbers provided with respect to a taxable substance are not part of the determination of whether it is added to the List and do not impact whether such substance is a taxable substance. Taxpayers may not rely on classification numbers for any purpose under sections 4661, 4662, 4671, and 4672, including (but not limited to) identification of a substance as a taxable substance on the List. Classification numbers may change over time. The Department of the Treasury (Treasury Department) and the IRS do not anticipate updating this document to reflect any such changes.

For purposes of the section 4671 tax, all the modifications in parts 1 through 39 of the Modifications to the List of Taxable Substances section of this notice are effective on and after January 1, 2026. For purposes of refund claims under section 4662(e), see the effective date for each specific determination in paragraph (a)(5)(ii) of each of parts 1 through 39 of the Modifications to the List of Taxable Substances section of this notice.

**Modifications to the List of Taxable Substances**

*1. Determination To Add Acrylonitrile-butadiene Rubber ($(C_4H_6)_n$-$(C_3H_3N)_m$; n=13.44, m=25.54) to the List*

Arlanxeo USA LLC and Arlanxeo Canada Inc., importers and exporters of acrylonitrile-butadiene rubber ($(C_4H_6)_n$-$(C_3H_3N)_m$; n=13.44, m=25.54), submitted a petition in accordance with Rev. Proc. 2022–26 requesting to add acrylonitrile-butadiene rubber ($(C_4H_6)_n$-$(C_3H_3N)_m$; n=13.44, m=25.54) to the List. According to the petition, the taxable chemicals butadiene, propylene, and ammonia constitute 64.59 percent by weight of the materials used to produce acrylonitrile-butadiene rubber ($(C_4H_6)_n$-$(C_3H_3N)_m$; n=13.44, m=25.54), based on the predominant method of production.

(a) *Determination.* Acrylonitrile-butadiene rubber ($(C_4H_6)_n$-$(C_3H_3N)_m$; n=13.44, m=25.54) is added to the list of taxable substances under section 4672(a). Other pertinent information is as follows:

(1) *Predominant method of production:* The predominant method of producing acrylonitrile-butadiene rubber is through a radical polymerization of acrylonitrile and butadiene in an emulsion process. Acrylonitrile monomer is produced by the SOHIO process (*i.e.,* catalytic ammoxidation of propylene).

(2) *Stoichiometric material consumption equation:*

$$n\ C_4H_6\ (\text{butadiene}) + m\ [C_3H_6\ (\text{propylene}) + NH_3\ (\text{ammonia}) + 3/2\ O_2] \rightarrow (C_4H_6)_n\text{-}(C_3H_3N)_m\ (\text{acrylonitrile-butadiene rubber}) + 3m\ H_2O$$

(3) *Reasons for the determination:* The acrylonitrile-butadiene rubber ($(C_4H_6)_n$-$(C_3H_3N)_m$; n=13.44, m=25.54) petition was filed on February 7, 2025. The notice of filing summarizing the petition and requesting comments was published in the **Federal Register** (90 FR 14684) on April 3, 2025. The Treasury Department and the IRS received no written comments in response to the notice of filing. A public hearing was neither requested nor held.

The Secretary followed the process in section 4672(a)(2)(B) in making this determination. A review of the stoichiometric material consumption equation and other information in the petition shows that the taxable chemicals butadiene, propylene, and ammonia constitute more than 20 percent by weight of the materials used in the production of acrylonitrile-butadiene rubber ($(C_4H_6)_n$-$(C_3H_3N)_m$; n=13.44, m=25.54), based on the predominant method of production. Therefore, the test in section 4672(a)(2)(B) is satisfied.

(4) *Date of determination:* September 16, 2025.

(5) *Effective dates for addition of acrylonitrile-butadiene rubber ($(C_4H_6)_n$-$(C_3H_3N)_m$; n=13.44, m=25.54) to the List:*

(i) *Effective date for purposes of the section 4671 tax (see section 11.01 of Rev. Proc. 2022–26):* January 1, 2026.

(ii) *Effective date for purposes of refund claims under section 4662(e) (see sections 11.02 and 11.03 of Rev. Proc. 2022–26, as modified by section 3 of Rev. Proc. 2023–20):* July 1, 2022.

(6) *Tax rate prescribed by the Secretary:* $9.58 per ton. The conversion factors for the taxable chemicals used in the production of acrylonitrile-butadiene rubber ($(C_4H_6)_n$-$(C_3H_3N)_m$; n=13.44, m=25.54) are 0.35 for butadiene, 0.52 for propylene, and 0.21 for ammonia. The tax rate is calculated by adding the products of the conversion factor for each taxable chemical by the tax rate for that taxable chemical: $((0.35 \times \$9.74) + (0.52 \times \$9.74) + (0.21 \times \$5.28) = \$9.58)$.

(b) *Classification numbers.*

(1) *The Secretary has no basis to object to the following proposed classification numbers:*

(i) *HTSUS number:* 4002.59.0000.

(ii) *Schedule B number:* 4002.59.0000.

(iii) *CAS number:* 9003–18–3.

(2) *The Secretary is unable to confirm the following proposed classification numbers:* Not applicable.

*2. Determination To Add Bromo-isobutene-isoprene Rubber ($(C_4H_8)_n$-$(C_5H_{7.5}Br_{0.5})_m$; n=98.20, m=1.80) to the List*

Arlanxeo USA LLC and Arlanxeo Canada Inc., importers and exporters of bromo-isobutene-isoprene rubber ($(C_4H_8)_n$-$(C_5H_{7.5}Br_{0.5})_m$; n=98.20, m=1.80), submitted a petition in accordance with Rev. Proc. 2022–26 requesting to add bromo-isobutene-isoprene rubber ($(C_4H_8)_n$-$(C_5H_{7.5}Br_{0.5})_m$; n=98.20, m=1.80) to the List. According to the petition, the taxable chemicals butylene, bromine, and sodium hydroxide constitute 97.89 percent by weight of the materials used to produce bromo-isobutene-isoprene rubber ($(C_4H_8)_n$-$(C_5H_{7.5}Br_{0.5})_m$; n=98.20, m=1.80), based on the predominant method of production.

(a) *Determination.* Bromo-isobutene-isoprene rubber ($(C_4H_8)_n$-$(C_5H_{7.5}Br_{0.5})_m$; n=98.20, m=1.80) is added to the list of taxable substances under section 4672(a). Other pertinent information is as follows:

(1) *Predominant method of production:* The predominant method of producing bromo-isobutene-isoprene

rubber involves reacting a hexane solution of butyl rubber with elemental bromine. Butyl rubber is produced via the cationic copolymerization of butylene with isoprene in the presence of a Friedel-Crafts catalyst at low temperature, around −100 °C.

(2) *Stoichiometric material consumption equation:*

n $C_4H_8$ (butylene) + m $C_5H_8$ (isoprene) + m/2 $Br_2$ (bromine) + m/2 NaOH (sodium hydroxide) → $(C_4H_8)_n$ $(C_5H_{7.5}Br_{0.5})_m$ (bromo-isobutene-isoprene rubber) + m/2 NaBr + m/2 $H_2O$

(3) *Reasons for the determination:* The bromo-isobutene-isoprene rubber ($(C_4H_8)_n$-$(C_5H_{7.5}Br_{0.5})_m$; n=98.20, m=1.80) petition was filed on February 7, 2025. The notice of filing summarizing the petition and requesting comments was published in the **Federal Register** (90 FR 14694) on April 3, 2025. The Treasury Department and the IRS received no written comments in response to the notice of filing. A public hearing was neither requested nor held.

The Secretary followed the process in section 4672(a)(2)(B) in making this determination. A review of the stoichiometric material consumption equation and other information in the petition shows that the taxable chemicals butylene, bromine, and sodium hydroxide constitute more than 20 percent by weight of the materials used in the production of bromo-isobutene-isoprene rubber ($(C_4H_8)_n$-$(C_5H_{7.5}Br_{0.5})_m$; n=98.20, m=1.80), based on the predominant method of production. Therefore, the test in section 4672(a)(2)(B) is satisfied.

(4) *Date of determination:* September 16, 2025.

(5) *Effective dates for addition of bromo-isobutene-isoprene rubber ($(C_4H_8)_n$-$(C_5H_{7.5}Br_{0.5})_m$; n=98.20, m=1.80) to the List:*

(i) *Effective date for purposes of the section 4671 tax (see section 11.01 of Rev. Proc. 2022–26):* January 1, 2026.

(ii) *Effective date for purposes of refund claims under section 4662(e) (see sections 11.02 and 11.03 of Rev. Proc. 2022–26, as modified by section 3 of Rev. Proc. 2023–20):* April 1, 2023.

(6) *Tax rate prescribed by the Secretary:* $9.72 per ton. The conversion factors for the taxable chemicals used in the production of bromo-isobutene-isoprene rubber ($(C_4H_8)_n$-$(C_5H_{7.5}Br_{0.5})_m$; n=98.20, m=1.80) are 0.97 for butylene, 0.03 for bromine, and 0.01 for sodium hydroxide. The tax rate is calculated by adding the products of the conversion factor for each taxable chemical by the tax rate for that taxable chemical: ((0.97 × $9.74) + (0.03 × $8.90) + (0.01 × $0.56) = $9.72).

(b) *Classification numbers.*

(1) *The Secretary has no basis to object to the following proposed classification numbers:*

(i) *HTSUS number:* 4002.39.0000.

(ii) *Schedule B number:* 4002.39.0000.

(iii) *CAS number:* 68441–14–5.

(2) *The Secretary is unable to confirm the following proposed classification numbers:* Not applicable.

*3. Determination To Add Chloroprene Rubber to the List*

Arlanxeo USA LLC and Arlanxeo Canada Inc., importers and exporters of chloroprene rubber, submitted a petition in accordance with Rev. Proc. 2022–26 requesting to add chloroprene rubber to the List. According to the petition, the taxable chemicals butadiene, chlorine, and sodium hydroxide constitute 100 percent by weight of the materials used to produce chloroprene rubber, based on the predominant method of production.

(a) *Determination.* Chloroprene rubber is added to the list of taxable substances under section 4672(a). Other pertinent information is as follows:

(1) *Predominant method of production:* The predominant method of producing chloroprene rubber is through polymerization of chloroprene initiated by a radical initiator in an emulsion process. Chloroprene monomer is made from butadiene by first reacting it with chlorine in the gas phase at ca 500 K to form 3,4-dichlorobut-1-ene and 1,4-dichlorobut-2-ene. The former, on reaction with sodium hydroxide, yields chloroprene monomer.

(2) *Stoichiometric material consumption equation:*

n [$C_4H_6$ (butadiene) + $Cl_2$ (chlorine) + NaOH (sodium hydroxide)] → $(C_4H_5Cl)_n$ (chloroprene rubber) + n NaCl + n $H_2O$

(3) *Reasons for the determination:* The chloroprene rubber petition was filed on February 7, 2025. The notice of filing summarizing the petition and requesting comments was published in the **Federal Register** (90 FR 14691) on April 3, 2025. The Treasury Department and the IRS received no written comments in response to the notice of filing. A public hearing was neither requested nor held.

The Secretary followed the process in section 4672(a)(2)(B) in making this determination. A review of the stoichiometric material consumption equation and other information in the petition shows that the taxable chemicals butadiene, chlorine, and sodium hydroxide constitute more than 20 percent by weight of the materials used in the production of chloroprene rubber, based on the predominant method of production. Therefore, the test in section 4672(a)(2)(B) is satisfied.

(4) *Date of determination:* September 16, 2025.

(5) *Effective dates for addition of chloroprene rubber to the List:*

(i) *Effective date for purposes of the section 4671 tax (see section 11.01 of Rev. Proc. 2022–26):* January 1, 2026.

(ii) *Effective date for purposes of refund claims under section 4662(e) (see sections 11.02 and 11.03 of Rev. Proc. 2022–26, as modified by section 3 of Rev. Proc. 2023–20):* July 1, 2022.

(6) *Tax rate prescribed by the Secretary:* $10.51 per ton. The conversion factors for the taxable chemicals used in the production of chloroprene rubber are 0.61 for butadiene, 0.80 for chlorine, and 0.45 for sodium hydroxide. The tax rate is calculated by adding the products of the conversion factor for each taxable chemical by the tax rate for that taxable chemical: ((0.61 × $9.74) + (0.80 × $5.40) + (0.45 × $0.56) = $10.51).

(b) *Classification numbers.*

(1) *The Secretary has no basis to object to the following proposed classification numbers:*

(i) *HTSUS number:* 4002.49.0000.

(ii) *Schedule B number:* 4002.49.0000.

(iii) *CAS number:* 9010–98–4.

(2) *The Secretary is unable to confirm the following proposed classification numbers:*

(i) *HTSUS number:* 4002.99.0000.

(ii) *Schedule B number:* 4002.99.0000.

*4. Determination To Add Ethylene-propylene-ethylidene Norbornene Rubber ($(C_2H_4)_m$-$(C_3H_6)_n(C_9H_{12})_o$; m=56.82, n=40.46, o=2.71) to the List*

Arlanxeo USA LLC and Arlanxeo Canada Inc., importers and exporters of ethylene-propylene-ethylidene norbornene rubber ($(C_2H_4)_m$-$(C_3H_6)_n(C_9H_{12})_o$; m=56.82, n=40.46, o=2.71), submitted a petition in accordance with Rev. Proc. 2022–26 requesting to add ethylene-propylene-ethylidene norbornene rubber ($(C_2H_4)_m$-$(C_3H_6)_n(C_9H_{12})_o$; m=56.82, n=40.46, o=2.71) to the List. According to the petition, the taxable chemicals ethylene, propylene, and butadiene constitute 95.05 percent by weight of the materials used to produce ethylene-propylene-ethylidene norbornene rubber ($(C_2H_4)_m$ – $(C_3H_6)_n(C_9H_{12})_o$; m=56.82, n=40.46, o=2.71), based on the predominant method of production.

(a) *Determination.* Ethylene-propylene-ethylidene norbornene rubber ($(C_2H_4)_m$-$(C_3H_6)_n(C_9H_{12})_o$; m=56.82, n=40.46, o=2.71) is added to the list of taxable substances under section 4672(a). Other pertinent information is as follows:

(1) *Predominant method of production:* The predominant method of producing ethylene-propylene-ethylidene norbornene rubber is through the catalytic polymerization of ethylene, propylene, and nonconjugated diene monomers in a solution using various catalysts. Non-conjugated diene monomers include ethylidene norbornene and dicyclopentadiene. The nonconjugated diene monomers are produced from cyclopentadiene and butadiene, and cyclopentadiene, respectively.

(2) *Stoichiometric material consumption equation:*

m $C_2H_4$ (ethylene) + n $C_3H_6$ (propylene) + o [$C_5H_6$ (cyclopentadiene) + $C_4H_6$ (butadiene)] → $(C_2H_4)_m$-$(C_3H_6)_n(C_9H_{12})_o$ (ethylene-propylene-ethylidene norbornene rubber)

(3) *Reasons for the determination:* The ethylene-propylene-ethylidene norbornene rubber ($(C_2H_4)_m$-$(C_3H_6)_n(C_9H_{12})_o$; m=56.82, n=40.46, o=2.71) petition was filed on February 7, 2025. The notice of filing summarizing the petition and requesting comments was published in the **Federal Register** (90 FR 14695) on April 3, 2025. The Treasury Department and the IRS received no written comments in response to the notice of filing. A public hearing was neither requested nor held.

The Secretary followed the process in section 4672(a)(2)(B) in making this determination. A review of the stoichiometric material consumption equation and other information in the petition shows that the taxable chemicals ethylene, propylene, and butadiene constitute more than 20 percent by weight of the materials used in the production of ethylene-propylene-ethylidene norbornene rubber ($(C_2H_4)_m$-$(C_3H_6)_n(C_9H_{12})_o$; m=56.82, n=40.46, o=2.71), based on the predominant method of production. Therefore, the test in section 4672(a)(2)(B) is satisfied.

(4) *Date of determination:* September 16, 2025.

(5) *Effective dates for addition of ethylene-propylene-ethylidene norbornene rubber ($(C_2H_4)_m$-$(C_3H_6)_n(C_9H_{12})_o$; m=56.82, n=40.46, o=2.71) to the List:*

(i) *Effective date for purposes of the section 4671 tax (see section 11.01 of Rev. Proc. 2022–26):* January 1, 2026.

(ii) *Effective date for purposes of refund claims under section 4662(e) (see sections 11.02 and 11.03 of Rev. Proc. 2022–26, as modified by section 3 of Rev. Proc. 2023–20):* April 1, 2023.

(6) *Tax rate prescribed by the Secretary:* $9.25 per ton. The conversion factors for the taxable chemicals used in the production of ethylene-propylene-ethylidene norbornene rubber ($(C_2H_4)_m$-$(C_3H_6)_n(C_9H_{12})_o$; m=56.82, n=40.46, o=2.71) are 0.44 for ethylene, 0.47 for propylene, and 0.04 for butadiene. The tax rate is calculated by adding the products of the conversion factor for each taxable chemical by the tax rate for that taxable chemical: ((0.44 × $9.74) + (0.47 × $9.74) + (0.04 × $9.74) = $9.25).

(b) *Classification numbers.*

(1) *The Secretary has no basis to object to the following proposed classification numbers:*

(i) *HTSUS number:* 4002.70.0000.

(ii) *Schedule B number:* 4002.70.0000.

(iii) *CAS number:* 25038–36–2.

(2) *The Secretary is unable to confirm the following proposed classification numbers:* Not applicable.

*5. Determination To Add Ethylene Vinyl Acetate (VA < 50%) ($(C_2H_4)_n$-$(C_4H_6O_2)_m$; n=78.95, m=21.05) to the List*

Arlanxeo USA LLC and Arlanxeo Canada Inc., importers and exporters of ethylene vinyl acetate (VA < 50%) ($(C_2H_4)_n$-$(C_4H_6O_2)_m$; n=78.95, m=21.05), submitted a petition in accordance with Rev. Proc. 2022–26 requesting to add ethylene vinyl acetate (VA < 50%) ($(C_2H_4)_n$-$(C_4H_6O_2)_m$; n=78.95, m=21.05) to the List. According to the petition, the taxable chemicals ethylene and methane constitute 66.23 percent by weight of the materials used to produce ethylene vinyl acetate (VA < 50%) ($(C_2H_4)_n$-$(C_4H_6O_2)_m$; n=78.95, m=21.05), based on the predominant method of production.

(a) *Determination.* Ethylene vinyl acetate (VA < 50%) ($(C_2H_4)_n$-$(C_4H_6O_2)_m$; n=78.95, m=21.05) is added to the list of taxable substances under section 4672(a). Other pertinent information is as follows:

(1) *Predominant method of production:* The predominant method of producing ethylene vinyl acetate (VA < 50%) ($(C_2H_4)_n$-$(C_4H_6O_2)_m$; n=78.95, m=21.05) is through a solution polymerization employing the monomers of ethylene and vinyl acetate in tert-butanol as a solvent and a radical polymerization initiator.

(2) *Stoichiometric material consumption equation:*

n $C_2H_4$ (ethylene) + m [$C_2H_4$ (ethylene) + 1/2 $CH_4$ (methane) + 2 CO + 1/2 $O_2$]

→ $(C_2H_4)_n(C_4H_6O_2)_m$ (ethylene vinyl acetate (VA < 50%)) + 1/2m $CO_2$

(3) *Reasons for the determination:* The ethylene vinyl acetate (VA < 50%) ($(C_2H_4)_n$-$(C_4H_6O_2)_m$; n=78.95, m=21.05) petition was filed on February 7, 2025. The notice of filing summarizing the petition and requesting comments was published in the **Federal Register** (90 FR 14688) on April 3, 2025. The Treasury Department and the IRS received no written comments in response to the notice of filing. A public hearing was neither requested nor held.

The Secretary followed the process in section 4672(a)(2)(B) in making this determination. A review of the stoichiometric material consumption equation and other information in the petition shows that the taxable chemicals ethylene and methane constitute more than 20 percent by weight of the materials used in the production of, based on the predominant method of production. Therefore, the test in section 4672(a)(2)(B) is satisfied.

(4) *Date of determination:* September 16, 2025.

(5) *Effective dates for addition of ethylene vinyl acetate (VA < 50%) ($(C_2H_4)_n$-$(C_4H_6O_2)_m$; n=78.95, m=21.05) to the List:*

(i) *Effective date for purposes of the section 4671 tax (see section 11.01 of Rev. Proc. 2022–26):* January 1, 2026.

(ii) *Effective date for purposes of refund claims under section 4662(e) (see sections 11.02 and 11.03 of Rev. Proc. 2022–26, as modified by section 3 of Rev. Proc. 2023–20):* July 1, 2022.

(6) *Tax rate prescribed by the Secretary:* $7.09 per ton. The conversion factors for the taxable chemicals used in the production of ethylene vinyl acetate ((VA < 50%) ($(C_2H_4)_n$-$(C_4H_6O_2)_m$; n=78.95, m=21.05) are 0.70 for ethylene and 0.04 for methane. The tax rate is calculated by adding the products of the conversion factor for each taxable chemical by the tax rate for that taxable chemical: ((0.70 × $9.74) + (0.04 × $6.88) = $7.09).

(b) *Classification numbers.*

(1) *The Secretary has no basis to object to the following proposed classification numbers:*

(i) *HTSUS number:* 3901.30.6000.

(ii) *Schedule B number:* 3901.30.6000.

(iii) *CAS number:* 24937–78–8.

(2) *The Secretary is unable to confirm the following proposed classification numbers:* Not applicable.

*6. Determination To Add Ethylene Vinyl Acetate (VA ≥ 50%) ($(C_2H_4)_n$-$(C_4H_6O_2)_m$; n=75.42, m=24.58) to the List*

Arlanxeo USA LLC and Arlanxeo Canada Inc., importers and exporters of ethylene vinyl acetate (VA ≥ 50%) ($(C_2H_4)_n$-$(C_4H_6O_2)_m$; n=75.42, m=24.58), submitted a petition in accordance with Rev. Proc. 2022–26 requesting to add ethylene vinyl acetate (VA ≥ 50%) ($(C_2H_4)_n$-$(C_4H_6O_2)_m$; n=75.42, m=24.58) to the List. According to the petition,

the taxable chemicals ethylene and methane constitute 62.91 percent by weight of the materials used to produce ethylene vinyl acetate (VA ≥ 50%) ($(C_2H_4)_n$-$(C_4H_6O_2)_m$; n=75.42, m=24.58), based on the predominant method of production.

(a) *Determination.* Ethylene vinyl acetate (VA ≥ 50%) ($(C_2H_4)_n$-$(C_4H_6O_2)_m$; n=75.42, m=24.58) is added to the list of taxable substances under section 4672(a). Other pertinent information is as follows:

(1) *Predominant method of production:* The predominant method of producing ethylene vinyl acetate (VA ≥ 50%) ($(C_2H_4)_n$-$(C_4H_6O_2)_m$; n=75.42, m=24.58) is through a solution polymerization employing the monomers of ethylene and vinyl acetate in tert-butanol as a solvent and a radical polymerization initiator.

(2) *Stoichiometric material consumption equation:*

n $C_2H_4$ (ethylene) + m [$C_2H_4$ (ethylene) + 1/2 $CH_4$ (methane) + 2 CO + 1/2 $O_2$] → $(C_2H_4)_n(C_4H_6O_2)_m$ (ethylene vinyl acetate (VA ≥ 50%)) + 1/2m $CO_2$

(3) *Reasons for the determination:* The ethylene vinyl acetate (VA ≥ 50%) ($(C_2H_4)_n$-$(C_4H_6O_2)_m$; n=75.42, m=24.58) petition was filed on February 7, 2025. The notice of filing summarizing the petition and requesting comments was published in the **Federal Register** (90 FR 14683) on April 3, 2025. The Treasury Department and the IRS received no written comments in response to the notice of filing. A public hearing was neither requested nor held.

The Secretary followed the process in section 4672(a)(2)(B) in making this determination. A review of the stoichiometric material consumption equation and other information in the petition shows that the taxable chemicals ethylene and methane constitute more than 20 percent by weight of the materials used in the production of, based on the predominant method of production. Therefore, the test in section 4672(a)(2)(B) is satisfied.

(4) *Date of determination:* September 16, 2025.

(5) *Effective dates for addition of ethylene vinyl acetate (VA ≥ 50%) ($(C_2H_4)_n$-$(C_4H_6O_2)_m$; n=75.42, m=24.58) to the List:*

(i) *Effective date for purposes of the section 4671 tax (see section 11.01 of Rev. Proc. 2022–26):* January 1, 2026.

(ii) *Effective date for purposes of refund claims under section 4662(e) (see sections 11.02 and 11.03 of Rev. Proc. 2022–26, as modified by section 3 of Rev. Proc. 2023–20):* July 1, 2022.

(6) *Tax rate prescribed by the Secretary:* $6.77 per ton. The conversion factors for the taxable chemicals used in the production of ethylene vinyl acetate (VA ≥ 50%) ($(C_2H_4)_n$-$(C_4H_6O_2)_m$; n=75.42, m=24.58) are 0.66 for ethylene and 0.05 for methane. The tax rate is calculated by adding the products of the conversion factor for each taxable chemical by the tax rate for that taxable chemical: ((0.66 × $9.74) + (0.05 × $6.88) = $6.77).

(b) *Classification numbers.*

(1) *The Secretary has no basis to object to the following proposed classification numbers:*

(i) *HTSUS number:* 3905.29.0000.

(ii) *Schedule B number:* 3905.29.0000.

(iii) *CAS number:* 24937–78–8.

(2) *The Secretary is unable to confirm the following classification numbers:* Not applicable.

*7. Determination To Add Hydrogenated Acrylonitrile-Butadiene Rubber ($(C_4H_8)_n$-$(C_3H_3N)_m$; n=22.28, m=38.86) to the List*

Arlanxeo USA LLC and Arlanxeo Canada Inc., importers and exporters of hydrogenated acrylonitrile-butadiene rubber ($(C_4H_8)_n$-$(C_3H_3N)_m$; n=22.28, m=38.86), submitted a petition in accordance with Rev. Proc. 2022–26 requesting to add hydrogenated acrylonitrile-butadiene rubber ($(C_4H_8)_n$-$(C_3H_3N)_m$; n=22.28, m=38.86) to the List. According to the petition, the taxable chemicals butadiene, propylene, ammonia, and methane constitute 63.48 percent by weight of the materials used to produce hydrogenated acrylonitrile-butadiene rubber ($(C_4H_8)_n$-$(C_3H_3N)_m$; n=22.28, m=38.86), based on the predominant method of production.

(a) *Determination.* Hydrogenated acrylonitrile-butadiene rubber ($(C_4H_8)_n$-$(C_3H_3N)_m$; n=22.28, m=38.86) is added to the list of taxable substances under section 4672(a). Other pertinent information is as follows:

(1) *Predominant method of production:* The predominant method of producing hydrogenated acrylonitrile-butadiene rubber is via catalytic hydrogenation of acrylonitrile-butadiene rubber which is derived from the emulsion polymerization of butadiene and acrylonitrile.

(2) *Stoichiometric material consumption equation:*

n $C_4H_6$ (butadiene) + m [$C_3H_6$ (propylene) + $NH_3$ (ammonia) + 3/2 $O_2$] + n [1/4 $CH_4$ (methane) + 1/2 $H_2O$] → $(C_4H_8)_n$-$(C_3H_3N)_m$ (hydrogenated acrylonitrile-butadiene rubber) + 3m $H_2O$ + 1/4n $CO_2$

(3) *Reasons for the determination:* The hydrogenated acrylonitrile-butadiene rubber ($(C_4H_8)_n$-$(C_3H_3N)_m$; n=22.28, m=38.86) petition was filed on February 7, 2025. The notice of filing summarizing the petition and requesting comments was published in the **Federal Register** (90 FR 14686) on April 3, 2025. The Treasury Department and the IRS received two non-substantive written comments in response to the notice of filing. One comment received by the IRS recommended prohibiting the manufacture of this substance. The other comment received by the IRS was unrelated to the determination for this substance. The comments did not address whether hydrogenated acrylonitrile-butadiene rubber ($(C_4H_8)_n$-$(C_3H_3N)_m$≧ n=22.28, m=38.86) meets the weight or value test under section 4672(a)(2)(B). A public hearing was neither requested nor held.

The Secretary followed the process in section 4672(a)(2)(B) in making this determination. A review of the stoichiometric material consumption equation and other information in the petition shows that the taxable chemicals butadiene, propylene, ammonia, and methane constitute more than 20 percent by weight of the materials used in the production of, based on the predominant method of production. Therefore, the test in section 4672(a)(2)(B) is satisfied.

(4) *Date of determination:* September 16, 2025.

(5) *Effective dates for addition of hydrogenated acrylonitrile-butadiene rubber ($(C_4H_8)_n$-$(C_3H_3N)_m$; n=22.28, m=38.86) to the List:*

(i) *Effective date for purposes of the section 4671 tax (see section 11.01 of Rev. Proc. 2022–26):* January 1, 2026.

(ii) *Effective date for purposes of refund claims under section 4662(e) (see sections 11.02 and 11.03 of Rev. Proc. 2022–26, as modified by section 3 of Rev. Proc. 2023–20):* July 1, 2022.

(6) *Tax rate prescribed by the Secretary:* $9.54 per ton. The conversion factors for the taxable chemicals used in the production of hydrogenated acrylonitrile-butadiene rubber ($(C_4H_8)_n$-$(C_3H_3N)_m$; n=22.28, m=38.86) are 0.36 for butadiene, 0.49 for propylene, 0.20 for ammonia, and 0.03 for methane. The tax rate is calculated by adding the products of the conversion factor for each taxable chemical by the tax rate for that taxable chemical: ((0.36 × $9.74) + (0.49 × $9.74) + (0.20 × $5.28) + (0.03 × $6.88) = $9.54).

(b) *Classification numbers.*

(1) *The Secretary has no basis to object to the following proposed classification numbers:*

(i) *HTSUS number:* 4002.59.0000.

(ii) *Schedule B number:* 4002.59.0000.

(iii) *CAS number:* 308068–83–9.

(2) *The Secretary is unable to confirm the following classification numbers:* Not applicable.

*8. Determination To Add Isobutene-isoprene Rubber ($(C_4H_8)_n$-$(C_5H_8)_m$; n=99.10, m=0.90) to the List*

Arlanxeo USA LLC and Arlanxeo Canada Inc., importers and exporters of isobutene-isoprene rubber ($(C_4H_8)_n$-$(C_5H_8)_m$; n=99.10, m=0.90) submitted a petition in accordance with Rev. Proc. 2022–26 requesting to add isobutene-isoprene rubber ($(C_4H_8)_n$-$(C_5H_8)_m$; n=99.10, m=0.90) to the List. According to the petition, the taxable chemical butylene constitutes 98.91 percent by weight of the materials used to produce isobutene-isoprene rubber ($(C_4H_8)_n$-$(C_5H_8)_m$; n=99.10, m=0.90), based on the predominant method of production.

(a) *Determination.* Isobutene-isoprene rubber ($(C_4H_8)_n$-$(C_5H_8)_m$; n=99.10, m=0.90) is added to the list of taxable substances under section 4672(a). Other pertinent information is as follows:

(1) *Predominant method of production:* The predominant method of producing isobutene-isoprene rubber is via the cationic copolymerization of butylene with isoprene in the presence of a Friedel-Crafts catalyst at low temperature, around −100°C. The final product contains 0.7 wt% of additives.

(2) *Stoichiometric material consumption equation:*

n $C_4H_8$ (butylene) + m $C_5H_8$ (isoprene) → $(C_4H_8)_n(C_5H_8)_m$ (isobutene-isoprene rubber)

(3) *Reasons for the determination:* The isobutene-isoprene rubber ($(C_4H_8)_n$-$(C_5H_8)_m$; n=99.10, m=0.90) petition was filed on February 7, 2025. The notice of filing summarizing the petition and requesting comments was published in the **Federal Register** (90 FR 14689) on April 3, 2025. The Treasury Department and the IRS received no written comments in response to the notice of filing. A public hearing was neither requested nor held.

The Secretary followed the process in section 4672(a)(2)(B) in making this determination. A review of the stoichiometric material consumption equation and other information in the petition shows that the taxable chemical butylene constitutes more than 20 percent by weight of the materials used in the production of isobutene-isoprene rubber ($(C_4H_8)_n$-$(C_5H_8)_m$; n=99.10, m=0.90), based on the predominant method of production. Therefore, the test in section 4672(a)(2)(B) is satisfied.

(4) *Date of determination:* September 16, 2025.

(5) *Effective dates for addition of isobutene-isoprene rubber ($(C_4H_8)_n$-$(C_5H_8)_m$; n=99.10, m=0.90) to the List:*

(i) *Effective date for purposes of the section 4671 tax (see section 11.01 of Rev. Proc. 2022–26):* January 1, 2026.

(ii) *Effective date for purposes of refund claims under section 4662(e) (see sections 11.02 and 11.03 of Rev. Proc. 2022–26, as modified by section 3 of Rev. Proc. 2023–20):* July 1, 2022.

(6) *Tax rate prescribed by the Secretary:* $9.64 per ton. The conversion factor for the butylene used in the production of isobutene-isoprene rubber ($(C_4H_8)_n$-$(C_5H_8)_m$; n=99.10, m=0.90) is 0.99. The tax rate is calculated by multiplying the conversion factor by the tax rate for butylene: (0.99 × $9.74 = $9.64).

(b) *Classification numbers.*

(1) *The Secretary has no basis to object to the following proposed classification numbers:*

(i) *HTSUS number:* 4002.31.0000.

(ii) *Schedule B number:* 4002.31.0000.

(iii) *CAS number:* 9010–85–9.

(2) *The Secretary is unable to confirm the following proposed classification numbers:* Not applicable.

*9. Determination To Add Poly(ethylene-propylene) Rubber ($(C_2H_4)_m$-$(C_3H_6)_n$; m=59.04, n=40.96) to the List*

Arlanxeo USA LLC and Arlanxeo Canada Inc., importers and exporters of poly(ethylene-propylene) rubber ($(C_2H_4)_m$-$(C_3H_6)_n$; m=59.04, n=40.96), submitted a petition in accordance with Rev. Proc. 2022–26 requesting to add poly(ethylene-propylene) rubber ($(C_2H_4)_m$-$(C_3H_6)_n$; m=59.04, n=40.96) to the List. According to the petition, the taxable chemicals ethylene and propylene constitute 100 percent by weight of the materials used to produce poly(ethylene-propylene) rubber ($(C_2H_4)_m$-$(C_3H_6)_n$; m=59.04, n=40.96), based on the predominant method of production.

(a) *Determination.* Poly(ethylene-propylene) rubber ($(C_2H_4)_m$-$(C_3H_6)_n$; m=59.04, n=40.96) is added to the list of taxable substances under section 4672(a). Other pertinent information is as follows:

(1) *Predominant method of production:* The predominant method of producing poly(ethylene-propylene) rubber is through the catalytic polymerization of ethylene and propylene monomers in a solution using various catalysts.

(2) *Stoichiometric material consumption equation:*

m $C_2H_4$ (ethylene) + n $C_3H_6$ (propylene) → $(C_2H_4)_m$-$(C_3H_6)_n$ (poly(ethylene-propylene) rubber)

(3) *Reasons for the determination:* The poly(ethylene-propylene) rubber ($(C_2H_4)_m$-$(C_3H_6)_n$; m=59.04, n=40.96) petition was filed on February 7, 2025. The notice of filing summarizing the petition and requesting comments was published in the **Federal Register** (90 FR 14690) on April 3, 2025. The Treasury Department and the IRS received no written comments in response to the notice of filing. A public hearing was neither requested nor held.

The Secretary followed the process in section 4672(a)(2)(B) in making this determination. A review of the stoichiometric material consumption equation and other information in the petition shows that the taxable chemicals ethylene and propylene constitute more than 20 percent by weight of the materials used in the production of poly(ethylene-propylene) rubber ($(C_2H_4)_m$-$(C_3H_6)_n$; m=59.04, n=40.96), based on the predominant method of production. Therefore, the test in section 4672(a)(2)(B) is satisfied.

(4) *Date of determination:* September 16, 2025.

(5) *Effective dates for addition of poly(ethylene-propylene) rubber ($(C_2H_4)_m$-$(C_3H_6)_n$; m=59.04, n=40.96) to the List:*

(i) *Effective date for purposes of the section 4671 tax (see section 11.01 of Rev. Proc. 2022–26):* January 1, 2026.

(ii) *Effective date for purposes of refund claims under section 4662(e) (see sections 11.02 and 11.03 of Rev. Proc. 2022–26, as modified by section 3 of Rev. Proc. 2023–20):* July 1, 2022.

(6) *Tax rate prescribed by the Secretary:* $9.74 per ton. The conversion factors for the taxable chemicals used in the production of poly(ethylene-propylene) rubber ($(C_2H_4)_m$-$(C_3H_6)_n$; m=59.04, n=40.96) are 0.49 for ethylene and 0.51 for propylene. The tax rate is calculated by adding the products of the conversion factor for each taxable chemical and the tax rate for that taxable chemical: ((0.49 × $9.74) + (0.51 × $9.74) = $9.74).

(b) *Classification numbers.*

(1) *The Secretary has no basis to object to the following proposed classification number: CAS number:* 9010–71–1.

(2) *The Secretary is unable to confirm the following proposed classification numbers:*

(i) *HTSUS number:* 3901.40.0000.

(ii) *Schedule B number:* 3901.40.0000.

*10. Determination To Add Emulsion Styrene-Butadiene Rubber ($(C_4H_6)_m$-$(C_8H_8)_n$; m=15.83, n=2.53) to the List*

Arlanxeo USA LLC and Arlanxeo Canada Inc., importers and exporters of emulsion styrene-butadiene rubber ($(C_4H_6)_m$-$(C_8H_8)_n$; m=15.83; n=2.53), submitted a petition in accordance with Rev. Proc. 2022–26 requesting to add

emulsion styrene-butadiene rubber ($(C_4H_6)_m$-$(C_8H_8)_n$; m=15.83; n=2.53) to the List. According to the petition, the taxable chemicals butadiene, benzene, and ethylene constitute 100 percent by weight of the materials used to produce emulsion styrene-butadiene rubber ($(C_4H_6)_m$-$(C_8H_8)_n$; m=15.83; n=2.53), based on the predominant method of production.

(a) *Determination.* Emulsion styrene-butadiene rubber ($(C_4H_6)_m$-$(C_8H_8)_n$; m=15.83; n=2.53) is added to the list of taxable substances under section 4672(a). Other pertinent information is as follows:

(1) *Predominant method of production:* The predominant method of producing emulsion styrene-butadiene rubber is through the emulsion polymerization of butadiene and styrene initiated by free radicals. Styrene monomer is produced by the dehydrogenation of ethylbenzene. Ethylbenzene is produced via a Friedel-Crafts reaction of benzene and ethylene.

(2) *Stoichiometric material consumption equation:*

m $C_4H_6$ (butadiene) + n [$C_6H_6$ (benzene) + $C_2H_4$ (ethylene)] → $(C_4H_6)_m$-$(C_8H_8)_n$ (emulsion styrene-butadiene rubber) + n $H_2$ (hydrogen)

(3) *Reasons for the determination:* The emulsion styrene-butadiene rubber ($(C_4H_6)_m$-$(C_8H_8)_n$; m=15.83; n=2.53) petition was filed on February 7, 2025. The notice of filing summarizing the petition and requesting comments was published in the **Federal Register** (90 FR 14686) on April 3, 2025. The Treasury Department and the IRS received no written comments in response to the notice of filing. A public hearing was neither requested nor held.

The Secretary followed the process in section 4672(a)(2)(B) in making this determination. A review of the stoichiometric material consumption equation and other information in the petition shows that the taxable chemicals butadiene, benzene, and ethylene constitute more than 20 percent by weight of the materials used in the production of emulsion styrene-butadiene rubber ($(C_4H_6)_m$-$(C_8H_8)_n$; m=15.83; n=2.53), based on the predominant method of production. Therefore, the test in section 4672(a)(2)(B) is satisfied.

(4) *Date of determination:* September 16, 2025.

(5) *Effective dates for addition of emulsion styrene-butadiene rubber ($(C_4H_6)_m$-$(C_8H_8)_n$; m=15.83; n=2.53) to the List:*

(i) *Effective date for purposes of the section 4671 tax (see section 11.01 of Rev. Proc. 2022–26):* January 1, 2026.

(ii) *Effective date for purposes of refund claims under section 4662(e) (see sections 11.02 and 11.03 of Rev. Proc. 2022–26, as modified by section 3 of Rev. Proc. 2023–20):* July 1, 2022.

(6) *Tax rate prescribed by the Secretary:* $9.74 per ton. The conversion factors for the taxable chemicals used in the production of emulsion styrene-butadiene rubber ($(C_4H_6)_m$-$(C_8H_8)_n$; m=15.83; n=2.53) are 0.76 for butadiene, 0.18 for benzene, and 0.06 for ethylene. The tax rate is calculated by adding the products of the conversion factor for each taxable chemical and the tax rate for that taxable chemical: ((0.76 × $9.74) + (0.18 × $9.74) + (0.06 × $9.74) = $9.74).

(b) *Classification numbers.*

(1) *The Secretary has no basis to object to the following proposed classification numbers:*

(i) *HTSUS numbers:* 4002.19.0015 (rubber), 4002.11.0000 (latex).

(ii) *Schedule B numbers:* 4002.19.9000 (rubber), 4002.11.0000 (latex).

(iii) *CAS number:* 9003–55–8.

(2) *The Secretary is unable to confirm the following proposed classification numbers:* Not applicable.

*11. Determination To Add Solution Styrene-butadiene Rubber ($(C_4H_6)_m$-$(C_8H_8)_n$; m=67.16, n=32.85) to the List*

Arlanxeo USA LLC and Arlanxeo Canada Inc., importers and exporters of solution styrene-butadiene rubber ($(C_4H_6)_m$-$(C_8H_8)_n$; m=67.16; n=32.85), submitted a petition in accordance with Rev. Proc. 2022–26 requesting to add solution styrene-butadiene rubber ($(C_4H_6)_m$-$(C_8H_8)_n$; m=67.16; n=32.85) to the List. According to the petition, the taxable chemicals butadiene, benzene, and ethylene constitute 100 percent by weight of the materials used to produce solution styrene-butadiene rubber ($(C_4H_6)_m$-$(C_8H_8)_n$; m=67.16; n=32.85), based on the predominant method of production.

(a) *Determination.* Solution styrene-butadiene rubber ($(C_4H_6)_m$-$(C_8H_8)_n$; m=67.16; n=32.85) is added to the list of taxable substances under section 4672(a). Other pertinent information is as follows:

(1) *Predominant method of production:* The predominant method of producing solution styrene-butadiene rubber is through the anionic polymerization of butadiene and styrene initiated by alkyl lithium compounds in hexanes as solvent. Styrene monomer is produced by the dehydrogenation of ethylbenzene. Ethylbenzene is produced via a Friedel-Crafts reaction of benzene and ethylene.

(2) *Stoichiometric material consumption equation:*

m $C_4H_6$ (butadiene) + n [$C_6H_6$ (benzene) + $C_2H_4$ (ethylene)] → $(C_4H_6)_m$-$(C_8H_8)_n$ (solution styrene-butadiene rubber) + n $H_2$ (hydrogen); m=67.16; n=32.85

(3) *Reasons for the determination:* The solution styrene-butadiene rubber ($(C_4H_6)_m$-$(C_8H_8)_n$; m=67.16; n=32.85) petition was filed on February 7, 2025. The notice of filing summarizing the petition and requesting comments was published in the **Federal Register** (90 FR 14690) on April 3, 2025. The Treasury Department and the IRS received no written comments in response to the notice of filing. A public hearing was neither requested nor held.

The Secretary followed the process in section 4672(a)(2)(B) in making this determination. A review of the stoichiometric material consumption equation and other information in the petition shows that the taxable chemicals butadiene, benzene, and ethylene constitute more than 20 percent by weight of the materials used in the production of solution styrene-butadiene rubber ($(C_4H_6)_m$-$(C_8H_8)_n$; m=67.16; n=32.85), based on the predominant method of production. Therefore, the test in section 4672(a)(2)(B) is satisfied.

(4) *Date of determination:* September 16, 2025.

(5) *Effective dates for addition of solution styrene-butadiene rubber ($(C_4H_6)_m$-$(C_8H_8)_n$; m=67.16; n=32.85) to the List*:

(i) *Effective date for purposes of the section 4671 tax (see section 11.01 of Rev. Proc. 2022–26):* January 1, 2026.

(ii) *Effective date for purposes of refund claims under section 4662(e) (see sections 11.02 and 11.03 of Rev. Proc. 2022–26, as modified by section 3 of Rev. Proc. 2023–20):* July 1, 2022.

(6) *Tax rate prescribed by the Secretary:* $9.74 per ton. The conversion factors for the taxable chemicals used in the production of solution styrene-butadiene rubber ($(C_4H_6)_m$-$(C_8H_8)_n$; m=67.16; n=32.85) are 0.51 for butadiene, 0.36 for benzene, and 0.13 for ethylene. The tax rate is calculated by adding the products of the conversion factor for each taxable chemical and the tax rate for that taxable chemical: ((0.51 × $9.74) + (0.36 × $9.74) + (0.13 × $9.74) = $9.74).

(b) *Classification numbers.*

(1) *The Secretary has no basis to object to the following proposed classification number: CAS number:* 9003–55–8.

(2) *The Secretary is unable to confirm the following proposed classification numbers:*

(i) *HTSUS number:* 4002.19.0016.
(ii) *Schedule B number:* 4002.19.1600.

*12. Determination To Add Emulsion Styrene Butadiene Rubber ($(C_4H_6)_m$-$(C_8H_8)_n$; m=14.14, n=2.26) to the List*

Michelin North America, Inc., an importer of emulsion styrene butadiene rubber ($(C_4H_6)_m$-$(C_8H_8)_n$; m=14.14, n=2.26), submitted a petition in accordance with Rev. Proc. 2022–26 requesting to add emulsion styrene butadiene rubber ($(C_4H_6)_m$-$(C_8H_8)_n$; m=14.14, n=2.26) to the List. According to the petition, the taxable chemicals butadiene, benzene, and ethylene constitute 100 percent by weight of the materials used to produce emulsion styrene butadiene rubber ($(C_4H_6)_m$-$(C_8H_8)_n$; m=14.14, n=2.26), based on the predominant method of production.

(a) *Determination.* Emulsion styrene butadiene rubber ($(C_4H_6)_m$-$(C_8H_8)_n$; m=14.14, n=2.26) is added to the list of taxable substances under section 4672(a). Other pertinent information is as follows:

(1) *Predominant method of production:* The predominant method of producing emulsion styrene butadiene rubber ($(C_4H_6)_m$-$(C_8H_8)_n$; m=14.14, n=2.26) is through a low temperature, emulsion copolymerization of butadiene and styrene, using fatty and rosin acid soaps as an emulsifier, and organic hydroperoxides as an initiator. Styrene monomer is produced by the dehydrogenation of ethylbenzene. Ethylbenzene is produced via a Friedel-Crafts reaction of benzene and ethylene.

(2) *Stoichiometric material consumption equation:*

m $C_4H_6$ (butadiene) + n [$C_6H_6$ (benzene) + $C_2H_4$ (ethylene)] → ($C_4H_6)_m$-($C_8H_8)_n$ (emulsion styrene butadiene rubber) + n $H_2$ (hydrogen); m=14.14; n=2.26

(3) *Reasons for the determination:* The emulsion styrene butadiene rubber ($(C_4H_6)_m$-$(C_8H_8)_n$; m=14.14, n=2.26) petition was filed on February 7, 2025. The notice of filing summarizing the petition and requesting comments was published in the **Federal Register** (90 FR 14692) on April 3, 2025. The Treasury Department and the IRS received no written comments in response to the notice of filing. A public hearing was neither requested nor held.

The Secretary followed the process in section 4672(a)(2)(B) in making this determination. A review of the stoichiometric material consumption equation and other information in the petition shows that the taxable chemicals butadiene, benzene, and ethylene constitute more than 20 percent by weight of the materials used in the production of emulsion styrene butadiene rubber ($(C_4H_6)_m$-$(C_8H_8)_n$; m=14.14, n=2.26), based on the predominant method of production. Therefore, the test in section 4672(a)(2)(B) is satisfied.

(4) *Date of determination:* September 16, 2025.

(5) *Effective dates for addition of emulsion styrene butadiene rubber ($(C_4H_6)_m$-$(C_8H_8)_n$; m=14.14, n=2.26) to the List:*

(i) *Effective date for purposes of the section 4671 tax (see section 11.01 of Rev. Proc. 2022–26):* January 1, 2026.

(ii) *Effective date for purposes of refund claims under section 4662(e) (see sections 11.02 and 11.03 of Rev. Proc. 2022–26, as modified by section 3 of Rev. Proc. 2023–20):* July 1, 2022.

(6) *Tax rate prescribed by the Secretary:* $9.74 per ton. The conversion factors for the taxable chemicals used in the production of emulsion styrene butadiene rubber ($(C_4H_6)_m$-$(C_8H_8)_n$; m=14.14, n=2.26) are 0.76 for butadiene, 0.18 for benzene, and 0.06 for ethylene. The tax rate is calculated by adding the products of the conversion factor for each taxable chemical and the tax rate for that taxable chemical: ((0.76 × $9.74) + (0.18 × $9.74) + (0.06 × $9.74) = $9.74).

(b) *Classification numbers.*

(1) *The Secretary has no basis to object to the following proposed classification numbers:*

(i) *HTSUS number:* 4002.19.0015.
(ii) *Schedule B number:* 4002.19.9000.
(iii) *CAS number:* 9003–55–8.

(2) *The Secretary is unable to confirm the following proposed classification numbers:* Not applicable.

*13. Determination To Add Solution Styrene-butadiene Rubber ($(C_4H_6)_m$-$(C_8H_8)_n$; m=13.31, n=2.50) to the List*

Michelin North America, Inc., an importer of solution styrene-butadiene rubber ($(C_4H_6)_m$-$(C_8H_8)_n$; m=13.31, n=2.50), submitted a petition in accordance with Rev. Proc. 2022–26 requesting to add solution styrene-butadiene rubber ($(C_4H_6)_m$-$(C_8H_8)_n$; m=13.31, n=2.50) to the List. According to the petition, the taxable chemicals butadiene, benzene and ethylene constitute 100 percent by weight of the materials used to produce solution styrene-butadiene rubber ($(C_4H_6)_m$-$(C_8H_8)_n$; m=13.31, n=2.50), based on the predominant method of production.

(a) *Determination.* Solution styrene-butadiene rubber ($(C_4H_6)_m$-$(C_8H_8)_n$; m=13.31, n=2.50) is added to the list of taxable substances under section 4672(a). Other pertinent information is as follows:

(1) *Predominant method of production:* The predominant method of producing solution styrene-butadiene rubber ($(C_4H_6)_m$-$(C_8H_8)_n$; m=13.31, n=2.50) is through the continuous polymerization of butadiene and styrene initiated by alkyl lithium compounds in toluene or CMHC (cyclohexane and methylhexane) as solvents. Styrene monomer is produced by the dehydrogenation of ethylbenzene. Ethylbenzene is produced via a Friedel-Crafts reaction of benzene and ethylene.

(2) *Stoichiometric material consumption equation:*

m $C_4H_6$ (butadiene) + n [$C_6H_6$ (benzene) + $C_2H_4$ (ethylene)] → ($C_4H_6)_m$-($C_8H_8)_n$ (solution styrene butadiene rubber) + n $H_2$ (hydrogen); m=13.31; n=2.5

(3) *Reasons for the determination:* The solution styrene-butadiene rubber ($(C_4H_6)_m$-$(C_8H_8)_n$; m=13.31, n=2.50) petition was filed on February 7, 2025. The notice of filing summarizing the petition and requesting comments was published in the **Federal Register** (90 FR 14693) on April 3, 2025. The Treasury Department and the IRS received one non-substantive written comment on the necessity of the filing to understand its impact in response to the notice of filing. The comment did not address whether solution styrene-butadiene rubber ($(C_4H_6)_m$-$(C_8H_8)_n$; m=13.31, n=2.50) meets the weight or value test under section 4672(a)(2)(B). A public hearing was neither requested nor held.

The Secretary followed the process in section 4672(a)(2)(B) in making this determination. A review of the stoichiometric material consumption equation and other information in the petition shows that the taxable chemicals butadiene, benzene and ethylene constitute more than 20 percent by weight of the materials used in the production of solution styrene-butadiene rubber ($(C_4H_6)_m$-$(C_8H_8)_n$; m=13.31, n=2.50), based on the predominant method of production. Therefore, the test in section 4672(a)(2)(B) is satisfied.

(4) *Date of determination:* September 16, 2025.

(5) *Effective dates for addition of solution styrene-butadiene rubber ($(C_4H_6)_m$-$(C_8H_8)_n$; m=13.31, n=2.50) to the List:*

(i) *Effective date for purposes of the section 4671 tax (see section 11.01 of Rev. Proc. 2022–26):* January 1, 2026.

(ii) *Effective date for purposes of refund claims under section 4662(e) (see sections 11.02 and 11.03 of Rev. Proc. 2022–26, as modified by section 3 of Rev. Proc. 2023–20):* July 1, 2022.

(6) *Tax rate prescribed by the Secretary:* $9.74 per ton. The conversion factors for the taxable chemicals used in the production of solution styrene-butadiene rubber ($(C_4H_6)_m$-$(C_8H_8)_n$; m=13.31, n=2.50) are 0.73 for butylene, 0.20 for benzene, and 0.07 for ethylene. The tax rate is calculated by adding the products of the conversion factor for each taxable chemical and the tax rate for that taxable chemical: ((0.73 × $9.74) + (0.20 × $9.74) + (0.07 × $9.74) = $9.74).

(b) *Classification numbers.*

(1) *The Secretary has no basis to object to the following proposed classification numbers:*

(i) *HTSUS number:* 4002.19.0016.

(ii) *Schedule B number:* 4002.19.1600.

(iii) *CAS number:* 9003–55–8.

(2) *The Secretary is unable to confirm the following proposed classification numbers:* Not applicable.

*14. Determination To Add Hydrogenated Acrylonitrile-butadiene Rubber ($(C_4H_8)_x$-$(C_3H_3N)_y$-$(C_{15}H_{24}O)_a$; x=2,783.05, y=1,907.27, a=5.74) to the List*

Zeon Chemicals L.P., an importer and exporter of hydrogenated acrylonitrile-butadiene rubber ($(C_4H_8)_x$-$(C_3H_3N)_y$-$(C_{15}H_{24}O)_a$; x=2,783.05, y=1,907.27, a=5.74), also known as ''HNBR,'' submitted a petition in accordance with Rev. Proc. 2022–26 requesting to add HNBR to the List. According to the petition, the taxable chemicals butadiene, propylene, ammonia, methane, butylene, toluene, sulfuric acid, and sodium hydroxide constitute 67.01 percent by weight of the materials used to produce HNBR, based on the predominant method of production.

(a) *Determination.* Hydrogenated acrylonitrile-butadiene rubber ($(C_4H_8)_x$-$(C_3H_3N)_y$-$(C_{15}H_{24}O)_a$; x=2,783.05, y=1,907.27, a=5.74) is added to the list of taxable substances under section 4672(a). Other pertinent information is as follows:

(1) *Predominant method of production:* The predominant method of producing HNBR is via catalytic hydrogenation of acrylonitrile-butadiene rubber (''NBR'') in a solution of acetone and in the presence of a catalyst. NBR is derived from the emulsion polymerization of butadiene and acrylonitrile. Acrylonitrile monomer is produced by the SOHIO process (*i.e.,* catalytic ammoxidation of propylene). Hydrogen is made from steam-methane reforming. Butylated hydroxytoluene is produced from the reaction of *p*-cresol with butylene. *p*-Cresol is prepared by a two-step route beginning with the sulfonation of toluene, followed by basic hydrolysis.

(2) *Stoichiometric material consumption equation:*

x $C_4H_6$ (butadiene) + y $C_3H_6$ (propylene) + y $NH_3$ (ammonia) + 3/2y $O_2$ + 1/2x $CH_4$ (methane) + x $H_2O$ + a $C_7H_8$ (toluene) + a $H_2SO_4$ (sulfuric acid) + 2a NaOH (sodium hydroxide) + 2a $C_4H_8$ (butylene) → $(C_4H_8)_x$-$(C_3H_3N)_y$-$(C_{15}H_{24}O)_a$ (HNBR) + 1/2x $CO_2$ (carbon dioxide)+ (3y+2a) $H_2O$ (water) + a $Na_2SO_3$ (sodium sulfite)+ x $H_2$[1] (hydrogen)

(3) *Reasons for the determination:* The HNBR petition was filed on February 14, 2025. The notice of filing summarizing the petition and requesting comments was published in the **Federal Register** (90 FR 14685) on April 3, 2025, and a correction was published in the **Federal Register** (90 FR 19245) on May 6, 2025. The Treasury Department and the IRS received no written comments in response to the notice of filing. A public hearing was neither requested nor held.

The Secretary followed the process in section 4672(a)(2)(B) in making this determination. A review of the stoichiometric material consumption equation and other information in the petition shows that the taxable chemicals butadiene, propylene, ammonia, methane, butylene, toluene, sulfuric acid, and sodium hydroxide constitute more than 20 percent by weight of the materials used in the production of HNBR, based on the predominant method of production. Therefore, the test in section 4672(a)(2)(B) is satisfied.

(4) *Date of determination:* September 16, 2025.

(5) *Effective dates for addition of HNBR to the List:*

(i) *Effective date for purposes of the section 4671 tax (see section 11.01 of Rev. Proc. 2022–26):* January 1, 2026.

(ii) *Effective date for purposes of refund claims under section 4662(e) (see sections 11.02 and 11.03 of Rev. Proc. 2022–26, as modified by section 3 of Rev. Proc. 2023–20):* April 1, 2023.

(6) *Tax rate prescribed by the Secretary:* $10.02 per ton. The conversion factors for the taxable chemicals used in the production of HNBR are 0.58 for butadiene, 0.31 for propylene, 0.13 for ammonia, 0.09 for methane, 0.002 for butylene, 0.002 for toluene, 0.002 for sulfuric acid, and 0.002 for sodium hydroxide. The tax rate is calculated by adding the products of the conversion factor for each taxable chemical and the tax rate for that taxable chemical: ((0.58 × $9.74) + (0.31 × $9.74) + (0.13 × $5.28) + (0.09 × $6.88) + (0.002 × $9.74) + (0.002 × $9.74) + (0.002 × $0.52) + (0.002 × $0.56) = $10.02).

(b) *Classification numbers.*

(1) *The Secretary has no basis to object to the following proposed classification numbers:*

(i) *HTSUS number:* 4002.59.0000.[2]

(ii) *Schedule B number:* 4002.59.0000.

(iii) *CAS number:* 88254–10–8.

(2) *The Secretary is unable to confirm the following proposed classification numbers:* Not applicable.

*15. Determination To Add Bromobutyl Isobutylene Isoprene Rubber ($((C_4H_8)_x(C_5H_8)_y(Br_2)_z$; x=7071, y=59, z=50) to the List*

Exxon Mobil Corporation, an exporter of bromobutyl isobutylene isoprene rubber ($(C_4H_8)_x(C_5H_8)_y(Br_2)_z$; x=7071, y=59, z=50), also known as ''BIIR,'' submitted a petition in accordance with Rev. Proc. 2022–26 requesting to add BIIR to the List. According to the petition, the taxable chemicals isobutylene (an isomer of butylene) and bromine constitute 99.01 percent by weight of the materials used to produce BIIR, based on the predominant method of production.

(a) *Determination.* Bromobutyl isobutylene isoprene rubber ($(C_4H_8)_x(C_5H_8)_y(Br_2)_z$; x=7071, y=59, z=50) is added to the list of taxable substances under section 4672(a). Other pertinent information is as follows:

(1) *Predominant method of production:* The predominant method of regular butyl rubber production is using a carbocationic polymerization reaction of isobutylene and a comonomer of isoprene. The catalyst system used is typically composed of aluminum chloride, boron trifluoride or similar dissolved in a methyl chloride solvent. Monomer feed of isobutylene and isoprene dissolved in a methyl chloride solvent are fed to a reactor operated at approximately
−100 °C to control the rapid exothermic polymerization reaction generating a high molecular weight butyl rubber polymer. To obtain this high molecular weight polymer it is necessary for the feed monomers to be as pure as possible ensuring that the feed system stays as dry as possible. The methyl chloride and unreacted monomers are flashed overhead and recycled back to the feed

[1] The petition, and consequently the notice of filing, inadvertently omitted ''x $H_2$'' from the products side of the stoichiometric material consumption equation. This omission has no impact on the weight or value test. For clarity ''x $H_2$'' has been included here.

[2] The Notice of Filing erroneously stated that the HTSUS number as ''4002.59.000'' and the Schedule B number as ''4002.59.000.'' These errors are corrected here.

system while the polymer is precipitated out as a solid which is finished and packaged.

The polymerization process for BIIR starts with the exact same process for regular butyl rubber outlined above. A subsequent halogenation step is then carried out in a well agitated vessel to ionically substitute a bromine molecule to the polymer backbone while the polymer is dissolved in an appropriate solvent. The solvent is then flashed precipitating out a solid which is then baled and packaged.

(2) *Stoichiometric material consumption equation:*

7071 $C_4H_8$ (isobutylene) + 59 $C_5H_8$ (isoprene) + 50 $Br_2$ (bromine) → [7071 $C_4H_8$ + 59 $C_5H_8$ + 50 $Br_2$] (BIIR)

(3) *Reasons for the determination:* The BIIR petition was filed on April 8, 2025.[3] The notice of filing summarizing the petition and requesting comments was published in the **Federal Register** (90 FR 20346) on May 13, 2025. The Treasury Department and the IRS received no written comments in response to the notice of filing. A public hearing was neither requested nor held.

The Secretary followed the process in section 4672(a)(2)(B) in making this determination. A review of the stoichiometric material consumption equation and other information in the petition shows that the taxable chemicals isobutylene (an isomer of butylene) and bromine constitute more than 20 percent by weight of the materials used in the production of BIIR, based on the predominant method of production. Therefore, the test in section 4672(a)(2)(B) is satisfied.

(4) *Date of determination:* September 16, 2025.

(5) *Effective dates for addition of BIIR to the List:*

(i) *Effective date for purposes of the section 4671 tax (see section 11.01 of Rev. Proc. 2022–26):* January 1, 2026.

(ii) *Effective date for purposes of refund claims under section 4662(e) (see sections 11.02 and 11.03 of Rev. Proc. 2022–26, as modified by section 3 of Rev. Proc. 2023–20):* July 1, 2022.

(6) *Tax rate prescribed by the Secretary:* $9.63 per ton. The conversion factors for the taxable chemicals used in the production of BIIR are 0.97 for butylene and 0.02 for bromine. The tax rate is calculated by adding the products of the conversion factor for each taxable chemical and the tax rate for that taxable chemical: ((0.97 × $9.74) + (0.02 × $8.90) = $9.63).

[3] The Notice of Filing erroneously stated the year of filing as 2023. This error is corrected here.

(b) *Classification numbers.*

(1) *The Secretary has no basis to object to the following proposed classification numbers:*

(i) *HTSUS number:* 4002.39.00.

(ii) *Schedule B number:* 4002.39.00.

(iii) *CAS number:* 68441–14–5.

(2) *The Secretary is unable to confirm the following proposed classification numbers:* Not applicable.

*16. Determination To Add Chlorobutyl Isobutylene Isoprene Rubber ($(C_4H_8)_x(C_5H_8)_y(Cl_2)_z$); x=7036, y=88, z=70) to the List*

Exxon Mobil Corporation, an exporter of chlorobutyl isobutylene isoprene rubber ($(C_4H_8)_x(C_5H_8)_y(Cl_2)_z$); x=7036, y=88, z=70), also known as ''CIIR,'' submitted a petition in accordance with Rev. Proc. 2022–26 requesting to add CIIR to the List. According to the petition, the taxable chemicals isobutylene (an isomer of butylene) and chlorine constitute 98.50 percent by weight of the materials used to produce CIIR, based on the predominant method of production.

(a) *Determination.* Chlorobutyl isobutylene isoprene rubber ($(C_4H_8)_x(C_5H_8)_y(Cl_2)_z$); x=7036, y=88, z=70) is added to the list of taxable substances under section 4672(a). Other pertinent information is as follows:

(1) *Predominant method of production:* The predominant method of production of regular butyl rubber is using a carbocationic polymerization reaction of isobutylene and a comonomer of isoprene. The catalyst system used is typically composed of aluminum chloride, boron trifluoride or similar with an initiator dissolved in a methyl chloride solvent. Monomer feed of isobutylene and isoprene dissolved in a methyl chloride solvent are fed to a reactor operated at approximately −100 °C to control the rapid exothermic polymerization reaction generating a high molecular weight regular butyl rubber polymer. To obtain this high molecular weight polymer it is necessary for the feed monomers to be as pure as possible as well as ensuring that the feed system stays as dry as possible. The methyl chloride and unreacted monomers are flashed overhead and recycled back to the feed system while the polymer is precipitated out as a solid which is then baled and packaged.

The polymerization process for CIIR starts with the exact same process for regular butyl rubber outlined above. A subsequent halogenation step is then carried out in a well agitated vessel to ionically substitute a chlorine molecule to the polymer backbone while the polymer is dissolved in an appropriate solvent. The solvent is then flashed, precipitating out a solid which is then baled and packaged.

(2) *Stoichiometric material consumption equation:*

7036 $C_4H_8$ (isobutylene) + 88 $C_5H_8$ (isoprene) + 70 $Cl_2$ (chlorine) → [7036 $C_4H_8$ + 88 $C_5H_8$ + 70 $Cl_2$] (CIIR)

(3) *Reasons for the determination:* The CIIR petition was filed on April 8, 2025. The notice of filing summarizing the petition and requesting comments was published in the **Federal Register** (90 FR 20350) on May 13, 2025. The Treasury Department and the IRS received no written comments in response to the notice of filing. A public hearing was neither requested nor held.

The Secretary followed the process in section 4672(a)(2)(B) in making this determination. A review of the stoichiometric material consumption equation and other information in the petition shows that the taxable chemicals isobutylene (an isomer of butylene) and chlorine constitute more than 20 percent by weight of the materials used in the production of CIIR, based on the predominant method of production. Therefore, the test in section 4672(a)(2)(B) is satisfied.

(4) *Date of determination:* September 16, 2025.

(5) *Effective dates for addition of CIIR to the List:*

(i) *Effective date for purposes of the section 4671 tax (see section 11.01 of Rev. Proc. 2022–26):* January 1, 2026.

(ii) *Effective date for purposes of refund claims under section 4662(e) (see sections 11.02 and 11.03 of Rev. Proc. 2022–26, as modified by section 3 of Rev. Proc. 2023–20):* July 1, 2022.

(6) *Tax rate prescribed by the Secretary:* $9.50 per ton. The conversion factors for the taxable chemicals used in the production of CIIR are 0.97 for butylene and 0.01 for chlorine. The tax rate is calculated by adding the products of the conversion factor for each taxable chemical and the tax rate for that taxable chemical: ((0.97 × $9.74) + (0.01 × $5.40) = $9.50).

(b) *Classification numbers.*

(1) *The Secretary has no basis to object to the following proposed classification numbers:*

(i) *HTSUS number:* 4002.39.00.

(ii) *Schedule B number:* 4002.39.00.

(iii) *CAS number:* 68081–82–3.

(2) *The Secretary is unable to confirm the following proposed classification numbers:* Not applicable.

*17. Determination To Add DIPE-Di-isopropyl Ether to the List*

Exxon Mobil Corporation, an exporter of DIPE-di-isopropyl ether submitted a

petition in accordance with Rev. Proc. 2022–26 requesting to add DIPE-di-isopropyl ether to the List. According to the petition, the taxable chemical propylene constitutes 82.40 percent by weight of the materials used to produce DIPE-di-isopropyl ether, based on the predominant method of production.

(a) *Determination.* DIPE-di-isopropyl ether is added to the list of taxable substances under section 4672(a). Other pertinent information is as follows:

(1) *Predominant method of production:* DIPE-di-isopropyl ether is produced via isopropyl alcohol (IPA) production using a two-step indirect hydration process. A mixed propane/propylene stream is reacted with aqueous sulfuric acid to form a $H_2SO_4$/propylene extract. The formed isopropyl hydrogen sulfate is further reacted with additional IPA under acidic conditions to form DIPE-di-isopropyl ether such that two moles of isopropanol are converted to one mole of DIPE-di-isopropyl ether and one mole of water.

(2) *Stoichiometric material consumption equation:*

2 $C_3H_6$ [propylene] + $H_2O$ [water] → $C_6H_{14}O$ [DIPE-di-isopropyl ether]

(3) *Reasons for the determination:* The DIPE-di-isopropyl ether petition was filed on May 1, 2025. The notice of filing summarizing the petition and requesting comments was published in the **Federal Register** (90 FR 21126) on May 16, 2025. The Treasury Department and the IRS received no written comments in response to the notice of filing. A public hearing was neither requested nor held.

The Secretary followed the process in section 4672(a)(2)(B) in making this determination. A review of the stoichiometric material consumption equation and other information in the petition shows that the taxable chemical propylene constitutes more than 20 percent by weight of the materials used in the production of DIPE-di-isopropyl ether, based on the predominant method of production. Therefore, the test in section 4672(a)(2)(B) is satisfied.

(4) *Date of determination:* September 16, 2025.

(5) *Effective dates for addition of DIPE-di-isopropyl ether to the List:*

(i) *Effective date for purposes of the section 4671 tax (see section 11.01 of Rev. Proc. 2022–26):* January 1, 2026.

(ii) *Effective date for purposes of refund claims under section 4662(e) (see sections 11.02 and 11.03 of Rev. Proc. 2022–26, as modified by section 3 of Rev. Proc. 2023–20):* July 1, 2022.

(6) *Tax rate prescribed by the Secretary:* $7.99 per ton. The conversion factor for the propylene used in the production of DIPE-di-isopropyl ether is 0.82. The tax rate is calculated by multiplying the conversion factor by the tax rate for propylene: (0.82 × $9.74 = $7.99).

(b) *Classification numbers.*

(1) *The Secretary has no basis to object to the following proposed classification numbers:*

(i) *HTSUS number:* 2909.19.18.00.

(ii) *Schedule B number:* 2909.19.18.00.

(iii) *CAS number:* 108–20–3.

(2) *The Secretary is unable to confirm the following proposed classification numbers:* Not applicable.

*18. Determination To Add Di-isodecyl Phthalate to the List*

Exxon Mobil Corporation, an exporter of di-isodecyl phthalate, submitted a petition in accordance with Rev. Proc. 2022–26 requesting to add di-isodecyl phthalate to the List. According to the petition, the taxable chemicals propylene and orthoxylene (an isomer of xylene) constitute 64.50 percent by weight of the materials used to produce di-isodecyl phthalate, based on the predominant method of production.

(a) *Determination.* Di-isodecyl phthalate is added to the list of taxable substances under section 4672(a). Other pertinent information is as follows:

(1) *Predominant method of production:* The predominant method of producing di-isodecyl phthalate is via esterification.

This process can be readily carried out in heated kettles with agitation and provision for water takeoff. Esterification catalysts (*e.g.,* sulfuric acid or p-toluenesulfonic acid) speed the reaction and are neutralized, washed, and then removed. The purity requirements for commercial plasticizers are very high; phthalate esters are usually colorless and are mostly odorless. In the case of phthalates, the esterification is carried out through the reaction of phthalic anhydride and 2-ethylhexanol to produce dioctyl phthalate (DOP).

This reaction usually requires an excess of alcohol, which is readily recycled. Analogous syntheses yield aliphatic dicarboxylic acid esters, benzoates, and trimellitates.

(2) *Stoichiometric material consumption equation:*

5.45 $C_3H_6$ [propylene] + 0.35 $C_5H_{10}$ [amylene] + 2 CO [carbon monoxide] + 4 $H_2$ [hydrogen] + $C_8H_{10}$ [orthoxylene] + 3 $O_2$ [oxygen] → $C_{28}H_{46}O_4$ [di-isodecyl phthalate] + 4 $H_2O$ [water]

(3) *Reasons for the determination:* The di-isodecyl phthalate petition was filed on April 8, 2025. The notice of filing summarizing the petition and requesting comments was published in the **Federal Register** (90 FR 20354) on May 13, 2025. The Treasury Department and the IRS received no written comments in response to the notice of filing. A public hearing was neither requested nor held.

The Secretary followed the process in section 4672(a)(2)(B) in making this determination. A review of the stoichiometric material consumption equation and other information in the petition shows that the taxable chemicals propylene and orthoxylene (an isomer of xylene) constitute more than 20 percent by weight of the materials used in the production of di-isodecyl phthalate, based on the predominant method of production. Therefore, the test in section 4672(a)(2)(B) is satisfied.

(4) *Date of determination:* September 16, 2025.

(5) *Effective dates for addition of di-isodecyl phthalate to the List:*

(i) *Effective date for purposes of the section 4671 tax (see section 11.01 of Rev. Proc. 2022–26):* January 1, 2026.

(ii) *Effective date for purposes of refund claims under section 4662(e) (see sections 11.02 and 11.03 of Rev. Proc. 2022–26, as modified by section 3 of Rev. Proc. 2023–20):* July 1, 2022.

(6) *Tax rate prescribed by the Secretary:* $7.31 per ton. The conversion factors for the taxable chemicals used in the production of di-isodecyl phthalate are 0.51 for propylene and 0.24 for xylene. The tax rate is calculated by adding the products of the conversion factor for each taxable chemical and the tax rate for that taxable chemical: ((0.51 × $9.74) + (0.24 × $9.74) = $7.31).

(b) *Classification numbers.*

(1) *The Secretary has no basis to object to the following proposed classification numbers:* Not applicable.

(2) *The Secretary is unable to confirm the following proposed classification numbers:*

(i) *HTSUS number:* 2917.33.00.10.

(ii) *Schedule B number:* 2917.33.00.10.

(iii) *CAS number:* 68515–49–1.

*19. Determination To Add Di-isononyl Adipate to the List*

Exxon Mobil Corporation, an exporter of di-isononyl adipate, also known as ''DINA,'' submitted a petition in accordance with Rev. Proc. 2022–26 requesting to add DINA to the List. According to the petition, the taxable chemicals propylene, benzene, and nitric acid constitute 79.20 percent by weight of the materials used to produce DINA, based on the predominant method of production.

(a) *Determination.* Di-isononyl adipate is added to the list of taxable substances under section 4672(a). Other pertinent information is as follows:

(1) *Predominant method of production:* DINA is produced via esterification. The di-isononyl adipate di-ester is made by reacting primary isononyl (C9) alcohol with adipic acid. The ester is produced by esterification of two moles of isononyl C9 alcohol and one mole of adipic acid in the presence of a catalyst.

By using excess alcohol (up to 30% molar excess of C9 alcohol) and removing the water, the equilibrium is shifted towards the formation of the di-ester. The reactants are charged into a reactor and heated up. The reaction rate is accelerated by using, for example, tetra-n-butyl titanate introduced at high temperature (140 °C–250 °C), while removing the water formed.

Excess alcohol is distilled from the ester by vacuum prior to neutralization and recycled into subsequent batches. The final ester is purified by neutralizing with a base such as an aqueous solution of sodium carbonate. The remaining excess water is distilled off and the ester is then filtered using filter agents. The degree of purity of the ester has a minimum 99.0 wt%.

(2) *Stoichiometric material consumption equation:*

4.82 $C_3H_6$ [propylene] + 0.30 $C_5H_{10}$ [amylene] + 2 CO [carbon monoxide] + 7 $H_2$ [hydrogen] + $C_6H_6$ [benzene] + 0.50 $O_2$ [oxygen] + 2 $HNO_3$ [nitric acid] → $C_{24}H_{46}O_4$ [di-isononyl adipate] + 4 $H_2O$ [water] + $N_2O$ [nitrous oxide]

(3) *Reasons for the determination:* The DINA petition was filed on May 1, 2025. The notice of filing summarizing the petition and requesting comments was published in the **Federal Register** (90 FR 21131) on May 16, 2025. The Treasury Department and the IRS received no written comments in response to the notice of filing. A public hearing was neither requested nor held.

The Secretary followed the process in section 4672(a)(2)(B) in making this determination. A review of the stoichiometric material consumption equation and other information in the petition shows that the taxable chemicals propylene, benzene, and nitric acid constitute more than 20 percent by weight of the materials used in the production of DINA, based on the predominant method of production. Therefore, the test in section 4672(a)(2)(B) is satisfied.

(4) *Date of determination:* September 16, 2025.

(5) *Effective dates for addition of DINA to the List:*

(i) *Effective date for purposes of the section 4671 tax (see section 11.01 of Rev. Proc. 2022–26):* January 1, 2026.

(ii) *Effective date for purposes of refund claims under section 4662(e) (see sections 11.02 and 11.03 of Rev. Proc. 2022–26, as modified by section 3 of Rev. Proc. 2023–20):* July 1, 2022.

(6) *Tax rate prescribed by the Secretary:* $7.07 per ton. The conversion factors for the taxable chemicals used in the production of DINA are 0.51 for propylene, 0.20 for benzene, and 0.32 for nitric acid. The tax rate is calculated by adding the products of the conversion factor for each taxable chemical and the tax rate for that taxable chemical: ((0.51 × $9.74) + (0.20 × $9.74) + (0.32 × $0.48) = $7.07).

(b) *Classification numbers.*

(1) *The Secretary has no basis to object to the following proposed classification numbers:*

(i) *HTSUS number:* 2917.12.20.00.

(ii) *Schedule B number:* 2917.12.2000.

(iii) *CAS number:* 33703–08–1.

(2) *The Secretary is unable to confirm the following proposed classification numbers:* Not applicable.

*20. Determination To Add Di-isononyl Phthalate to the List*

Exxon Mobil Corporation, an exporter of di-isononyl phthalate, submitted a petition in accordance with Rev. Proc. 2022–26 requesting to add di-isononyl phthalate to the List. According to the petition, the taxable chemicals propylene and orthoxylene (an isomer of xylene) constitute 62.90 percent by weight of the materials used to produce di-isononyl phthalate, based on the predominant method of production.

(a) *Determination.* Di-isononyl phthalate is added to the list of taxable substances under section 4672(a). Other pertinent information is as follows:

(1) *Predominant method of production:* The predominant method of producing di-isononyl phthalate is via esterification.

Most plasticizers are products of simple esterification reactions, which can be readily carried out in heated kettles with agitation and provision for water takeoff. While some plants produce plasticizers by such batch methods, newer, highly automated plants operate continuously, particularly if they emphasize a single product. Esterification catalysts (*e.g.* sulfuric acid or p-toluenesulfonic acid) speed the reaction and are neutralized, washed, and then removed. The purity requirements for commercial plasticizers are very high; phthalate esters are usually colorless and are mostly odorless. The reaction usually requires an excess of alcohol, which is readily recycled. Analogous syntheses yield aliphatic dicarboxylic acid esters, benzoates, and trimellitates.

The hydrogen used for these reactions is not produced from steam-methane reforming; the source is from a POx reactor, which feeds liquids, not methane. The POx process is an industrial process that converts hydrocarbons feeds into syngas (a combination of $H_2$ and CO gas). The hydrocarbon feed is in the liquid state; it does not feed gas (such as methane) or solids. The unit feeds a variety of liquid hydrocarbons such as paraffins, olefins, and aromatics in the C9–C20 range, obtained from the refinery pipestills and other chemicals units.

(2) *Stoichiometric material consumption equation:*

5.12 × 0.94 $C_3H_6$ [propylene] + 5.12 × 0.06 $C_5H_{10}$ [amylene] + 2 CO [carbon monoxide] + 4 $H_2$ [hydrogen] + $C_8H_{10}$ [orthoxylene] + 3 $O_2$ [oxygen] → $C_{26}H_{42}O_4$ [di-isononyl phthalate] + 4 $H_2O$ [water]

(3) *Reasons for the determination:* The di-isononyl phthalate petition was filed on May 1, 2025. The notice of filing summarizing the petition and requesting comments was published in the **Federal Register** (90 FR 20551) on May 14, 2025. The Treasury Department and the IRS received no written comments in response to the notice of filing. A public hearing was neither requested nor held.

The Secretary followed the process in section 4672(a)(2)(B) in making this determination. A review of the stoichiometric material consumption equation and other information in the petition shows that the taxable chemicals propylene and orthoxylene (an isomer of xylene) constitute more than 20 percent by weight of the materials used in the production of di-isononyl phthalate, based on the predominant method of production. Therefore, the test in section 4672(a)(2)(B) is satisfied.

(4) *Date of determination:* September 16, 2025.

(5) *Effective dates for addition of di-isononyl phthalate to the List:*

(i) *Effective date for purposes of the section 4671 tax (see section 11.01 of Rev. Proc. 2022–26):* January 1, 2026.

(ii) *Effective date for purposes of refund claims under section 4662(e) (see sections 11.02 and 11.03 of Rev. Proc. 2022–26, as modified by section 3 of Rev. Proc. 2023–20):* July 1, 2022.

(6) *Tax rate prescribed by the Secretary:* $7.11 per ton. The conversion factors for the taxable chemicals used in the production of di-isononyl phthalate are 0.48 for propylene and 0.25 for xylene. The tax rate is calculated by

adding the products of the conversion factor for each taxable chemical and the tax rate for that taxable chemical: ((0.48 × $9.74) + (0.25 × $9.74) = $7.11).

(b) *Classification numbers.*

(1) *The Secretary has no basis to object to the following proposed classification numbers:* Not applicable.

(2) *The Secretary is unable to confirm the following proposed classification numbers:*

(i) *HTSUS number:* 2917.33.00.50.

(ii) *Schedule B number:* 2917.33.00.50.

(iii) *CAS number:* 68515–48–0.

*21. Determination To Add Di-tridecyl Phthalate to the List*

Exxon Mobil Corporation, an exporter of di-tridecyl phthalate, submitted a petition in accordance with Rev. Proc. 2022–26 requesting to add di-tridecyl phthalate to the List. According to the petition, the taxable chemicals propylene and orthoxylene (an isomer of xylene) constitute 68.10 percent by weight of the materials used to produce di-tridecyl phthalate, based on the predominant method of production.

(a) *Determination.* Di-tridecyl phthalate is added to the list of taxable substances under section 4672(a). Other pertinent information is as follows:

(1) *Predominant method of production:* The predominant method of producing di-tridecyl phthalate [4] is via esterification.

This process can be readily carried out in heated kettles with agitation and provision for water takeoff. Esterification catalysts (*e.g.,* sulfuric acid or p-toluenesulfonic acid) speed the reaction and are neutralized, washed, and then removed. The purity requirements for commercial plasticizers are very high; phthalate esters are usually colorless and are mostly odorless. In the case of phthalates, the esterification is carried out through the reaction of phthalic anhydride and 2-ethylhexanol to produce dioctyl phthalate (DOP).

This reaction usually requires an excess of alcohol, which is readily recycled. Analogous syntheses yield aliphatic dicarboxylic acid esters, benzoates, and trimellitates.

(2) *Stoichiometric material consumption equation:*

7.70 × 0.94 $C_3H_6$ [propylene] + 7.70 × 0.06 $C_5H_{10}$ [amylene] + 2 CO [carbon monoxide] + 4 $H_2$ [hydrogen] + $C_8H_{10}$ [orthoxylene] + 3 $O_2$ [oxygen] → $C_{34}H_{58}O_4$ [di-tridecyl phthalate] + 4 $H_2O$ [water]

[4] The Notice of Filing for di-tridecyl phthalate had a typographical error misstating the name of the taxable substance in the predominant method of production section. This error is corrected here.

(3) *Reasons for the determination:* The di-tridecyl phthalate petition was filed on April 8, 2025. The notice of filing summarizing the petition and requesting comments was published in the **Federal Register** (90 FR 20352) on May 13, 2025. The Treasury Department and the IRS received no written comments in response to the notice of filing. A public hearing was neither requested nor held.

The Secretary followed the process in section 4672(a)(2)(B) in making this determination. A review of the stoichiometric material consumption equation and other information in the petition shows that the taxable chemicals propylene and orthoxylene (an isomer of xylene) constitute more than 20 percent by weight of the materials used in the production of di-tridecyl phthalate, based on the predominant method of production. Therefore, the test in section 4672(a)(2)(B) is satisfied.

(4) *Date of determination:* September 16, 2025.

(5) *Effective dates for addition of di-tridecyl phthalate to the List:*

(i) *Effective date for purposes of the section 4671 tax (see section 11.01 of Rev. Proc. 2022–26):* January 1, 2026.

(ii) *Effective date for purposes of refund claims under section 4662(e) (see sections 11.02 and 11.03 of Rev. Proc. 2022–26, as modified by section 3 of Rev. Proc. 2023–20):* July 1, 2022.

(6) *Tax rate prescribed by the Secretary:* $7.50 per ton. The conversion factors for the taxable chemicals used in the production of di-tridecyl phthalate are 0.57 for propylene and 0.20 for xylene. The tax rate is calculated by adding the products of the conversion factor for each taxable chemical and the tax rate for that taxable chemical: ((0.57 × $9.74) + (0.20 × $9.74) = $7.50).

(b) *Classification numbers.*

(1) *The Secretary has no basis to object to the following proposed classification numbers:* Not applicable.

(2) *The Secretary is unable to confirm the following proposed classification numbers:*

(i) *HTSUS number:* 2917.34.01.50.

(ii) *Schedule B number:* 2917.34.0150.

(iii) *CAS number:* 68515–47–9.

*22. Determination To Add Ethylene Propylene Diene (EPDM) Rubber ($(C_2H_4)_x(C_3H_6)_y(C_9H_{12})_z$; x=5134, y=2250, z=98) to the List*

Exxon Mobil Corporation, an exporter of ethylene propylene diene (EPDM) rubber ($(C_2H_4)_x(C_3H_6)_y(C_9H_{12})_z$; x=5134, y=2250, z=98), submitted a petition in accordance with Rev. Proc. 2022–26 requesting to add EPDM rubber ($(C_2H_4)_x(C_3H_6)_y(C_9H_{12})_z$; x=5134, y=2250, z=98) to the List. According to the petition, the taxable chemicals ethylene, propylene, and butadiene constitute 97.41 percent by weight of the materials used to produce EPDM rubber ($(C_2H_4)_x(C_3H_6)_y(C_9H_{12})_z$; x=5134, y=2250, z=98), based on the predominant method of production.

(a) *Determination.* Ethylene propylene diene (EPDM) rubber ($(C_2H_4)_x(C_3H_6)_y(C_9H_{12})_z$; x=5134, y=2250, z=98) is added to the list of taxable substances under section 4672(a). Other pertinent information is as follows:

(1) *Predominant method of production:* The predominant method of producing EPDM rubber ($(C_2H_4)_x(C_3H_6)_y(C_9H_{12})_z$; x=5134, y=2250, z=98) is copolymerization of ethylene and propylene with or without a small amount of a non-conjugated diene.

(2) *Stoichiometric material consumption equation:*

5,134 $C_2H_4$ [ethylene] + 2,250 $C_3H_6$ [propylene] + 98 $C_4H_6$ [butadiene] + 98 $C_5H_6$ [cyclopentadiene] → (5,134 $C_2H_4$ + 2,250 $C_3H_6$ + 98 $C_9H_{12}$) [EPDM]

(3) *Reasons for the determination:* The EPDM rubber ($(C_2H_4)_x(C_3H_6)_y(C_9H_{12})_z$; x=5134, y=2250, z=98) petition was filed on May 1, 2025. The notice of filing summarizing the petition and requesting comments was published in the **Federal Register** (90 FR 21825) on May 21, 2025. The Treasury Department and the IRS received one non-substantive written comment regarding the effect of EPDM on the environment and wildlife in response to the notice of filing. The comment did not address whether EPDM rubber ($(C_2H_4)_x(C_3H_6)_y(C_9H_{12})_z$; x=5134, y=2250, z=98) meets the weight or value test under section 4672(a)(2)(B). A public hearing was neither requested nor held.

The Secretary followed the process in section 4672(a)(2)(B) in making this determination. A review of the stoichiometric material consumption equation and other information in the petition shows that the taxable chemicals ethylene, propylene, and butadiene constitute more than 20 percent by weight of the materials used in the production of EPDM rubber ($(C_2H_4)_x(C_3H_6)_y(C_9H_{12})_z$; x=5134, y=2250, z=98), based on the predominant method of production. Therefore, the test in section 4672(a)(2)(B) is satisfied.

(4) *Date of determination:* September 16, 2025.

(5) *Effective dates for addition of EPDM rubber ($(C_2H_4)_x(C_3H_6)_y(C_9H_{12})_z$; x=5134, y=2250, z=98) to the List:*

(i) *Effective date for purposes of the section 4671 tax (see section 11.01 of Rev. Proc. 2022–26):* January 1, 2026.

(ii) *Effective date for purposes of refund claims under section 4662(e) (see sections 11.02 and 11.03 of Rev. Proc. 2022–26, as modified by section 3 of Rev. Proc. 2023–20):* July 1, 2022.

(6) *Tax rate prescribed by the Secretary:* $9.45 per ton. The conversion factors for the taxable chemicals used in the production of EPDM rubber ($(C_2H_4)_x(C_3H_6)_y(C_9H_{12})_z$; x=5134, y=2250, z=98) are 0.57 for ethylene, 0.38 for propylene, and 0.02 for butadiene. The tax rate is calculated by adding the products of the conversion factor for each taxable chemical and the tax rate for that taxable chemical: ((0.57 × $9.74) + (0.38 × $9.74) + (0.02 × $9.74) = $9.45).

(b) *Classification numbers.*

(1) *The Secretary has no basis to object to the following proposed classification numbers:*

(i) *HTSUS number:* 4002.70.00.

(ii) *Schedule B number:* 4002.70.0000.

(iii) *CAS number:* 25034–71–3.

(2) *The Secretary is unable to confirm the following proposed classification numbers:* Not applicable.

*23. Determination To Add Isodecyl Alcohol to the List*

Exxon Mobil Corporation, an exporter of isodecyl alcohol, submitted a petition in accordance with Rev. Proc. 2022–26 requesting to add isodecyl alcohol to the List. According to the petition, the taxable chemical propylene constitutes 72.00 percent by weight of the materials used to produce isodecyl alcohol, based on the predominant method of production.

(a) *Determination.* Isodecyl alcohol is added to the list of taxable substances under section 4672(a). Other pertinent information is as follows:

(1) *Predominant method of production:* The predominant method of producing isodecyl alcohol is in an oxonation reaction. Plasticizer alcohols, including isodecyl alcohol, are derived from the oxo reaction with branched olefins. Refinery-connected polygas units generate many of these olefins as purified cuts or fractions.

The hydrogen used for these reactions are not produced from steam-methane reforming. The source of hydrogen is from a Pox reactor, which feeds liquids, not methane. The Pox process is an industrial process that converts hydrocarbons feeds into syngas (a combination of hydrogen and carbon monoxide gas). The hydrocarbon feed is in the liquid state. The unit feeds a variety of liquid hydrocarbons such as paraffins, olefins, and aromatics in the C5–C20 range, obtained from the refinery pipestills and other chemicals units.

(2) *Stoichiometric material consumption equation:*

$2.88 \times 0.94\ C_3H_6$ [propylene] + $2.88 \times 0.06\ C_5H_{10}$ [amylene] + CO [carbon monoxide] + $2\ H_2$ [hydrogen] → $C_{10}H_{22}O$ [isodecyl alcohol]

(3) *Reasons for the determination:* The isodecyl alcohol petition was filed on May 1, 2025. The notice of filing summarizing the petition and requesting comments was published in the **Federal Register** (90 FR 21129) on May 16, 2025. The Treasury Department and the IRS received no written comments in response to the notice of filing. A public hearing was neither requested nor held.

The Secretary followed the process in section 4672(a)(2)(B) in making this determination. A review of the stoichiometric material consumption equation and other information in the petition shows that the taxable chemical propylene constitutes more than 20 percent by weight of the materials used in the production of isodecyl alcohol, based on the predominant method of production. Therefore, the test in section 4672(a)(2)(B) is satisfied.

(4) *Date of determination:* September 16, 2025.

(5) *Effective dates for addition of isodecyl alcohol to the List:*

(i) *Effective date for purposes of the section 4671 tax (see section 11.01 of Rev. Proc. 2022–26):* January 1, 2026.

(ii) *Effective date for purposes of refund claims under section 4662(e) (see sections 11.02 and 11.03 of Rev. Proc. 2022–26, as modified by section 3 of Rev. Proc. 2023–20):* July 1, 2022.

(6) *Tax rate prescribed by the Secretary:* $7.01 per ton. The conversion factor for the propylene used in the production of isodecyl alcohol is 0.72. The tax rate is calculated by multiplying the conversion factor by the tax rate for propylene: (0.72 × $9.74 = $7.01).

(b) *Classification numbers.*

(1) *The Secretary has no basis to object to the following proposed classification number: CAS number:* 68526–85–2.

(2) *The Secretary is unable to confirm the following proposed classification numbers:*

(i) *HTSUS number:* 3823.70.60.00.

(ii) *Schedule B number:* 3823.70.6000.

*24. Determination To Add Isodecyl Benzoate to the List*

Exxon Mobil Corporation, an exporter of isodecyl benzoate, submitted a petition in accordance with Rev. Proc. 2022–26 requesting to add isodecyl benzoate to the List. According to the petition, the taxable chemicals propylene and toluene constitute 69.10 percent by weight of the materials used to produce isodecyl benzoate, based on the predominant method of production.

(a) *Determination.* Isodecyl benzoate is added to the list of taxable substances under section 4672(a). Other pertinent information is as follows:

(1) *Predominant method of production:* The predominant method of producing isodecyl benzoate is via esterification. The isodecyl benzoate ester is made by reacting primary isodecyl (C10) alcohol with benzoic acid. The ester is produced by esterification of one mole of isodecyl C10 alcohol and one mole of benzoic acid in the presence of a catalyst.

By using excess alcohol (up to 30% molar excess of C10 alcohol) and removing the water, the equilibrium is shifted towards the formation of the ester. The reactants are charged into a reactor and heated up. The reaction rate is accelerated by using, for example, tetra-n-butyl titanate introduced at high temperature (140 °C–250 °C), while removing the water formed.

Excess alcohol is distilled from the ester by vacuum prior to neutralization and recycled into subsequent batches. The final ester is purified by neutralizing with a base such as an aqueous solution of sodium carbonate. The remaining excess water is distilled off and the ester is then filtered using filter agents. The degree of purity of the ester has a minimum 99.0 wt%.

(2) *Stoichiometric material consumption equation:*

$2.71\ C_3H_6$ [propylene] + $0.17\ C_5H_{10}$ [amylene] + CO [carbon monoxide] + $2\ H_2$ [hydrogen] + $C_6H_5CH_3$ [toluene] + $1.5\ O_2$ [oxygen] → $C_{17}H_{26}O_2$ [isodecyl benzoate] + $2\ H_2O$ [water]

(3) *Reasons for the determination:* The isodecyl benzoate petition was filed on May 1, 2025. The notice of filing summarizing the petition and requesting comments was published in the **Federal Register** (90 FR 21130) on May 16, 2025. The Treasury Department and the IRS received no written comments in response to the notice of filing. A public hearing was neither requested nor held.

The Secretary followed the process in section 4672(a)(2)(B) in making this determination. A review of the stoichiometric material consumption equation and other information in the petition shows that the taxable chemicals propylene and toluene constitute more than 20 percent by weight of the materials used in the production of isodecyl benzoate, based on the predominant method of production. Therefore, the test in section 4672(a)(2)(B) is satisfied.

(4) *Date of determination:* September 16, 2025.

(5) *Effective dates for addition of isodecyl benzoate to the List:*

(i) *Effective date for purposes of the section 4671 tax (see section 11.01 of Rev. Proc. 2022–26):* January 1, 2026.

(ii) *Effective date for purposes of refund claims under section 4662(e) (see sections 11.02 and 11.03 of Rev. Proc. 2022–26, as modified by section 3 of Rev. Proc. 2023–20):* July 1, 2022.

(6) *Tax rate prescribed by the Secretary:* $7.60 per ton. The conversion factors for the taxable chemicals used in the production of isodecyl benzoate are 0.43 for propylene and 0.35 for toluene. The tax rate is calculated by adding the products of the conversion factor for each taxable chemical and the tax rate for that taxable chemical: ((0.43 × $9.74) + (0.35 × $9.74) = $7.60).

(b) *Classification numbers.*

(1) *The Secretary has no basis to object to the following proposed classification numbers:* Not applicable.

(2) *The Secretary is unable to confirm the following proposed classification numbers:*

(i) *HTSUS number:* 2916.31.50.00.

(ii) *Schedule B number:* 2916.31.0002.

(iii) *CAS number:* 131298–44–7.

*25. Determination To Add Isooctyl Alcohol to the List*

Exxon Mobil Corporation, an exporter of isooctyl alcohol, submitted a petition in accordance with Rev. Proc. 2022–26 requesting to add isooctyl alcohol to the List. According to the petition, the taxable chemical propylene constitutes 68.10 percent by weight of the materials used to produce isooctyl alcohol, based on the predominant method of production.

(a) *Determination.* Isooctyl alcohol is added to the list of taxable substances under section 4672(a). Other pertinent information is as follows:

(1) *Predominant method of production:* The predominant method of producing isooctyl alcohol is in an oxonation reaction. Plasticizer alcohols, including isooctyl alcohol, are derived from the oxo reaction with branched olefins. Refinery-connected polygas units generate many of these olefins as purified cuts or fractions. For example, isooctyl alcohol is produced from heptene, which is an isomeric mixture of C7 olefins that are derived from the reaction of propylene and butylenes. The extent of branching in heptane depends on the reaction conditions and feedstock ratio at the polygas units. Since these conditions are variable, the specifications of the alcohol product may vary among producers.

The hydrogen used for these reactions are not produced from steam-methane reforming. The source of hydrogen is from POx reactor, which feeds liquids, not methane. The POx process is an industrial process that converts hydrocarbons feeds into syngas (a combination of hydrogen and carbon monoxide gas). The hydrocarbon feed is in the liquid state. The unit feeds a variety of liquid hydrocarbons such as paraffins, olefins, and aromatics in the C5–C20 range, obtained from the refinery pipestills and other chemicals units.

(2) *Stoichiometric material consumption equation:*

$$2.24 \times 0.94\ C_3H_6\ [\text{propylene}] + 2.24 \times 0.06\ C_5H_{10}\ [\text{amylene}] + CO\ [\text{carbon monoxide}] + 2\ H_2\ [\text{hydrogen}] \rightarrow C_8H_{18}O\ [\text{isooctyl alcohol}]$$

(3) *Reasons for the determination:* The isooctyl alcohol petition was filed on May 1, 2025. The notice of filing summarizing the petition and requesting comments was published in the **Federal Register** (90 FR 21126) on May 16, 2025. The Treasury Department and the IRS received one non-substantive written comment regarding the importance of evaluating the data in response to the notice of filing. The comment did not address whether isooctyl alcohol meets the weight or value test under section 4672(a)(2)(B). A public hearing was neither requested nor held.

The Secretary followed the process in section 4672(a)(2)(B) in making this determination. A review of the stoichiometric material consumption equation and other information in the petition shows that the taxable chemical propylene constitutes more than 20 percent by weight of the materials used in the production of isooctyl alcohol, based on the predominant method of production. Therefore, the test in section 4672(a)(2)(B) is satisfied.

(4) *Date of determination:* September 16, 2025.

(5) *Effective dates for addition of isooctyl alcohol to the List:*

(i) *Effective date for purposes of the section 4671 tax (see section 11.01 of Rev. Proc. 2022–26):* January 1, 2026.

(ii) *Effective date for purposes of refund claims under section 4662(e) (see sections 11.02 and 11.03 of Rev. Proc. 2022–26, as modified by section 3 of Rev. Proc. 2023–20):* July 1, 2022.

(6) *Tax rate prescribed by the Secretary:* $6.62 per ton. The conversion factor for the propylene used in the production of isooctyl alcohol is 0.68. The tax rate is calculated by multiplying the conversion factor by the tax rate for propylene: (0.68 × $9.74 = $6.62).

(b) *Classification numbers.*

(1) *The Secretary has no basis to object to the following proposed classification numbers:*

(i) *HTSUS number:* 2905.16.00.50.

(ii) *Schedule B number:* 2905.16.0050.

(iii) *CAS number:* 68526–83–0.

(2) *The Secretary is unable to confirm the following proposed classification numbers:* Not applicable.

*26. Determination To Add Linear Nonyl Phthalate to the List*

Exxon Mobil Corporation, an exporter of linear nonyl phthalate, submitted a petition in accordance with Rev. Proc. 2022–26 requesting to add linear nonyl phthalate to the List. According to the petition, the taxable chemicals ethylene and orthoxylene (an isomer of xylene) constitute 67.40 percent by weight of the materials used to produce linear nonyl phthalate, based on the predominant method of production.

(a) *Determination.* Linear nonyl phthalate is added to the list of taxable substances under section 4672(a). Other pertinent information is as follows:

(1) *Predominant method of production:* The predominant method of producing linear nonyl phthalate is via esterification.

The linear nonyl phthalate di-ester is made by reacting a mix of primary C9 alcohol with phthalic anhydride. The ester is produced by esterification of two moles of a linear C9 alcohol with one mole of phthalic anhydride in the presence of an acidic catalyst.

By using excess alcohol (up to 25% molar excess of C9 alcohol) and removing the water, the equilibrium is shifted towards the formation of the di-ester. The reactants are charged into a reactor and heated up. The reaction rate is accelerated by using, for example, tetra-n-butyl titanate introduced at high temperature (140 °C–250 °C), while removing the water formed.

The final ester is purified by neutralizing with a base such as an aqueous solution of sodium carbonate. Then excess alcohol is distilled off using steam/nitrogen stripping after neutralization. The remaining excess water is distilled off and the ester is then filtered using filter agents.

The degree of purity of the ester is up to >99.5 wt%. The overall formula is $C_{26}H_{42}O_4$ and the molecular weight is 418 g/mole, based on an average carbon number of the alkyl groups, with 9 carbons being the predominant number.

The linear C9 alcohol is obtained through hydroformylation of octene. Octene is obtained through ethylene oligomerization. Hydroformylation is the reaction of octene, at high pressure and temperature in the presence of a catalyst, with syngas (a mixture of carbon monoxide and hydrogen). An alcohol with one carbon atom higher versus the starting olefin is obtained,

hence octene gives nonanol. The hydroformylation induces 0.3 branches per molecule predominantly on the 2-postion carbon of the alcohol. Phthalic anhydride is obtained through air oxidation of o.xylene.

(2) *Stoichiometric material consumption equation:*

8 $C_2H_4$ [ethylene] + 2 CO [carbon monoxide] + 4 $H_2$ [hydrogen] + $C_8H_{10}$ [orthoxylene] + 3 $O_2$ [oxygen] → $C_{26}H_{42}O_4$ [linear nonyl phthalate] + 4 $H_2O$ [water]

(3) *Reasons for the determination:* The linear nonyl phthalate petition was filed on April 8, 2025. The notice of filing summarizing the petition and requesting comments was published in the **Federal Register** (90 FR 20348) on May 13, 2025. The Treasury Department and the IRS received no written comments in response to the notice of filing. A public hearing was neither requested nor held.

The Secretary followed the process in section 4672(a)(2)(B) in making this determination. A review of the stoichiometric material consumption equation and other information in the petition shows that the taxable chemicals ethylene and orthoxylene (an isomer of xylene) constitute more than 20 percent by weight of the materials used in the production of linear nonyl phthalate, based on the predominant method of production. Therefore, the test in section 4672(a)(2)(B) is satisfied.

(4) *Date of determination:* September 16, 2025.

(5) *Effective dates for addition of linear nonyl phthalate to the List:*

(i) *Effective date for purposes of the section 4671 tax (see section 11.01 of Rev. Proc. 2022–26):* January 1, 2026.

(ii) *Effective date for purposes of refund claims under section 4662(e) (see sections 11.02 and 11.03 of Rev. Proc. 2022–26, as modified by section 3 of Rev. Proc. 2023–20):* July 1, 2022.

(6) *Tax rate prescribed by the Secretary:* $7.69 per ton. The conversion factors for the taxable chemicals used in the production of linear nonyl phthalate are 0.54 for ethylene and 0.25 for xylene. The tax rate is calculated by adding the products of the conversion factor for each taxable chemical and the tax rate for that taxable chemical: ((0.54 × $9.74) + (0.25 × $9.74) = $7.69).

(b) *Classification numbers.*

(1) *The Secretary has no basis to object to the following proposed classification number: CAS number:* 68515–45–7.

(2) *The Secretary is unable to confirm the following proposed classification numbers:*

(i) *HTSUS number:* 2917.33.00.50.

(ii) *Schedule B number:* 2917.33.0050.

*27. Determination To Add Linear Nonyl Undecyl Phthalate to the List*

Exxon Mobil Corporation, an exporter of linear nonyl undecyl phthalate, submitted a petition in accordance with Rev. Proc. 2022–26 requesting to add linear undecyl phthalate to the List. According to the petition, the taxable chemicals ethylene and orthoxylene (an isomer of xylene) constitute 69.14 percent by weight of the materials used to produce linear nonyl undecyl phthalate, based on the predominant method of production.

(a) *Determination.* Linear nonyl undecyl phthalate is added to the list of taxable substances under section 4672(a). Other pertinent information is as follows:

(1) *Predominant method of production:* The predominant method of producing linear nonyl undecyl phthalate is via esterification. The linear nonyl undecyl phthalate di-ester is made by reacting a mix of primary C9 alcohol and primary C11 alcohol with phthalic anhydride. The ester is produced by esterification of one mole of a linear C9 alcohol and one mole of a linear C11 alcohol mix with one mole of phthalic anhydride in the presence of an acidic catalyst. By using excess alcohol (up to 25% molar excess of the alcohol mix) and removing the water, the equilibrium is shifted towards the formation of the di-ester. The reactants are charged into a reactor and heated up. The reaction rate is accelerated by using, for example, tetra-n-butyl titanate introduced at high temperature (140 °C–250 °C), while removing the water formed. The final ester is purified by neutralizing with a base such as an aqueous solution of sodium carbonate. Then excess alcohol is distilled off using steam/nitrogen stripping after neutralization. The remaining excess water is distilled off and the ester is then filtered using filter agents. The degree of purity of the ester is up to >99.5 wt%.

The overall formula is $C_{28}H_{46}O_4$ and the molecular weight is 446 g/mole, based on an average carbon number of the alkyl groups, which are C9 and C11 carbons. The linear C9/C11 alcohols are obtained through hydroformylation of octene/decene. octene/decene is obtained through ethylene oligomerization. Hydroformylation is the reaction of octene/decene, at high pressure and temperature in the presence of a catalyst, with syngas (a mixture of carbon monoxide and hydrogen). An alcohol with one carbon atom higher versus the starting olefin is obtained, hence octene/decene gives nonanol/undecanol. The hydroformylation induces 0.3 branches per molecule predominantly on the 2-postion carbon of the alcohol. Phthalic anhydride is obtained through air oxidation of orthoxylene.

The hydrogen used for these reactions is not produced from steam-methane reforming; the source is from a POx reactor, which feeds liquids, not methane. The POx process is an industrial process that converts hydrocarbons feeds into syngas (a combination of hydrogen and carbon monoxide gas). The hydrocarbon feed is in the liquid state; it does not feed gas (such as methane) or solids. The unit feeds a variety of liquid hydrocarbons such as paraffins, olefins, and aromatics in the C5–C20 range, obtained from the refinery pipestills and other chemicals units.

(2) *Stoichiometric material consumption equation:*

9 $C_2H_4$ [ethylene] + 2 CO [carbon monoxide] + 4 $H_2$ [hydrogen] + $C_8H_{10}$ [orthoxylene] + 3 $O_2$ [oxygen] → $C_{28}H_{46}O_4$ [linear nonyl undecyl phthalate] + 4 $H_2O$ [water]

(3) *Reasons for the determination:* The linear nonyl undecyl phthalate petition was filed on April 8, 2025. The notice of filing summarizing the petition and requesting comments was published in the **Federal Register** (90 FR 20553) on May 14, 2025. The Treasury Department and the IRS received no written comments in response to the notice of filing. A public hearing was neither requested nor held.

The Secretary followed the process in section 4672(a)(2)(B) in making this determination. A review of the stoichiometric material consumption equation and other information in the petition shows that the taxable chemicals ethylene and orthoxylene (an isomer of xylene) constitute more than 20 percent by weight of the materials used in the production of linear nonyl undecyl phthalate, based on the predominant method of production. Therefore, the test in section 4672(a)(2)(B) is satisfied.

(4) *Date of determination:* September 16, 2025.

(5) *Effective dates for addition of linear nonyl undecyl phthalate to the List:*

(i) *Effective date for purposes of the section 4671 tax (see section 11.01 of Rev. Proc. 2022–26):* January 1, 2026.

(ii) *Effective date for purposes of refund claims under section 4662(e) (see sections 11.02 and 11.03 of Rev. Proc. 2022–26, as modified by section 3 of Rev. Proc. 2023–20):* July 1, 2022.

(6) *Tax rate prescribed by the Secretary:* $7.89 per ton. The conversion

factors for the taxable chemicals used in the production of linear nonyl undecyl phthalate are 0.57 for ethylene and 0.24 for xylene. The tax rate is calculated by adding the products of the conversion factor for each taxable chemical and the tax rate for that taxable chemical: ((0.57 × $9.74) + (0.24 × $9.74) = $7.89)

(b) *Classification numbers.*

(1) *The Secretary has no basis to object to the following proposed classification numbers:*

(i) *HTSUS number:* 3812.20.10.00.

(ii) *Schedule B number:* 3812.20.0000.

(iii) *CAS number:* 68515–43–5.

(2) *The Secretary is unable to confirm the following proposed classification numbers:* Not applicable.

*28. Determination To Add Linear Undecyl Phthalate to the List*

Exxon Mobil Corporation, an exporter of linear undecyl phthalate, submitted a petition in accordance with Rev. Proc. 2022–26 requesting to add linear undecyl phthalate to the List. According to the petition, the taxable chemicals ethylene and orthoxylene (an isomer of xylene) constitute 70.72 percent by weight of the materials used to produce linear undecyl phthalate, based on the predominant method of production.

(a) *Determination.* Linear undecyl phthalate is added to the list of taxable substances under section 4672(a). Other pertinent information is as follows:

(1) *Predominant method of production:* The predominant method of producing linear undecyl phthalate di-ester is by reacting a mix of primary C11 alcohol with phthalic anhydride. The ester is produced by esterification of two moles of a linear C11 alcohol with one mole of phthalic anhydride in the presence of an acidic catalyst.

By using excess alcohol (up to 25% molar excess of C11 alcohol) and removing the water, the equilibrium is shifted towards the formation of the di-ester. The reactants are charged into a reactor and heated up. The reaction rate is accelerated by using, for example, tetra-n-butyl titanate introduced at high temperature (140 °C–250 °C), while removing the water formed.

The final ester is purified by neutralizing with a base such as an aqueous solution of sodium carbonate. Then excess alcohol is distilled off using steam/nitrogen stripping after neutralization. The remaining excess water is distilled off and the ester is then filtered using filter agents.

The degree of purity of the ester is up to >99.5 wt%. The overall formula is $C_{30}H_{50}O_4$ and the molecular weight is 474 g/mole, based on an average carbon number of the alkyl groups, with 11 carbons being the predominant number.

The linear C11 alcohol is obtained through hydroformylation of decene. Decene is obtained through ethylene oligomerization. Hydroformylation is the reaction of decene, at high pressure and temperature in the presence of a catalyst, with syngas (a mixture of carbon monoxide and hydrogen). An alcohol with one carbon atom higher versus the starting olefin is obtained, hence decene gives undecanol. The hydroformylation induces 0.3 branches per molecule predominantly on the 2-position carbon of the alcohol. Phthalic anhydride is obtained through air oxidation of o.xylene.

(2) *Stoichiometric material consumption equation:*

10 $C_2H_4$ [ethylene] + 2 CO [carbon monoxide] + 4 $H_2$ [hydrogen] + $C_8H_{10}$ [orthoxylene] + 3 $O_2$ [oxygen] → $C_{30}H_{50}O_4$ [linear undecyl phthalate] + 4 $H_2O$ [water]

(3) *Reasons for the determination:* The linear undecyl phthalate petition was filed on April 8, 2025. The notice of filing summarizing the petition and requesting comments was published in the **Federal Register** (90 FR 20353) on May 13, 2025. The Treasury Department and the IRS received no written comments in response to the notice of filing. A public hearing was neither requested nor held.

The Secretary followed the process in section 4672(a)(2)(B) in making this determination. A review of the stoichiometric material consumption equation and other information in the petition shows that the taxable chemicals ethylene and orthoxylene (an isomer of xylene) constitute more than 20 percent by weight of the materials used in the production of linear undecyl phthalate, based on the predominant method of production. Therefore, the test in section 4672(a)(2)(B) is satisfied.

(4) *Date of determination:* September 16, 2025.

(5) *Effective dates for addition of linear undecyl phthalate to the List:*

(i) *Effective date for purposes of the section 4671 tax (see section 11.01 of Rev. Proc. 2022–26):* January 1, 2026.

(ii) *Effective date for purposes of refund claims under section 4662(e) (see sections 11.02 and 11.03 of Rev. Proc. 2022–26, as modified by section 3 of Rev. Proc. 2023–20):* July 1, 2022.

(6) *Tax rate prescribed by the Secretary:* $7.89 per ton. The conversion factors for the taxable chemicals used in the production of linear undecyl phthalate are 0.59 for ethylene and 0.22 for xylene. The tax rate is calculated by adding the products of the conversion factor for each taxable chemical and the tax rate for that taxable chemical: ((0.59 × $9.74) + (0.22 × $9.74) = $7.89).

(b) *Classification numbers.*

(1) *The Secretary has no basis to object to the following proposed classification numbers:* Not applicable.

(2) *The Secretary is unable to confirm the following proposed classification numbers:*

(i) *HTSUS number:* 2917.33.00.50.

(ii) *Schedule B number:* 2917.33.00.50.

(iii) *CAS number:* 3648–20–2.

*29. Determination To Add Linear Nonyl Tri-mellitate to the List*

Exxon Mobil Corporation, an exporter of linear nonyl tri-mellitate, submitted a petition in accordance with Rev. Proc. 2022–26 requesting to add linear nonyl tri-mellitate to the List. According to the petition, the taxable chemical ethylene constitutes 53.90 percent by weight of the materials used to produce linear nonyl tri-mellitate, based on the predominant method of production.

(a) *Determination.* Linear nonyl tri-mellitate is added to the list of taxable substances under section 4672(a). Other pertinent information is as follows:

(1) *Predominant method of production:* The predominant method of production of linear nonyl tri-mellitate is using an esterification reaction. The linear nonyl tri-mellitate tri-ester is made by reacting primary C9 alcohol with trimellitic anhydride. The ester is produced by esterification of three moles of a linear C9 alcohol and one mole of trimellitic anhydride in the presence of an acidic catalyst.

By using excess alcohol (up to 30% molar excess of C9 alcohol) and removing the water, the equilibrium is shifted towards the formation of the tri-ester. The reactants are charged into a reactor and heated up. The reaction rate is accelerated by using, for example, tetra-n-butyl titanate introduced at high temperature (140 °C–250 °C), while removing the water formed.

Excess alcohol is distilled from the ester by vacuum prior to neutralization and recycled into subsequent batches. The final ester is purified by neutralizing with a base such as an aqueous solution of sodium carbonate. The remaining excess water is distilled off and the ester is then filtered using filter agents.

The degree of purity of the ester has a minimum 99.0 wt%. The overall formula is $C_{36}H_{60}O_6$ and the molecular weight is 589 g.mol-1, based on the carbon numbers of the alkyl groups, with 9 carbons being the predominant number and the average (>97% C9). The alkyl groups typically have methyl- or ethyl- branching, with on average 0.3 branches per molecule typically found

on the second carbon of the alkyl chain closest to the aromatic ring.

The linear C9 alcohol is obtained through hydroformylation of octene. Octene is obtained through ethylene oligomerization. Hydroformylation is the reaction of ctene at high pressure and temperature in the presence of a catalyst with syngas (a mixture of carbon monoxide and hydrogen). An alcohol with one carbon atom higher versus the starting olefin is obtained, hence octene gives nonanol. The hydroformylation induces 0.3 branches per molecule predominantly on the two-position carbon of the alcohol. Trimellitic anhydride is obtained through air oxidation of 1,2,4-trimethylbenzene.

(2) *Stoichiometric material consumption equation:*

12 $C_2H_4$ [ethylene] + 3 CO [carbon monoxide] + 6 $H_2$ [hydrogen] + $C_9H_4O_5$ [trimellitic anhydride] → $C_{36}H_{60}O_6$ [linear nonyl tri-mellitate] + 2 $H_2O$ [water]

(3) *Reasons for the determination:* The linear nonyl tri-mellitate petition was filed on May 1, 2025. The notice of filing summarizing the petition and requesting comments was published in the **Federal Register** (90 FR 21125) on May 16, 2025. The Treasury Department and the IRS received no written comments in response to the notice of filing. A public hearing was neither requested nor held.

The Secretary followed the process in section 4672(a)(2)(B) in making this determination. A review of the stoichiometric material consumption equation and other information in the petition shows that the taxable chemical ethylene constitutes more than 20 percent by weight of the materials used in the production of linear nonyl tri-mellitate, based on the predominant method of production. Therefore, the test in section 4672(a)(2)(B) is satisfied.

(4) *Date of determination:* September 16, 2025.

(5) *Effective dates for addition of linear nonyl tri-mellitate to the List:*

(i) *Effective date for purposes of the section 4671 tax (see section 11.01 of Rev. Proc. 2022–26):* January 1, 2026.

(ii) *Effective date for purposes of refund claims under section 4662(e) (see sections 11.02 and 11.03 of Rev. Proc. 2022–26, as modified by section 3 of Rev. Proc. 2023–20):* July 1, 2022.

(6) *Tax rate prescribed by the Secretary:* $5.55 per ton. The conversion factor for the ethylene used in the production of linear nonyl tri-mellitate is 0.57. The tax rate is calculated by multiplying the conversion factor by the tax rate for ethylene: (0.57 × $9.74 = $5.55).

(b) *Classification numbers.*

(1) *The Secretary has no basis to object to the following proposed classification numbers:*

(i) *HTSUS number:* 2917.39.20.00.

(ii) *Schedule B number:* 2917.39.2000.

(iii) *CAS number:* 220582–53–6.

(2) *The Secretary is unable to confirm the following proposed classification numbers:* Not applicable.

*30. Determination To Add Neo Decanoic Acid to the List*

Exxon Mobil Corporation, an exporter of neo decanoic acid, submitted a petition in accordance with Rev. Proc. 2022–26 requesting to add neo decanoic acid to the List. According to the petition, the taxable chemical propylene constitutes 66.20 percent by weight of the materials used to produce neo decanoic acid, based on the predominant method of production.

(a) *Determination.* Neo decanoic acid is added to the list of taxable substances under section 4672(a). Other pertinent information is as follows:

(1) *Predominant method of production:* The predominant method of production of neo decanoic acid is Koch synthesis.

(2) *Stoichiometric material consumption equation:*

2.88 × 0.94 $C_3H_6$ [propylene] + 2.88 × 0.06 $C_5H_{10}$ [amylene] + CO [carbon monoxide] + $H_2O$ [water] → $C_{10}H_{20}O_2$ [neo decanoic acid]

(3) *Reasons for the determination:* The neo decanoic acid petition was filed on May 1, 2025. The notice of filing summarizing the petition and requesting comments was published in the **Federal Register** (90 FR 21824) on May 21, 2025. The Treasury Department and the IRS received one non-substantive written comment cautioning against the danger of producing the substance in response to the notice of filing. The comment did not address whether neo decanoic acid meets the weight or value test under section 4672(a)(2)(B). A public hearing was neither requested nor held.

The Secretary followed the process in section 4672(a)(2)(B) in making this determination. A review of the stoichiometric material consumption equation and other information in the petition shows that the taxable chemical propylene constitutes more than 20 percent by weight of the materials used in the production of neo decanoic acid, based on the predominant method of production. Therefore, the test in section 4672(a)(2)(B) is satisfied.

(4) *Date of determination:* September 16, 2025.

(5) *Effective dates for addition of neo decanoic acid to the List:*

(i) *Effective date for purposes of the section 4671 tax (see section 11.01 of Rev. Proc. 2022–26):* January 1, 2026.

(ii) *Effective date for purposes of refund claims under section 4662(e) (see sections 11.02 and 11.03 of Rev. Proc. 2022–26, as modified by section 3 of Rev. Proc. 2023–20):* July 1, 2022.

(6) *Tax rate prescribed by the Secretary:* $6.43 per ton. The conversion factor for the propylene used in the production of neo decanoic acid is 0.66. The tax rate is calculated by multiplying the conversion factor by the tax rate for propylene: (0.66 × $9.74 = $6.43).

(b) *Classification numbers.*

(1) *The Secretary has no basis to object to the following proposed classification number: CAS number:* 26896–20–8.

(2) *The Secretary is unable to confirm the following proposed classification numbers:*

(i) *HTSUS number:* 2915.90.18.00.

(ii) *Schedule B number:* 2915.90.0000.

*31. Determination To Add Neo Pentanoic Acid to the List*

Exxon Mobil Corporation, an exporter of neo pentanoic acid, submitted a petition in accordance with Rev. Proc. 2022–26 requesting to add neo pentanoic acid to the List. According to the petition, the taxable chemical isobutylene (an isomer of butylene) constitutes 54.90 percent by weight of the materials used to produce neo pentanoic acid, based on the predominant method of production.

(a) *Determination.* Neo pentanoic acid is added to the list of taxable substances under section 4672(a). Other pertinent information is as follows:

(1) *Predominant method of production:* The predominant method of producing neo pentanoic acid is via Koch synthesis. Isobutylene is reacted with carbon monoxide at >1000 psig and a highly acidic (Lewis acid) catalyst (Koch reaction) in a continuous, stirred tank reactor. The acid is sent to a distillation tower finishing section. Light rejects (paraffins, olefins, and light acids) are removed, prime neopentanoic acid is recovered at high purity (>99.7 wt%), and acidic byproducts removed.

(2) *Stoichiometric material consumption equation:*

$C_4H_8$ [isobutylene] + CO [carbon monoxide] + $H_2O$ [water]→ $C_5H_{10}O_2$ [neo pentanoic acid]

(3) *Reasons for the determination:* The neo pentanoic acid petition was filed on May 1, 2025. The notice of filing summarizing the petition and requesting comments was published in the **Federal Register** (90 FR 20346) on May 13, 2025. The Treasury Department and the IRS

received no written comments in response to the notice of filing. A public hearing was neither requested nor held.

The Secretary followed the process in section 4672(a)(2)(B) in making this determination. A review of the stoichiometric material consumption equation and other information in the petition shows that the taxable chemical isobutylene (an isomer of butylene) constitutes more than 20 percent by weight of the materials used in the production of neo pentanoic acid, based on the predominant method of production. Therefore, the test in section 4672(a)(2)(B) is satisfied.

(4) *Date of determination:* September 16, 2025.

(5) *Effective dates for addition of neo pentanoic acid to the List:*

(i) *Effective date for purposes of the section 4671 tax (see section 11.01 of Rev. Proc. 2022–26):* January 1, 2026.

(ii) *Effective date for purposes of refund claims under section 4662(e) (see sections 11.02 and 11.03 of Rev. Proc. 2022–26, as modified by section 3 of Rev. Proc. 2023–20):* July 1, 2022.

(6) *Tax rate prescribed by the Secretary:* $5.36 per ton. The conversion factor for the butylene used in the production of neo pentanoic acid is 0.55. The tax rate is calculated by multiplying the conversion factor by the tax rate for butylene: ($0.55 \times \$9.74 = \$5.36$).

(b) *Classification numbers.*

(1) *The Secretary has no basis to object to the following proposed classification numbers:*

(i) *HTSUS number:* 2915.60.50.00.

(ii) *Schedule B number:* 2915.60.0000.

(iii) *CAS number:* 75–98–9.

(2) *The Secretary is unable to confirm the following proposed classification numbers:* Not applicable.

*32. Determination To Add Nonene to the List*

Exxon Mobil Corporation, an exporter of nonene, submitted a petition in accordance with Rev. Proc. 2022–26 requesting to add nonene to the List. According to the petition, the taxable chemical propylene constitutes 90.50 percent by weight of the materials used to produce nonene, based on the predominant method of production.

(a) *Determination.* Nonene is added to the list of taxable substances under section 4672(a). Other pertinent information is as follows:

(1) *Predominant method of production:* The predominant method of producing nonene is oligomerization.

Nonene ($C_9H_{18}$) and tetramer ($C_{12}H_{24}$) are olefins that are obtained by oligomerization of feedstock that contains propylene. Each product actually contains several isomeric olefins with varying degrees of branching and different positions of the olefinic double bond. Refinery-generated propylene is of sufficient quality to be used as the feedstock material. The most common process initiates the reaction with a supported phosphoric acid catalyst at temperatures ranging from 120 °C to 225 °C. Reaction temperature and feed composition determine the range of olefins in a given product stream. If the feedstock is a propylene-rich C3 stream, C9 and C12 olefins are the dominant products. Some processes that use a mixed C3/C4 feed generate a spectrum of products that also includes heptene (C7) and octene (C8). Distillation separates the mix into the desired product fractions. Nonene and tetramer have distillation ranges of 127 °C–149 °C and 182 °C–215 °C, respectively. Assuming 83 percent and 79 percent of theoretical yield for production of nonene and tetramer, respectively, 1.21 and 1.27 units of propylene are consumed per unit of nonene and tetramer produced, respectively.

(2) *Stoichiometric material consumption equation:*

$2.88 \times 0.94\ C_3H_6$ [propylene] + $2.88 \times 0.06\ C_5H_{10}$ [amylene] $\rightarrow C_9H_{18}$ [nonene]

(3) *Reasons for the determination:* The nonene petition was filed on May 1, 2025. The notice of filing summarizing the petition and requesting comments was published in the **Federal Register** (90 FR 21826) on May 21, 2025. The Treasury Department and the IRS received no written comments in response to the notice of filing. A public hearing was neither requested nor held.

The Secretary followed the process in section 4672(a)(2)(B) in making this determination. A review of the stoichiometric material consumption equation and other information in the petition shows that the taxable chemical propylene constitutes more than 20 percent by weight of the materials used in the production of nonene, based on the predominant method of production. Therefore, the test in section 4672(a)(2)(B) is satisfied.

(4) *Date of determination:* September 16, 2025.

(5) *Effective dates for addition of nonene to the List:*

(i) *Effective date for purposes of the section 4671 tax (see section 11.01 of Rev. Proc. 2022–26):* January 1, 2026.

(ii) *Effective date for purposes of refund claims under section 4662(e) (see sections 11.02 and 11.03 of Rev. Proc. 2022–26, as modified by section 3 of Rev. Proc. 2023–20):* July 1, 2022.

(6) *Tax rate prescribed by the Secretary:* $8.77 per ton. The conversion factor for the propylene used in the production of nonene is 0.90. The tax rate is calculated by multiplying the conversion factor by the tax rate for propylene: ($0.90 \times \$9.74 = \$8.77$).

(b) *Classification numbers.*

(1) *The Secretary has no basis to object to the following proposed classification number: CAS number:* 68526–55–6.[5]

(2) *The Secretary is unable to confirm the following proposed classification numbers:*

(i) *HTSUS number:* 2901.29.50.00.

(ii) *Schedule B number:* 2901.29.6000.

*33. Determination To Add Regular Butyl Rubber ($(C_4H_8)_x(C_5H_8)_y$; x=7036, y=88) to the List*

Exxon Mobil Corporation, an exporter of regular butyl rubber ($(C_4H_8)_x(C_5H_8)_y$; x=7036, y=88), submitted a petition in accordance with Rev. Proc. 2022–26 requesting to add regular butyl rubber ($(C_4H_8)_x(C_5H_8)_y$; x=7036, y=88) to the List. According to the petition, the taxable chemical isobutylene (an isomer of butylene) constitutes 98.50 percent by weight of the materials used to produce regular butyl rubber, based on the predominant method of production.

(a) *Determination.* Regular butyl rubber ($(C_4H_8)_x(C_5H_8)_y$; x=7036, y=88) is added to the list of taxable substances under section 4672(a). Other pertinent information is as follows:

(1) *Predominant method of production:* The predominant method of producing regular butyl rubber ($(C_4H_8)_x(C_5H_8)_y$; x=7036, y=88) is via cationic copolymerization of isobutylene with isoprene in the presence of a catalyst. The catalyst system used is typically composed of aluminum chloride, boron trifluoride or similar with an initiator dissolved in a methyl chloride solvent. Monomer feed of isobutylene and isoprene dissolved in a methyl chloride solvent are fed to a reactor operated at approximately –100 °C to control the rapid exothermic polymerization reaction generating a high molecular weight regular butyl rubber polymer. To obtain this high molecular weight polymer, it is necessary for the feed monomers to be as pure as possible as well as ensuring that the feed system stays as dry as possible. The methyl chloride and unreacted monomers are flashed overhead and recycled back to the feed system while the polymer is precipitated out as a solid which is baled and packaged.

[5] The Notice of Filing for propylene erroneously stated that the CAS number is ''68526–55–63.'' This error is corrected here.

(2) *Stoichiometric material consumption equation:*

7036 $C_4H_8$ [isobutylene] + 88 $C_5H_8$ [isoprene] → [7036 $C_4H_8$ + 88 $C_5H_8$] [butyl rubber]

(3) *Reasons for the determination:* The regular butyl rubber ($(C_4H_8)_x(C_5H_8)_y$; x=7036, y=88) petition was filed on April 8, 2025. The notice of filing summarizing the petition and requesting comments was published in the **Federal Register** (90 FR 20347) on May 13, 2025. The Treasury Department and the IRS received no written comments in response to the notice of filing. A public hearing was neither requested nor held.

The Secretary followed the process in section 4672(a)(2)(B) in making this determination. A review of the stoichiometric material consumption equation and other information in the petition shows that the taxable chemical isobutylene (an isomer of butylene) constitutes more than 20 percent by weight of the materials used in the production of regular butyl rubber ($(C_4H_8)_x(C_5H_8)_y$; x=7036, y=88), based on the predominant method of production. Therefore, the test in section 4672(a)(2)(B) is satisfied.

(4) *Date of determination:* September 16, 2025.

(5) *Effective dates for addition of regular butyl rubber ($(C_4H_8)_x(C_5H_8)_y$; x=7036, y=88) to the List:*

(i) *Effective date for purposes of the section 4671 tax (see section 11.01 of Rev. Proc. 2022–26):* January 1, 2026.

(ii) *Effective date for purposes of refund claims under section 4662(e) (see sections 11.02 and 11.03 of Rev. Proc. 2022–26, as modified by section 3 of Rev. Proc. 2023–20):* July 1, 2022.

(6) *Tax rate prescribed by the Secretary:* $9.64 per ton. The conversion factor for the butylene used in the production of regular butyl rubber ($(C_4H_8)_x(C_5H_8)_y$; x=7036, y=88) is 0.99. The tax rate is calculated by multiplying the conversion factor by the tax rate for butylene: ($0.99 \times \$9.74 = \$9.64$).

(b) *Classification numbers.*

(1) *The Secretary has no basis to object to the following proposed classification numbers:*

(i) *HTSUS number:* 4002.31.0000.

(ii) *Schedule B number:* 4002.31.0000.

(iii) *CAS number:* 9010–85–9.

(2) *The Secretary is unable to confirm the following proposed classification numbers:* Not applicable.

*34. Determination To Add Tridecyl Alcohol to the List*

Exxon Mobil Corporation, an exporter of tridecyl alcohol, submitted a petition in accordance with Rev. Proc. 2022–26 requesting to add tridecyl alcohol to the List. According to the petition, the taxable chemical propylene constitutes 75.90 percent by weight of the materials used to produce tridecyl alcohol, based on the predominant method of production.

(a) *Determination.* Tridecyl alcohol is added to the list of taxable substances under section 4672(a). Other pertinent information is as follows:

(1) *Predominant method of production:* The predominant method of producing tridecyl alcohol is oxonation.

Tridecyl alcohol is derived from the oxo reaction with branched olefins. Refinery-connected polygas units generate many of these olefins as purified cuts or fractions.

Most commercial plants for hydroformylation of higher olefins use only cobalt hydrocarbonyl or modified cobalt-phosphine catalysts. Separation of Rh catalysts from higher aldehydes or alcohols is more difficult and expensive. In most cases for the plasticizer and detergent alcohol ranges (C6–C15), producers hydrogenate the aldehydes, which have no commercial significance, to alcohols.

(2) *Stoichiometric material consumption equation:*

$3.85 \times 0.94$ $C_3H_6$ [propylene] + $3.85 \times 0.06$ $C_5H_{10}$ [amylene] + CO [carbon monoxide] + 2 $H_2$ [hydrogen] → $C_{13}H_{28}O$ [tridecyl alcohol]

(3) *Reasons for the determination:* The tridecyl alcohol petition was filed on May 1, 2025. The notice of filing summarizing the petition and requesting comments was published in the **Federal Register** (90 FR 21824) on May 21, 2025. The Treasury Department and the IRS received no written comments in response to the notice of filing. A public hearing was neither requested nor held.

The Secretary followed the process in section 4672(a)(2)(B) in making this determination. A review of the stoichiometric material consumption equation and other information in the petition shows that the taxable chemical propylene constitutes more than 20 percent by weight of the materials used in the production of tridecyl alcohol, based on the predominant method of production. Therefore, the test in section 4672(a)(2)(B) is satisfied.

(4) *Date of determination:* September 16, 2025.

(5) *Effective dates for addition of tridecyl alcohol to the List:*

(i) *Effective date for purposes of the section 4671 tax (see section 11.01 of Rev. Proc. 2022–26):* January 1, 2026.

(ii) *Effective date for purposes of refund claims under section 4662(e) (see sections 11.02 and 11.03 of Rev. Proc. 2022–26, as modified by section 3 of Rev. Proc. 2023–20):* July 1, 2022.

(6) *Tax rate prescribed by the Secretary:* $7.40 per ton. The conversion factor for the propylene used in the production of tridecyl alcohol is 0.76. The tax rate is calculated by multiplying the conversion factor by the tax rate for propylene: ($0.76 \times \$9.74 = \$7.40$).

(b) *Classification numbers.*

(1) *The Secretary has no basis to object to the following proposed classification number: CAS number:* 68526–86–3.

(2) *The Secretary is unable to confirm the following proposed classification numbers:*

(i) *HTSUS number:* 3823.70.60.00.

(ii) *Schedule B number:* 3823.70.6000.

*35. Determination To Add Tri-isononyl Tri-mellitate to the List*

Exxon Mobil Corporation, an exporter of tri-isononyl tri-mellitate, submitted a petition in accordance with Rev. Proc. 2022–26 requesting to add tri-isononyl tri-mellitate to the List. According to the petition, the taxable chemical propylene constitutes 47.30 percent by weight of the materials used to produce tri-isononyl tri-mellitate, based on the predominant method of production.

(a) *Determination.* Tri-isononyl tri-mellitate is added to the list of taxable substances under section 4672(a). Other pertinent information is as follows:

(1) *Predominant method of production:* The predominant method of producing tri-isononyl tri-mellitate is via esterification.

This process can be readily carried out in heated kettles with agitation and provision for water takeoff. Esterification catalysts (*e.g.,* sulfuric acid or p-toluenesulfonic acid) speed the reaction and are neutralized, washed, and then removed. The purity requirements for commercial plasticizers are very high; phthalate esters are usually colorless and are mostly odorless. In the case of phthalates, the esterification is carried out through the reaction of phthalic anhydride and 2-ethylhexanol to produce dioctyl phthalate (DOP).

This reaction usually requires an excess of alcohol, which is readily recycled. Analogous syntheses yield aliphatic dicarboxylic acid esters, benzoates, and trimellitates.

The tri-isononyl tri-mellitate tri-ester is made by reacting primary isononyl (C9) alcohol with trimellitic anhydride. The ester is produced by esterification of three moles of isononyl C9 alcohol and one mole of trimellitic anhydride in the presence of a catalyst.

By using excess alcohol (up to 30% molar excess of C9 alcohol) and removing the water, the equilibrium is shifted towards the formation of the tri-

ester. The reactants are charged into a reactor and heated up. The reaction rate is accelerated by using, for example, tetra-n-butyl titanate introduced at high temperature (140 °C–250 °C), while removing the water formed.

Excess alcohol is distilled from the ester by vacuum prior to neutralization and recycled into subsequent batches. The final ester is purified by neutralizing with a base such as an aqueous solution of sodium carbonate. The remaining excess water is distilled off and the ester is then filtered using filter agents. The degree of purity of the ester has a minimum 99.0 wt%.

(2) *Stoichiometric material consumption equation:*

7.22 $C_3H_6$ [propylene] + 0.46 $C_5H_{10}$ [amylene] + 3 CO [carbon monoxide] + 6 $H_2$ [hydrogen] + $C_9H_4O_5$ [trimellitic anhydride] → $C_{36}H_{60}O_6$ [tri-isononyl trimellitate] + 2 $H_2O$ [water]

(3) *Reasons for the determination:* The tri-isononyl tri-mellitate petition was filed on May 1, 2025. The notice of filing summarizing the petition and requesting comments was published in the **Federal Register** (90 FR 21827) on May 21, 2025. The Treasury Department and the IRS received no written comments in response to the notice of filing. A public hearing was neither requested nor held.

The Secretary followed the process in section 4672(a)(2)(B) in making this determination. A review of the stoichiometric material consumption equation and other information in the petition shows that the taxable chemical propylene constitutes more than 20 percent by weight of the materials used in the production of tri-isononyl tri-mellitate, based on the predominant method of production. Therefore, the test in section 4672(a)(2)(B) is satisfied.

(4) *Date of determination:* September 16, 2025.

(5) *Effective dates for addition of tri-isononyl tri-mellitate to the List:*

(i) *Effective date for purposes of the section 4671 tax (see section 11.01 of Rev. Proc. 2022–26):* January 1, 2026.

(ii) *Effective date for purposes of refund claims under section 4662(e) (see sections 11.02 and 11.03 of Rev. Proc. 2022–26, as modified by section 3 of Rev. Proc. 2023–20):* July 1, 2022.

(6) *Tax rate prescribed by the Secretary:* $5.06 per ton. The conversion factor for the propylene used in the production of tri-isononyl tri-mellitate is 0.52. The tax rate is calculated by multiplying the conversion factor by the tax rate for propylene: (0.52 × $9.74 = $5.06).

(b) *Classification numbers.*

(1) *The Secretary has no basis to object to the following proposed classification numbers:*

(i) *HTSUS number:* 2917.39.20.00.

(ii) *Schedule B number:* 2917.39.2000.

(iii) *CAS number:* 53894–23–8.

(2) *The Secretary is unable to confirm the following proposed classification numbers:* Not applicable.

*36. Determination To Add Di-isobutylene to the List*

TPC Group, Inc., an exporter of di-isobutylene, submitted a petition in accordance with Rev. Proc. 2022–26 requesting to add di-isobutylene to the List. According to the petition, the taxable chemical isobutylene (an isomer of butylene) constitutes 100 percent by weight of the materials used to produce di-isobutylene, based on the predominant method of production.

(a) *Determination.* Di-isobutylene is added to the list of taxable substances under section 4672(a). Other pertinent information is as follows:

(1) *Predominant method of production:* The predominant method of producing di-isobutylene is the cationic dimerization (polymerization) of isobutylene monomers. An acid catalyst (typically a sulfonic acid resin) and polar moderator are used to generate a stable cation on the tertiary carbon of isobutylene. This cation induces a chain growth dimerization that incorporates isobutylene monomer. The catalyst is not a component of the resulting di-isobutylene.

(2) *Stoichiometric material consumption equation:*

2 $C_4H_8$ (isobutylene) → $C_8H_{16}$ (di-isobutylene)

(3) *Reasons for the determination:* The di-isobutylene petition was filed on April 8, 2025. The notice of filing summarizing the petition and requesting comments was published in the **Federal Register** (90 FR 20352) on May 13, 2025. The Treasury Department and the IRS received one non-substantive written comment on the necessity of the filing to understand its impact in response to the notice of filing. A public hearing was neither requested nor held.

The Secretary followed the process in section 4672(a)(2)(B) in making this determination. A review of the stoichiometric material consumption equation and other information in the petition shows that the taxable chemical butylene constitutes more than 20 percent by weight of the materials used in the production of di-isobutylene, based on the predominant method of production. Therefore, the test in section 4672(a)(2)(B) is satisfied.

(4) *Date of determination:* September 16, 2025.

(5) *Effective dates for addition of di-isobutylene to the List:*

(i) *Effective date for purposes of the section 4671 tax (see section 11.01 of Rev. Proc. 2022–26):* January 1, 2026.

(ii) *Effective date for purposes of refund claims under section 4662(e) (see sections 11.02 and 11.03 of Rev. Proc. 2022–26, as modified by section 3 of Rev. Proc. 2023–20):* October 1, 2024.

(6) *Tax rate prescribed by the Secretary:* $9.74 per ton. The conversion factor for the isobutylene (an isomer of butylene) used in the production of di-isobutylene is 1.00. The tax rate is calculated by multiplying the conversion factor by the tax rate for butylene: (1.00 × $9.74 = $9.74).

(b) *Classification numbers.*

(1) *The Secretary has no basis to object to the following proposed classification number: CAS number:* 25167–70–8.

(2) *The Secretary is unable to confirm the following proposed classification numbers:*

(i) *HTSUS number:* 2901.29.1050.

(ii) *Schedule B number:* 2901.29.6000.

*37. Determination To Add Polyisobutylene to the List*

TPC Group, Inc., an exporter of polyisobutylene, submitted a petition in accordance with Rev. Proc. 2022–26 requesting to add polyisobutylene to the List. According to the petition, the taxable chemical isobutylene (an isomer of butylene) constitutes 100 percent by weight of the materials used to produce polyisobutylene, based on the predominant method of production.

(a) *Determination.* Polyisobutylene is added to the list of taxable substances under section 4672(a). Other pertinent information is as follows:

(1) *Predominant method of production:* The predominant method of producing polyisobutylene is the cationic polymerization of isobutylene monomers. A Lewis acid catalyst and proton donating initiator are used to generate a stable cation on the tertiary carbon of isobutylene. This cation induces a chain growth polymerization that continues to transfer the cation to the end of the polymer chain making it available for further incorporation of isobutylene monomer. The size of the polymer is dictated by the reaction temperature such that the lower the temperature the larger the polymer.

(2) *Stoichiometric material consumption equation:*

n $C_4H_8$ (isobutylene) → $(C_4H_8)_n$ (polyisobutylene)

(3) *Reasons for the determination:* The polyisobutylene petition was filed on February 14, 2025. The notice of filing

summarizing the petition and requesting comments was published in the **Federal Register** (90 FR 14521) on April 2, 2025. The Treasury Department and the IRS received no written comments in response to the notice of filing. A public hearing was neither requested nor held.

The Secretary followed the process in section 4672(a)(2)(B) in making this determination. A review of the stoichiometric material consumption equation and other information in the petition shows that the taxable chemical isobutylene (an isomer of butylene) constitutes more than 20 percent by weight of the materials used in the production of polyisobutylene, based on the predominant method of production. Therefore, the test in section 4672(a)(2)(B) is satisfied.

(4) *Date of determination:* September 16, 2025.

(5) *Effective dates for addition of polyisobutylene to the List:*

(i) *Effective date for purposes of the section 4671 tax (see section 11.01 of Rev. Proc. 2022–26):* January 1, 2026.

(ii) *Effective date for purposes of refund claims under section 4662(e) (see sections 11.02 and 11.03 of Rev. Proc. 2022–26, as modified by section 3 of Rev. Proc. 2023–20):* October 1, 2024.

(6) *Tax rate prescribed by the Secretary:* $9.74 per ton. The conversion factor for the butylene used in the production of polyisobutylene is 1.00. The tax rate is calculated by multiplying the conversion factor by the tax rate for butylene: (1.00 × $9.74 = $9.74).

(b) *Classification numbers.*

(1) *The Secretary has no basis to object to the following proposed classification numbers:*

(i) *HTSUS number:* 3902.20.10.00 and 3902.20.50.00.

(ii) *Schedule B number:* 3902.20.1000 and 3902.20.5000.

(iii) *CAS number:* 9003–27–4.

(2) *The Secretary is unable to confirm the following proposed classification numbers:* Not applicable.

*38. Determination To Add Styrene-acrylonitrile ($(C_3H_3N)_a$-$(C_8H_8)_s$; a=0.26, s=0.74) to the List*

Trinseo LLC, an importer and exporter of styrene-acrylonitrile ($(C_3H_3N)_a$-$(C_8H_8)_s$; a=0.26, s=0.74), also known as ''SAN,'' submitted a petition in accordance with Rev. Proc. 2022–26 requesting to add SAN to the List. According to the petition, the taxable chemicals propylene, ammonia, benzene, and ethylene constitute 88.27 percent by weight of the materials used to produce SAN, based on the predominant method of production.

(a) *Determination.* Styrene-acrylonitrile ($(C_3H_3N)_a$-$(C_8H_8)_s$; a=0.26, s=0.74) is added to the list of taxable substances under section 4672(a). Other pertinent information is as follows:

(1) *Predominant method of production:* The predominant method of producing SAN is through free radical, random copolymerization of 100 percent of the acrylonitrile and styrene monomers. Low levels of unreacted monomers remain bound within the polymer matrix as ''residual'' components of the product as sold or imported.

(2) *Stoichiometric material consumption equation:*

a $C_3H_6$ (propylene) + a $NH_3$ (ammonia) + 3/2a $O_2$ + s $C_6H_6$ (benzene) + s $C_2H_4$ (ethylene) → $(C_3H_3N)_a$-$(C_8H_8)_s$ (SAN) + 3a $H_2O$ + s $H_2$ (hydrogen); a=0.26, s=0.74

(3) *Reasons for the determination:* The SAN petition was filed on February 14, 2025. The notice of filing summarizing the petition and requesting comments was published in the **Federal Register** (90 FR 14693) on April 3, 2025, and a correction was published in the **Federal Register** (90 FR 19246) on May 6, 2025. The Treasury Department and the IRS received no written comments in response to the notice of filing. A public hearing was neither requested nor held.

The Secretary followed the process in section 4672(a)(2)(B) in making this determination. A review of the stoichiometric material consumption equation and other information in the petition shows that the taxable chemicals propylene, ammonia, benzene, and ethylene constitute more than 20 percent by weight of the materials used in the production of SAN, based on the predominant method of production. Therefore, the test in section 4672(a)(2)(B) is satisfied.

(4) *Date of determination:* September 16, 2025.

(5) *Effective dates for addition of SAN to the List:*

(i) *Effective date for purposes of the section 4671 tax (see section 11.01 of Rev. Proc. 2022–26):* January 1, 2026.

(ii) *Effective date for purposes of refund claims under section 4662(e) (see sections 11.02 and 11.03 of Rev. Proc. 2022–26, as modified by section 3 of Rev. Proc. 2023–20):* April 1, 2024.

(6) *Tax rate prescribed by the Secretary:* $9.91 per ton. The conversion factors for the taxable chemicals used in the production of SAN are 0.12 for propylene, 0.05 for ammonia, 0.64 for benzene, and 0.23 for ethylene. The tax rate is calculated by adding the products of the conversion factor for each taxable chemical and the tax rate for that taxable chemical: ((0.12 × $9.74) + (0.05 × $5.28) + (0.64 × $9.74) + (0.23 × $9.74) = $9.91).

(b) *Classification numbers.*

(1) *The Secretary has no basis to object to the following proposed classification numbers:*

(i) *HTSUS number:* 3903.20.0000 (Pellets).

(ii) *Schedule B number:* 3903.20.0000 (Pellets).

(iii) *CAS number:* 9003–54–7.

(2) *The Secretary is unable to confirm the following proposed classification numbers:* Not applicable.

*39. Determination To Add Acrylonitrile Butadiene Styrene ($(C_3H_3N)_a$-$(C_4H_6)_b$-$(C_8H_8)_s$; a=0.16, b=0.10, s=0.74) to the List*

Trinseo LLC, an importer and exporter of acrylonitrile butadiene styrene ($(C_3H_3N)_a$-$(C_4H_6)_b$-$(C_8H_8)_s$; a=0.16, b=0.10, s=0.74), also known as ''ABS,'' submitted a petition in accordance with Rev. Proc. 2022–26 requesting to add ABS to the List. According to the petition, the taxable chemicals propylene, ammonia, butadiene, benzene, and ethylene constitute 92.40 percent by weight of the materials used to produce ABS, based on the predominant method of production.

(a) *Determination.* Acrylonitrile butadiene styrene ($(C_3H_3N)_a$-$(C_4H_6)_b$-$(C_8H_8)_s$; a=0.16, b=0.10, s=0.74) is added to the list of taxable substances under section 4672(a). Other pertinent information is as follows:

(1) *Predominant method of production:* The predominant method of producing ABS is through free radical, random copolymerization of 100 percent of the acrylonitrile, butadiene, and styrene monomers. Low levels of unreacted monomers remain bound within the polymer matrix as ''residual'' components of the product as sold or imported.

(2) *Stoichiometric material consumption equation:*

a $C_3H_6$ (propylene) + a $NH_3$ (ammonia) + 3/2a $O_2$ + b $C_4H_6$ (butadiene) + s $C_6H_6$ (benzene) + s $C_2H_4$ (ethylene) → $(C_3H_3N)_a$-$(C_4H_6)_b$-$(C_8H_8)_s$ (ABS) + 3a $H_2O$ (water) + s $H_2$ (hydrogen); a=0.16, b=0.10, s=0.74

(3) *Reasons for the determination:* The ABS petition was filed on February 14, 2025. The notice of filing summarizing the petition and requesting comments was published in the **Federal Register** (90 FR 14687) on April 3, 2025, and a correction was published in the **Federal Register** (90 FR 19245) on May 6, 2025. The Treasury Department and the IRS received no written comments in response to the notice of filing. A public hearing was neither requested nor held.

The Secretary followed the process in section 4672(a)(2)(B) in making this

determination. A review of the stoichiometric material consumption equation and other information in the petition shows that the taxable chemicals propylene, ammonia, butadiene, benzene, and ethylene constitute more than 20 percent by weight of the materials used in the production of ABS, based on the predominant method of production. Therefore, the test in section 4672(a)(2)(B) is satisfied.

(4) *Date of determination:* September 16, 2025.

(5) *Effective dates for addition of ABS to the List:*

(i) *Effective date for purposes of the section 4671 tax (see section 11.01 of Rev. Proc. 2022–26):* January 1, 2026.

(ii) *Effective date for purposes of refund claims under section 4662(e) (see sections 11.02 and 11.03 of Rev. Proc. 2022–26, as modified by section 3 of Rev. Proc. 2023–20):* April 1, 2024.

(6) *Tax rate prescribed by the Secretary:* $9.90 per ton. The conversion factors for the taxable chemicals used in the production of ABS are 0.07 for propylene, 0.03 for ammonia, 0.06 for butadiene, 0.64 for benzene, and 0.23 for ethylene. The tax rate is calculated by adding the products of the conversion factor for each taxable chemical and the tax rate that chemical: $((0.07 \times \$9.74) + (0.03 \times \$5.28) + (0.06 \times \$9.74) + (0.64 \times \$9.74) + (0.23 \times \$9.74) = \$9.90)$.

(b) *Classification numbers.*

(1) *The Secretary has no basis to object to the following proposed classification numbers:*

(i) *HTSUS number:* 3903.30.0000 (Pellets).

(ii) *Schedule B number:* 3903.30.0000 (Pellets).

(iii) *CAS number:* 9003–56–9.

(2) *The Secretary is unable to confirm the following proposed classification numbers:* Not applicable.

**Krishna P. Vallabhaneni,**

*Tax Legislative Counsel.*

[FR Doc. 2025–17975 Filed 9–16–25; 8:45 am]

**BILLING CODE 4830–01–P**

## DEPARTMENT OF VETERANS AFFAIRS

**[OMB Control No. 2900–0586]**

### Agency Information Collection Activity: VA Acquisition Regulation Clause 852.211–72, Technical Industry Standards

**AGENCY:** Office of Acquisition and Logistics, Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** Office of Acquisition and Logistics (OAL), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

**DATES:** Written comments and recommendations on the proposed collection of information should be received on or before November 17, 2025.

**ADDRESSES:** Comments must be submitted through *www.Regulations.gov*.

**FOR FURTHER INFORMATION CONTACT:**

*Program-Specific information:* Forrest Browne, 202–632–9677, *Forrest.Browne@va.gov*.

*VA PRA information:* Dorothy Glasgow, 202–461–1084, *VAPRA@va.gov*.

**SUPPLEMENTARY INFORMATION:** Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, OAL invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of OAL's functions, including whether the information will have practical utility; (2) the accuracy of OAL's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

*Title:* VA Acquisition Regulation Clause 852.211–72, Technical Industry Standards.

*OMB Control Number:* 2900–0586. *https://www.reginfo.gov/public/do/PRASearch* (Once at this link, you can enter the OMB Control Number to find the historical versions of this Information Collection).

*Type of Review:* Extension without change of a currently approved collection.

*Abstract:* This Paperwork Reduction Act (PRA) submission seeks an extension of Office of Management and Budget (OMB) approval No. 2900–0586 for collection of information for both commercial and non-commercial item, service, and construction solicitations and contracts using VA Acquisition Regulation (VAAR) Clause 852.211–72, Technical Industry Standards, as prescribed in CFR Title 48, Federal Acquisition Regulations System, VAAR 811.204–70, Contract clause. VAAR clause 852.211–72, Technical Industry Standards, requires that items offered for sale to VA under the solicitation conform to certain technical industry standards, such as United States Department of Agriculture (USDA) Institutional Meat Purchase Specifications, and that the contractor furnish evidence to VA that the items meet that requirement. The evidence is normally in the form of a tag or seal affixed to the item, such as a label on beef product. In most cases, this requires no additional effort on the part of the contractor, as the items come from the factory with the tags already in place, as part of the manufacturer's standard manufacturing operation. Occasionally, for items not already meeting standards or for items not previously tested, a contractor will have to furnish a certificate from an acceptable laboratory certifying that the items furnished have been tested in accordance with, and conform to, the specified standards. Only firms whose products have not previously been tested to ensure the products meet the industry standards required under the solicitation and contract will be required to submit a separate certificate. The information will be used to ensure that the items being purchased meet minimum safety standards and to protect VA beneficiaries and VA employees.

*Affected Public:* Business or other for-profit.

*Estimated Annual Burden:* 559 hours.

*Estimated Average Burden per Respondent:* 30 minutes.

*Frequency of Response:* One per contract.

*Estimated Number of Respondents:* 1,118.

(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. 2025–17978 Filed 9–16–25; 8:45 am]

**BILLING CODE 8320–01–P**

## DEPARTMENT OF VETERANS AFFAIRS

**[OMB Control No. 2900–0863]**

### Agency Information Collection Activity: Clause 852.237–73, Crime Control Act—Requirement for Background Checks

**AGENCY:** Office of Acquisition and Logistics, Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** Office of Acquisition and Logistics (OAL), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

**DATES:** Written comments and recommendations on the proposed collection of information should be received on or before November 17, 2025.

**ADDRESSES:** Comments must be submitted through *www.Regulations.gov.*

**FOR FURTHER INFORMATION CONTACT:**

*Program-Specific Information:* Forrest Browne, 202–632–9677, *Forrest.Browne@va.gov.*

*VA PRA Information:* Dorothy Glasgow, 202–461–1084, *VAPRA@va.gov.*

**SUPPLEMENTARY INFORMATION:** Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, OAL invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of OAL's functions, including whether the information will have practical utility; (2) the accuracy of OAL's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

*Title:* Clause 852.237–73, Crime Control Act—Requirement for Background Checks.

*OMB Control Number:* 2900–0863. *https://www.reginfo.gov/public/do/PRASearch* (Once at this link, you can enter the OMB Control Number to find the historical versions of this Information Collection).

*Type of Review:* Extension without change of a currently approved collection.

*Abstract:* This Paperwork Reduction Act (PRA) submission seeks renewal without changes of Office of Management and Budget (OMB) approved No. 2900–0863, VAAR clause 852.237–73, Crime Control Act—Requirement for Background Checks. Under the Crime Control Act of 1990 (34 U.S.C. 20351), each agency of the Federal Government, and every facility operated by the Federal Government, or operated under contract with the Federal Government, that hires, or contracts for hire, individuals involved with the provision to children under the age of 18 of childcare services shall assure that all existing and newly hired employees undergo a criminal history background check. VAAR clause 852.237–73, Crime Control Act—Requirement for Background Checks, is required in all solicitations, contracts, and orders that involve providing childcare services to children under the age of 18, including social services, health and mental health care, child-(day) care, education (whether or not directly involved in teaching), and rehabilitative programs covered under the statute.

*Affected Public:* Business or other for-profit.

*Estimated Annual Burden:* 1,500 hours.

*Estimated Average Burden per Respondent:* 60 minutes.

*Frequency of Response:* One per contract employee.

*Estimated Number of Respondents:* 1,500.

*Authority:* 44 U.S.C. 3501 *et seq.*

**Shunda Willis,**

*Acting, VA PRA Clearance Officer, (Alt.) Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.*

[FR Doc. 2025–17965 Filed 9–16–25; 8:45 am]

**BILLING CODE 8320–01–P**

## DEPARTMENT OF VETERANS AFFAIRS

**[OMB Control No. 2900–0249]**

### Agency Information Collection Activity Under OMB Review: Loan Service Report

**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, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden, and it includes the actual data collection instrument.

**DATES:** Comments and recommendations for the proposed information collection should be sent by October 17, 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. 2900–0249.''

**FOR FURTHER INFORMATION CONTACT:** *VA PRA information:* Dorothy Glasgow, 202–461–1084, *VAPRA@va.gov.*

**SUPPLEMENTARY INFORMATION:**

*Title:* VA Form 26–6808, Loan Service Report.

*OMB Control Number:* 2900–0249 *https://www.reginfo.gov/public/do/PRASearch.*

*Type of Review:* Extension without change of a currently approved collection.

*Abstract:* The main purpose of the form is to service delinquent guaranteed and insured loans, as well as and loans sold under 38 CFR 36.4600. The loan holder is primarily responsible for servicing these guaranteed and insured home loans and loans sold under 38 CFR 36.4600. The information documented on the form is necessary for VA to determine whether a loan default is insoluble or whether the obligor has reasonable prospects for curing the default and maintaining the mortgage obligation in the future.

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 31581, July 14, 2025.

*Affected Public:* Individuals or Households.

*Estimated Annual Burden:* 2,083 hours.

*Estimated Average Burden per Respondent:* 25 minutes.

*Frequency of Response:* Annually.

*Estimated Number of Respondents:* 5,000.

*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. 2025–17947 Filed 9–16–25; 8:45 am]

**BILLING CODE 8320–01–P**

## DEPARTMENT OF VETERANS AFFAIRS

**[OMB Control No. 2900–0911]**

### Agency Information Collection Activity Under OMB Review: Suicide Prevention 2.0 Program—Community Opinion Survey

**AGENCY:** Veterans Health Administration, Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Health Administration (VHA), 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 October 17, 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. 2900–0911.''

**FOR FURTHER INFORMATION CONTACT:** VA PRA information: Dorothy Glasgow, 202–461–1084, *VAPRA@va.gov*.

**SUPPLEMENTARY INFORMATION:**

*Title:* Suicide Prevention 2.0 Program—Community Opinion Survey.

*OMB Control Number:* 2900–0911. *https://www.reginfo.gov/public/do/PRASearch*.

*Type of Review:* Reinstatement with change of a previously approved collection.

*Abstract:* Legal authority for this data collection is found in 38 U.S.C., Part I, Chapter 5, Section 527, which authorizes the collection of data that will allow measurement and evaluation of Department of Veterans Affairs (VA) Programs, the goal of which is improved health care for Veterans. The purpose of the Community Opinion Survey (COS) is to evaluate the impact of Community-Based Intervention (CBI) programs, including the Governor's Challenge (GC), on the population.

The information will be used to accomplish three aims: (1) collect baseline data on the knowledge and attitudes of adult US citizens living in specified communities about Veterans, Veteran suicide, and resources available to Veterans to reduce suicide, prior to the implementation of suicide prevention programs; (2) collect follow-up data in the same communities to assess whether knowledge and attitudes have changed over time; and (3) determine whether the programs and policies implemented by a community resulted in positive change in knowledge and attitudes.

The data will be utilized by the Office of Suicide Prevention in VA Central Office to measure the return on investment of significant resources that have been invested to support communities in their efforts to reduce Veteran suicide. The CBI arm of VA's ''Suicide Prevention 2.0'' (SP2.0) program has launched two initiatives whose goals are to increase the successful implementation of best practices to prevent Veteran suicide in local communities. The data collected will allow VA to measure a baseline level of expected outcomes, follow-up levels, and explore the role of new programs in any changes, as well as inform program planning and evaluation.

The GC is one of the initiatives supported by SP2.0 and is structured so that State teams are provided training and technical assistance by VA to expand their efforts to implement suicide prevention programs in their State. This data collection will assist the State teams in assessing the effects of their new programming or activities. To date, 55 states and territories have accepted the GC Initiative, and VA will administer the COS in every participating state and territory. The increase in the number of respondents and burden hours since the last PRA clearance is due to the survey being administered for completion of Time 2 data in the first 22 states and for Time 1 and Time 2 data in the remaining 33 states and territories

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 28866, July 1, 2025.

*Affected Public:* Individuals or Households.

*Estimated Annual Burden:* 11,000 hours.

*Estimated Average Burden per Respondent:* 15 minutes.

*Frequency of Response:* Once annually.

*Estimated Number of Respondents:* 44,000.

*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. 2025–17987 Filed 9–16–25; 8:45 am]

**BILLING CODE 8320–01–P**

## DEPARTMENT OF VETERANS AFFAIRS

**[OMB Control No. 2900–0521]**

### Agency Information Collection Activity under OMB Review: Certification of Loan Disbursement, Request for Verification of Employment and Request for Verification of Deposit

**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, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

**DATES:** Comments and recommendations for the proposed information collection should be sent by September 17, 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. 2900–0521.''

**FOR FURTHER INFORMATION CONTACT:** Dorothy Glasgow, 202–461–1084, *VAPRA@va.gov.*

**SUPPLEMENTARY INFORMATION:**

*Title:* Certification of Loan Disbursement, Request for Verification of Employment and Request for Verification of Deposit (VA Form 26–1820, VA Form 26–8497, VA Form 26–8497a).

*OMB Control Number:* 2900–0521 *https://www.reginfo.gov/public/do/PRASearch.*

*Type of Review:* Revision of a currently approved collection.

*Abstract:* VA Form 26–1820 is used for loans closed on the prior approval and automatic basis. Lenders complete and submit this form to close VA loans under 38 U.S.C. 3710 and thereby complies with the provisions of 38 U.S.C. 3702(c) which requires lenders to report to the Secretary on loans guaranteed or insured.

In addition, certifications that are to be provided to the Veteran were added that were included in OMB Control #2900–0144. The respondent burden has decreased due to the estimate number of respondents.

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 31581, July 14, 2025.

*Affected Public:* Individuals or Households.

*Estimated Number of Respondents:* 464,000.

*Frequency of Response:* Annually.

*Estimated Annual Burden:* 154,475 hours.

*Estimated Average Burden per Respondent:* 35 minutes.

*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. 2025–17980 Filed 9–16–25; 8:45 am]

**BILLING CODE 8320–01–P**

## DEPARTMENT OF VETERANS AFFAIRS

**[OMB Control No. 2900–0918]**

### Agency Information Collection Activity Under OMB Review: Veterans Affairs Life Insurance (VALife) Policy Maintenance Application

**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, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden, and it includes the actual data collection instrument.

**DATES:** Comments and recommendations for the proposed information collection should be sent by October 17, 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. 2900–0918.''

**FOR FURTHER INFORMATION CONTACT:** *VA PRA information:* Dorothy Glasgow, (202) 461–1084, *VAPRA@va.gov.*

**SUPPLEMENTARY INFORMATION:**

*Title:* Veterans Affairs Life Insurance (VALife) Policy Maintenance Application, VA Form 29–10279.

*OMB Control Number:* 2900–0918 *https://www.reginfo.gov/public/do/PRASearch.*

*Type of Review:* Extension without change of a currently approved collection.

*Abstract:* This form is used by the Department of Veterans Affairs to allow authorized agents (Guardian, POA, VA Fiduciary) to update information on a Veteran's VALife policy. The form is authorized by 38 U.S.C. 1922.

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 31582, July 14, 2025.

*Affected Public:* Individuals or Households.

*Estimated Annual Burden:* 417 hours.

*Estimated Average Burden per Respondent:* 10 minutes.

*Frequency of Response: example:* On occasion.

*Estimated Number of Respondents:* 2,500.

*Authority:* 44 U.S.C. 3501 *et seq.*

**Dorothy Glasgow,**

*Acting, VA PRA Clearance Officer, Office of Enterprise and Integration, Data Governance Analytics, Department of Veterans Affairs.*

[FR Doc. 2025–17945 Filed 9–16–25; 8:45 am]

**BILLING CODE 8320–01–P**

## DEPARTMENT OF VETERANS AFFAIRS

**[OMB Control No. 2900–0422]**

### Agency Information Collection Activity: VAAR Construction Provisions and Clauses

**AGENCY:** Office of Acquisition and Logistics, Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** Office of Acquisition and Logistics (OAL), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

**DATES:** Written comments and recommendations on the proposed collection of information should be received on or before November 17, 2025.

**ADDRESSES:** Comments must be submitted through *www.Regulations.gov.*

**FOR FURTHER INFORMATION CONTACT:**

*Program-Specific Information:* Forrest Browne, 202–632–9677, *Forrest.Browne@va.gov.*

*VA PRA Information:* Dorothy Glasgow, 202–461–1084, *VAPRA@va.gov*.

**SUPPLEMENTARY INFORMATION:** Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, OAL invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of OAL's functions, including whether the information will have practical utility; (2) the accuracy of OAL's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

*Title:* VAAR Construction Provisions and Clauses.

*OMB Control Number:* 2900–0422. *https://www.reginfo.gov/public/do/PRASearch* (Once at this link, you can enter the OMB Control Number to find the historical versions of this Information Collection).

*Type of Review:* Extension without change of a currently approved collection.

*Abstract:* This Paperwork Reduction Act (PRA) submission seeks renewal without changes of Office of Management and Budget (OMB) approval No. 2900–0422 for five collections of information for the Department of Veterans Affairs Acquisition Regulation (VAAR) clauses, as follows:

- Clause 852.232–70, Payment Under Fixed-Price Construction Contracts (without NAS–CPM), requires construction contractors not using Network Analysis System-Critical Path Method (NAS–CPM), to submit a schedule of costs for work to be performed under the contract.
- Clause 852.232–71, Payment Under Fixed-Price Construction Contracts (including NAS–CPM), requires construction contractors using NAS–CPM, to submit a schedule of costs for work to be performed under the contract.
- Clause 852.236–72, Performance of Work by the Contractor, requires contractors awarded a construction contract containing Federal Acquisition Regulation clause 52.236–1, Performance of Work by the Contractor, to submit a statement designating the branch or branches of contract work to be performed by the contractor's own forces.
- Clause 852.236–80, Subcontracts and Work Coordination, requires construction contractors, on contracts involving complex mechanical-electrical work, to furnish coordination drawings showing the manner in which utility lines will fit into available space and relate to each other and to the existing building elements.
- Clause 852.243–70, Construction Contract Changes-Supplement, requires contractors to submit cost proposals for changes ordered by the contracting officer or for changes proposed by the contractor.

*Affected Public:* Business or other for-profit.

*Estimated Annual Burden:* 2,974 hours.

*Estimated Average Burden per Respondent:* 105 minutes.

*Frequency of Response:* More than quarterly.

*Estimated Number of Respondents:* 1,706.

(Authority: 44 U.S.C. 3501 *et seq.*)

**Lanea Haynes,**

*Acting, VA PRA Clearance Officer, (Alt) Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.*

[FR Doc. 2025–17968 Filed 9–16–25; 8:45 am]

**BILLING CODE 8320–01–P**

# FEDERAL REGISTER

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Part II

## Securities and Exchange Commission

Joint Industry Plan; Notice of Filing of Amendment to the National Market System Plan Governing the Consolidated Audit Trail Regarding CAT Funding Model; Notice

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–103960; File No. 4–698]**

## Joint Industry Plan; Notice of Filing of Amendment to the National Market System Plan Governing the Consolidated Audit Trail Regarding CAT Funding Model

September 12, 2025.

### I. Introduction

On September 5, 2025, the Consolidated Audit Trail, LLC (''CAT LLC''), on behalf of the following parties to the National Market System Plan Governing the Consolidated Audit Trail (the ''CAT NMS Plan'' or ''Plan''): [1] 24X National Exchange LLC, BOX Exchange LLC, Cboe BYX Exchange, Inc., Cboe BZX Exchange, Inc., Cboe C2 Exchange, Inc., Cboe EDGA Exchange, Inc., Cboe EDGX Exchange, Inc., Cboe Exchange, Inc., Financial Industry Regulatory Authority, Inc. (''FINRA''), Investors Exchange LLC, Long-Term Stock Exchange, Inc., MEMX LLC, Miami International Securities Exchange LLC, MIAX Emerald, LLC, MIAX PEARL, LLC, MIAX Sapphire, LLC, Nasdaq BX, Inc., Nasdaq GEMX, LLC, Nasdaq ISE, LLC, Nasdaq MRX, LLC, Nasdaq PHLX LLC, The NASDAQ Stock Market LLC, New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc., NYSE National, Inc., and NYSE Texas, Inc. (collectively, the ''Participants,'' ''self-regulatory organizations,'' or ''SROs'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') pursuant to Section 11A(a)(3) of the Securities Exchange Act of 1934 (''Exchange Act''),[2] and Rule 608 thereunder,[3] a proposed amendment to implement a revised funding model (the ''Funding Proposal'') for the consolidated audit trail (the ''CAT'') and to establish a fee schedule for Participant CAT fees in accordance with the Funding Proposal.[4] *Exhibit A* sets forth the cumulative changes proposed to be made to the CAT NMS Plan. The Commission is publishing this notice to solicit comments from interested persons on the Funding Proposal.

### II. Description of the Plan

Set forth in this Section II is the description of the proposed Funding Proposal, along with information required by Rule 608(a) under the Exchange Act,[5] as prepared and submitted by the Participants to the Commission.[6]

When the Commission approved the CAT NMS Plan in 2016, the Commission approved the funding model set forth in Article XI of the original CAT NMS Plan (the ''Original Funding Model''). The Original Funding Model involved a bifurcated approach, where costs associated with building and operating the CAT would be borne by (1) Industry Members (other than alternative trading systems (''ATSs'') that execute transactions in Eligible Securities (''Execution Venue ATSs'')) through fixed tiered fees based on message traffic for Eligible Securities, and (2) Participants and Industry Members that are Execution Venue ATSs for Eligible Securities through fixed tiered fees based on market share.

On September 6, 2023, the SEC approved a proposed amendment to the CAT NMS Plan to replace the Original Funding Model with a new funding model (the ''Executed Share Model'').[7] The Executed Share Model charged fees based on executed equivalent share volume of transactions in Eligible Securities whereas the Original Funding Model charged fees based on market share and message traffic. In proposing the Executed Share Model, CAT LLC had undertaken an extensive process of evaluating and seeking comment on various funding models since the inception of CAT. In addition to the variety of alternative models considered by CAT LLC (as described in Section A.10 of this filing), the Executed Share Model was subject to substantial public review and comment via the proposed amendment to the CAT NMS Plan published by the SEC on May 25, 2022 (the ''2022 Funding Proposal''),[8] the subsequent order instituting proceedings related to the 2022 Funding Proposal [9] and two partial amendments regarding the 2022 Funding Proposal,[10] as well as the proposed amendment to the CAT NMS Plan published by the SEC on March 15, 2023 ultimately approved by the Commission.[11]

Under the Executed Share Model, CAT LLC established two categories of CAT fees. The first category of CAT fees were fees (''CAT Fees'') payable by Participants and Industry Members that are CAT Executing Brokers for the Buyer and for the Seller with regard to CAT costs not previously paid by the Participants (''Prospective CAT Costs''). The CAT Fee for each transaction was calculated by multiplying the executed equivalent shares in the transaction by one-third and the applicable ''Fee Rate.'' The Executed Share Model described in detail each aspect relevant to the CAT Fees, including a description of the Prospective CAT Costs, the calculation of the Fee Rate, the definition of ''CAT Executing Broker,'' the fee filings made pursuant to Section 19(b) of the Exchange Act for CAT Fees, and information available related to CAT Fees, both publicly and upon request.

The second category of CAT fees were fees (''Historical CAT Assessments'') to be payable by Industry Members that are CAT Executing Brokers for the Buyer and for the Seller with regard to CAT costs previously paid by the Participants (''Past CAT Costs''). The Historical CAT Assessment for each transaction was calculated by multiplying the number of executed equivalent shares in the transaction by one-third and the applicable ''Historical Fee Rate.'' Like with the CAT Fees related to Prospective CAT Costs, the Funding Proposal described in detail each aspect relevant to Historical CAT Assessments, including a description of Historical CAT Costs, the calculation of the Historical Fee Rate, the definition of ''CAT Executing Broker,'' the fee filings made pursuant to Section 19(b) of the Exchange Act for Historical CAT Assessments, and information available related to Historical CAT Assessments, both publicly and upon request.

After the SEC approved the Executed Share Model, each Participant separately filed rule filings under Section 19(b) of the Exchange Act and

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[1] In July 2012, the Commission adopted Rule 613 of Regulation NMS, which required the Participants to jointly develop and submit to the Commission a national market system plan to create, implement, and maintain a consolidated audit trail (the ''CAT''). *See* Securities Exchange Act Release No. 67457 (July 18, 2012), 77 FR 45722 (Aug. 1, 2012 (''Rule 613 Adopting Release''); 17 CFR 242.613. On November 15, 2016, the Commission approved the CAT NMS Plan. *See* Securities Exchange Act Release No. 78318 (Nov. 15, 2016), 81 FR 84696 (Nov. 23, 2016) (''CAT NMS Plan Approval Order''). The CAT NMS Plan is Exhibit A to the CAT NMS Plan Approval Order. See CAT NMS Plan Approval Order, at 84943–85034.

[2] 15 U.S.C. 78k–1(a)(3).

[3] 17 CFR 242.608.

[4] *See* Letter from Robert Walley, CAT NMS Plan Operating Committee Chair, to Vanessa Countryman, Secretary, Commission, dated Sept. 5, 2025.

[5] *See* 17 CFR 242.608(a).

[6] *See* Transmittal Letter, *supra* note 4. Unless otherwise defined herein, capitalized terms used herein are defined as set forth in the CAT NMS Plan.

[7] Securities Exchange Act Rel. No. 98290 (Sept. 6, 2023), 88 FR 62628 (Sept. 12, 2023) (''Executed Share Model Approval Order'').

[8] Securities Exchange Act Rel. No. 94984 (May 25, 2022), 87 FR 33226 (June 1, 2022) (''2022 Funding Proposal Release'').

[9] Securities Exchange Act Rel. No. 95634 (Aug. 30, 2022), 87 FR 54558 (Sept. 6, 2022).

[10] Securities Exchange Act Rel. No. 96394 (Nov. 28, 2022), 87 FR 74183 (Dec. 2, 2022) (''Partial Amendment I''), and Letter from Michael Simon, CAT NMS Plan Operating Committee Chair, to Vanessa Countryman, Secretary, Commission (Feb. 15, 2023) (''February 2023 Proposed Partial Amendment'').

[11] Securities Exchange Act Rel. No. 97151 (Mar. 15, 2023), 88 FR 17086 (Mar. 21, 2023) (''Executed Share Model Proposal Release'').

Rule 19b–4(f)(2) thereunder to establish CAT Fees and a Historical CAT Assessment to be charged to Industry Members based on the Executed Share Model. Specifically, to date, each of the Participants filed fee filings related to three CAT Fees [12] and one Historical CAT Assessment,[13] and CAT LLC has collected or is collecting such CAT fees. To date, the process for billing and collecting CAT fees has proven to be highly efficient and manageable to administer, with approximately 99% of CAT fees paid on time. In addition, the Plan Processor makes available trade-by-trade data to CAT Executing Brokers for each CAT bill. CAT LLC understands that many Industry Members have implemented processes to pass-through their CAT fees to upstream broker-dealers and customers.

In response to comments on the Executed Share Model that Participants should be prohibited from passing-on their CAT cost allocation to their members, CAT LLC stated that Participants are permitted by the Exchange Act to charge their members fees to fund the Participants' share of CAT fees, as long as they submit fee filings that demonstrate that any proposed fee is consistent with the Exchange Act.[14] The Commission's 2012 order adopting Rule 613 specifically acknowledges that the Participants may seek to pass-through CAT costs,[15] the CAT NMS Plan approved in 2016 contemplates that ''Participants may charge their members to cover the CAT NMS Plan costs either explicitly or subsume those costs in other fees or assessments,'' [16] and the Commission's 2023 order approving the Executed Share Model explains that Participants could choose to pass-through their CAT fee allocations to their members subject to the Section 19(b) fee filing process.[17] To date, however, only FINRA has sought to pass-through its CAT fees. The CAT NMS Plan itself does not address whether Industry Members may pass-through their CAT fees to their investors.

On July 25, 2025, the U.S. Court of Appeals for the Eleventh Circuit vacated the Commission's order approving the Executed Share Model,[18] finding that the Executed Share Model Approval Order violated the Administrative Procedures Act as a result of (1) the Commission allowing for the possibility for ''self-regulatory organizations to pass through 100% of their fees to broker-dealers—without considering the effects of that choice,'' [19] and (2) the Commission failing to ''conduct a new economic analysis or revise its previous economic analysis'' [20] in the Executed Share Model Approval Order. The Court acknowledged that no self-regulatory organization other than FINRA has asked for 100% pass-through approval so far, but noted that the Executed Share Model Approval Order does not limit the potential for 100% pass-through costs to FINRA. The Court temporarily stayed its order to allow the SEC to conduct a new economic analysis and to reconsider the allocation of Historical CAT Costs and Prospective CAT Costs in accordance with the Court's opinion. Once the Court's judgment takes effect, however, there will be no ongoing source of funding for the continued operation of the CAT absent further Commission action.[21]

To address the pass-through fee discussion in the Eleventh Circuit's opinion, CAT LLC proposes to add a new paragraph (e) to Section 11.3 providing that each Participant agrees not to establish a new fee for passing through its CAT fees.[22] The proposed amendment does not address whether Industry Members may pass-through their CAT fees to their customers; as discussed below, CAT LLC understands that many Industry Members do pass-through their CAT fees. Subject to the addition of this new paragraph and a discussion thereof, the Funding Proposal set forth herein is the same proposal as the Executed Share Model. The changes made to the Executed Share Model are noted in this filing, and separately identified in *Exhibit B* to this filing.

The Participants and the Commission depend on the CAT for vital regulatory functions, but the CAT cannot exist without a viable funding model. CAT LLC welcomes the SEC Chairman's leadership in calling for a comprehensive review of the CAT and will be working collaboratively and expeditiously with the Commission to dramatically reduce CAT costs while preserving effective market oversight and surveillance, but it is also critical to resolve the fundamental issue of how to fund the CAT. The Commission has long recognized that, ''[b]ecause the CAT is a critical regulatory tool/system, the CAT needs to have a stable funding source to build financial stability to support the Company as a going concern,'' and that ''[f]unding for the CAT, as noted in Section 11.1(b), is the responsibility of the Participants and the industry.'' [23] While reducing overall CAT operating costs remains a top priority, the Commission should simultaneously ensure the necessary funding still exists to operate the CAT.

The Funding Proposal would provide reasonable fees that are equitably allocated, not unfairly discriminatory, and do not impose an undue burden on competition, in that the proposal reflects a reasonable effort to allocate costs based on the extent to which different CAT Reporters participate in and benefit from the equities and options markets. Moreover, the Funding Proposal would be consistent with past fee structures that have been approved by the Commission. It also is transparent, has proven to be relatively easy to calculate and administer, and is designed not to have an impact on market activity because it is neutral as to the location and manner of execution.

[12] Each of the Participants filed rule filings to implement CAT Fee 2024–1, CAT Fee 2025–1 and CAT Fee 2025–2. *See, e.g.,* Securities Exchange Act Rel. No. 100828 (Aug. 27, 2024), 89 FR 71699 (Sept. 3, 2024) (New York Stock Exchange LLC filing for CAT Fee 2024–1); Securities Exchange Act Rel. No. 102054 (Dec. 30, 2024), 90 FR 714 (Jan. 6, 2025) (Long-Term Stock Exchange, Inc. filing for CAT Fee 2025–1); Securities Exchange Act Rel. No. 103400 (July 8, 2025), 90 FR 30172 (July 11, 2025) (Investors Exchange LLC filing for CAT Fee 2025–2).

[13] Each of the Participants filed rule filings to implement Historical CAT Assessment 1. *See, e.g.,* Securities Exchange Act Rel. No. 100936 (Sept. 5, 2024), 89 FR 74430 (Sept. 22, 2024) (BOX Exchange LLC filing for Historical CAT Assessment 1).

[14] *See* Executed Share Model Approval Order at 62635.

[15] *See* Securities Exchange Act Rel. No. 67457 (Jul. 18, 2012), 77 FR 45722, 45795 (Aug. 1, 2012) (''Rule 613 Adopting Release'') (''[A]lthough the plan sponsors likely would initially incur the costs to establish and fund the central repository directly, they may seek to recover some or all of these costs from their members.'').

[16] CAT NMS Plan at Appendix C–80. *See also* Securities Exchange Act Rel. No. 79318 (Nov. 15, 2016), 81 FR 84696, 84795 (Nov. 23, 2016) (''CAT NMS Plan Approval Order'') (''[T]he Participants are permitted to recoup their regulatory costs under the Exchange Act through the collection of fees from their members, as long as such fees are reasonable, equitably allocated and not unfairly discriminatory, and otherwise are consistent with Exchange Act standards.'').

[17] Executed Share Model Approval Order at 62655.

[18] *Am. Sec. Ass'n, Citadel Sec. LLC* v. *U.S. Sec. & Exch. Comm'n,* No. 23–13396, 2025 WL 2092054 (11th Cir. July 25, 2025).

[19] *Id.* at 20.

[20] *Id.* at 24.

[21] Prior to the SEC's approval of the Executed Share Model, CAT was funded entirely by voluntary loans from the Participants; such an approach is not sustainable.

[22] Appendix C of the CAT NMS Plan provides that ''Participants may charge their members to cover the CAT NMS Plan costs either explicitly or subsume those costs in other fees or assessments.'' Because the Commission has acknowledged that Appendix C was not intended to be continually updated once the CAT NMS Plan was approved, CAT LLC is not proposing to update Appendix C to reflect the proposed amendments. *See* Securities Exchange Act Rel. No. 89632 (Aug. 21, 2020), 85 FR 65990 (Oct. 16, 2020).

[23] Executed Share Model Approval Order at 62657.

The Exchange Act does not require CAT LLC to demonstrate that the Funding Proposal is superior to any other potential proposal. Instead, CAT LLC must demonstrate that the Funding Proposal is consistent with the Exchange Act and the rules and regulations thereunder. CAT LLC believes that the Funding Proposal satisfies the requirements of the Exchange Act and the Eleventh Circuit's opinion and should be approved by the Commission.

*Requirements Pursuant to Rule 608(a)*

A. Description of the Proposed Amendments to the CAT NMS Plan

CAT LLC describes in detail the Funding Proposal in this Section A. As noted above, other than the addition of new paragraph (e) to Section 11.3 providing that each Participant agrees not to establish a new fee for passing through its CAT fees, the proposed amendments set forth in *Exhibit A* of this filing are identical to the amendments adopted in the Executed Share Model Approval Order. The Executed Share Model was approved in 2023 and the first CAT Fees and Historical CAT Assessments based on the Executed Share Model were introduced in 2024. In this time, the Commission, Participants and Industry Members all have gained substantial experience through the implementation of the funding model and in how the model operates, including, for example, how CAT fees are calculated and charged to a CAT Executing Broker. In addition, the process for issuing and paying CAT invoices has proven to work effectively.[24] Accordingly, other than addressing the pass-through fee discussion in the Eleventh Circuit's opinion, the Funding Proposal does not introduce any novel regulatory or operational issues.

- *Definition of CAT Executing Broker:* CAT LLC describes the definition of a ''CAT Executing Broker'' in Section A.1 of this filing.
- *CAT Budget:* Budgeted CAT costs are described in Section A.2 of this filing.
- *CAT Fees related to Prospective CAT Costs:* CAT LLC discusses CAT Fees related to Prospective CAT Costs in Section A.3 of this filing.
- *Historical CAT Assessments:* CAT LLC discusses Historical CAT Assessments related to Historical CAT Costs in Section A.4 of this filing.
- *Participant Pass-Through Fees:* CAT LLC discusses Participant pass-through fees in Section A.5 of this filing.
- *CAT Fee Schedule for Participants:* To implement the CAT fees to be paid by the Participants under the Funding Proposal, CAT LLC proposes to add a fee schedule, entitled ''Consolidated Audit Trail Funding Fees,'' to Appendix B of the CAT NMS Plan. This fee schedule is discussed in Section A.6 of this filing.
- *Additional Changes from Original Funding Model:* CAT LLC discusses additional proposed revisions to Article XI of the CAT NMS Plan to implement the change from the Original Funding Model to the Funding Proposal in Section A.7 of this filing.
- *Billing and Collection of CAT Fees:* The billing and collection of CAT fees are discussed in Section A.8 of this filing.
- *Advantages of and Support for Funding Proposal:* CAT LLC proposes to adopt the Funding Proposal as it provides a variety of advantages over the Original Funding Model. CAT LLC discusses the advantages of the Funding Proposal in Section A.9 of this filing.
- *Alternative Funding Models Considered:* CAT LLC discusses the advantages and disadvantages of a variety of alternative funding models to the Funding Proposal in Section A.10 of this filing.
- *Satisfaction of Exchange Act and CAT NMS Plan Requirements:* CAT LLC discusses how the Funding Proposal satisfies each of the funding principles and other requirements of the CAT NMS Plan, as proposed to be revised herein, as well as the applicable requirements of the Exchange Act in Section A.11 of this filing.

1. Definition of CAT Executing Broker

Under the Funding Proposal, each Industry Member that is a CAT Executing Broker for the buyer in a transaction in Eligible Securities (''CAT Executing Broker for the Buyer'' or ''CEBB'') and each Industry Member that is the CAT Executing Broker for the seller in a transaction in Eligible Securities (''CAT Executing Broker for the Seller'' or ''CEBS'') would be required to pay CAT Fees and Historical CAT Assessments. Accordingly, CAT LLC proposes to add a definition of the term ''CAT Executing Broker'' to Section 1.1 of the CAT NMS Plan. CAT LLC would define ''CAT Executing Broker'' to mean:

(a) with respect to a transaction in an Eligible Security that is executed on an exchange, the Industry Member identified as the Industry Member responsible for the order on the buy-side of the transaction and the Industry Member responsible for the sell-side of the transaction in the equity order trade event and option trade event in the CAT Data submitted to the CAT by the relevant exchange pursuant to the Participant Technical Specifications; and (b) with respect to a transaction in an Eligible Security that is executed otherwise than on an exchange and required to be reported to an equity trade reporting facility of a registered national securities association, the Industry Member identified as the executing broker and the Industry Member identified as the contra-side executing broker in the TRF/ORF/ADF transaction data event in the CAT Data submitted to the CAT by FINRA pursuant to the Participant Technical Specifications; provided, however, in those circumstances where there is a non-Industry Member identified as the contra-side executing broker in the TRF/ORF/ADF transaction data event or no contra-side executing broker is identified in the TRF/ORF/ADF transaction data event, then the Industry Member identified as the executing broker in the TRF/ORF/ADF transaction data event would be treated as CAT Executing Broker for the Buyer and for the Seller.

Under the Participant Technical Specifications, for transactions occurring on a Participant exchange, there is a field for the exchange to report the market participant identifier (''MPID'') of ''the member firm that is responsible for the order on this side of the trade.'' [25] The Industry Members identified in these fields for the transaction reports would be the CAT Executing Brokers for transactions executed on an exchange. Specifically, the following fields of the Participant Technical Specifications would indicate the CAT Executing Brokers for the transactions executed on an exchange.

[24] There have been only three fee dispute applications filed (two of which were by the same firm relating to the same issue) out of approximately 5,778 invoices issued through August 2025. Those few issues were promptly resolved via a corrected invoice without the need for a decision made through the formal fee dispute resolution process.

[25] *See* Section 4.7 (Order Trade Event) and Section 5.2.5.1 (Simple Option Trade Event: Side Details) of the CAT Reporting Technical Specifications for Plan Participants, Version 4.2.0–r1 (Aug. 22, 2025) (''Participant Technical Specifications), *https://www.catnmsplan.com/sites/default/files/2025-08/08.22.2025-CAT_Reporting_Technical_Specifications_for_Participants_4.2.0-r1.pdf.*

EQUITY ORDER TRADE (EOT) [26]

| # | Field name | Data type | Description | Include key |
|---|---|---|---|---|
| 12.*n*.8/13.*n*.8 | member | Member Alias | The identifier for the member firm that is responsible for the order on this side of the trade. Not required if there is no order for the side as indicated by the NOBUYID/NOSELLID instruction. This must be provided if orderID is provided. | C |

OPTION TRADE (OT) [27]

| # | Field name | Data type | Description | Include key |
|---|---|---|---|---|
| 16.*n*.13/17.*n*.13 | member | Member Alias | The identifier for the member firm that is responsible for the order. | R |

FINRA is required to report to the CAT transactions in Eligible Securities reported to a FINRA trade reporting facility (*i.e.,* the FINRA Trade Reporting Facilities (''TRF''), Over-the Counter Reporting Facility (''ORF'') and Alternative Display Facility (''ADF'')).[28] Under the Participant Technical Specifications, for such transactions reported to a FINRA trade reporting facility, FINRA is required to report the MPID of the executing party as well as the MPID of the contra-side executing party. The Industry Members identified in these two fields for the transaction reports would be the CAT Executing Brokers for over-the-counter transactions. Specifically, the following fields of the Participant Technical Specifications will indicate the CAT Executing Brokers for the transactions executed otherwise than on an exchange.

TRF/ORF/ADF TRANSACTION DATA EVENT (TRF) [29]

| # | Field name | Data type | Description | Include key |
|---|---|---|---|---|
| 26 | reportingExecutingMpid | Member Alias | MPID of the executing party | R |
| 28 | contraExecutingMpid | Member Alias | MPID of the contra-side executing party | C |

Note that a CAT Executing Broker in over-the-counter transactions identified on the TRF/ORF/ADF Transaction Data Event is determined based on the tape or media report, that is, a trade report that is submitted to a FINRA trade reporting facility and reported to and publicly disseminated by the appropriate exclusive Securities Information Processor. A CAT Executing Broker for over-the-counter transactions is *not* determined based on a non-tape report (*e.g.,* a regulatory report or a clearing report), which are not publicly disseminated.[30]

Therefore, with respect to transactions on an exchange and over-the-counter transactions, CAT LLC would use transaction reports reported to the CAT by FINRA or the exchanges to identify the transaction for purposes of calculating the CAT fees as well as the CAT Executing Broker for each transaction for purposes of calculating the CAT fees. Accordingly, all data used to calculate the fees under the Funding Proposal would be CAT Data, and, therefore, it would be available through the CAT for calculating CAT fees. The Plan Processor would be responsible for calculating the CAT fees and submitting invoices to the CAT Executing Brokers based on this CAT Data. Moreover, defining a ''CAT Executing Broker'' in this way is a simpler analytical approach than other potential approaches for defining the relevant executing broker, such as identifying the originating broker for the order via an evaluation of CAT linkages.[31]

CAT LLC proposes to make use of the defined term ''CAT Executing Broker'' in Proposed Section 11.3 in describing the Funding Proposal. CAT LLC believes the proposed definition of CAT Executing Broker and the use of the defined term in Article XI would set forth clearly when and in what situations an Industry Member would be considered a CAT Executing Broker for purposes of the Funding Proposal.

a. Treatment of ATSs

The Funding Proposal would describe how CAT fees would be assessed with regard to transactions executed on ATSs, including clarification as to which party to an ATS transaction would be treated as the CAT Executing Broker for purposes of the Funding Proposal. The definition of a ''CAT Executing Broker'' as proposed above would determine the CAT Executing Brokers for transactions executed on an ATS. Specifically, if an ATS is identified as the executing party and/or the contra-side executing party in the TRF/ORF/ADF Transaction Data Event, then the ATS would be a CAT Executing Broker for purposes of the Funding Proposal. If the ATS is identified as the executing party for the buyer in such transaction reports, then the ATS would be the CAT Executing Broker for the

[26] *See* Table 23, Section 4.7 (Order Trade Event) of the Participant Technical Specifications.

[27] *See* Table 52, Section 5.2.5.1 (Simple Option Trade Event) of the Participant Technical Specifications.

[28] *See* Section 6.1 of the Participant Technical Specifications.

[29] *See* Table 62, Section 6.1 (TRF/ORF/ADF Transaction Data Event) of the Participant Technical Specifications.

[30] There is an exception to this statement for away-from-market trades. These are non-media trades reported to the TRF with an ''SRO Required Modifier Code'' of ''R''.

[31] Each CAT Executing Broker could determine, but would not be required, to pass their CAT fees through to their clients, who, in turn, could pass their CAT fees to their clients, until the fee is imposed on the ultimate participant in the transaction.

Buyer, and if the ATS is identified as the executing party for the seller in such transaction reports, then the ATS would be the CAT Executing Broker for the Seller. An ATS also could be identified as both the CAT Executing Broker for the Buyer and the CAT Executing Broker for the Seller. ATSs would determine the executing party and the contra-side executing party reported to FINRA's equity trading facilities in accordance with the transaction reporting requirements for FINRA's equity trading facilities.

b. Treatment of Fractional Shares

The Funding Proposal also would address how transactions in fractional shares would be treated. As described above, CAT fees would be charged based on the Equity Order Trade Events, Options Trade Events and the ADF/ORF/TRF Transaction Data Events in the Participant Technical Specifications. None of these transaction reports provide for fractional quantities; the transaction reports must reflect whole shares/contracts. Therefore, under the Funding Proposal, CAT fees would be calculated without reference to fractional shares or fractional share components of executed orders.[32]

c. Non-Industry Members on Transaction Reports

The Funding Proposal also would address how transactions that involve a non-Industry Member would be treated under the Funding Proposal (*e.g.,* for internalized trades or trades with a non-FINRA member). The FINRA trade reporting requirements state that ''[w]hen reporting a trade with a broker-dealer that is not a FINRA member, the non-member should not be identified on the trade report as the contra party to the trade.'' [33] Accordingly, when the transaction in these cases is reported to CAT via the TRF/ORF/ADF Transaction Data Event, the field for the reportingExecutingMpid would be populated with the MPID of the executing broker and the field for the contraExecutingMpid would be blank or null. As noted above, the reportingExecutingMpid is a required field (include key = 'R') that must be entered on all CAT reports, but the contraExecutingMpid field is conditional; it does not need to be populated, specifically to account for cases like those at issue here (*e.g.,* transactions with a non-FINRA member). Therefore, in those scenarios where the contraExecutingMpid is blank, the FINRA member identified in the reportingExecutingMpid field would be treated as the CAT Executing Broker for both the buy-side and the sell-side of the transaction, that is, as the CEBS and CEBB.

In addition, under the FINRA trade reporting requirements, there is a limited exception to the general rule about not reporting a non-member as the contra party to the trade. Specifically, pursuant to FINRA Trade Reporting FAQ 202.1, ''[t]here is a limited exception where a Canadian non-member firm uses the FINRA/NASDAQ TRF or ORF for purposes of comparing trades pursuant to a valid Non-Member Addendum to the NASDAQ Services Agreement. In that instance, however, the Canadian non-member must appear on the trade report as the contra party to the trade and not as the reporting party. For any trade report on which a Canadian non-member appears as a party to the trade, the FINRA member must appear as the reporting party.'' In this case involving the Canadian non-member firm exception, the executing broker identified in the reportingExecutingMpid field would be billed for both sides of the transaction.

CAT LLC proposes to include language in the definition of ''CAT Executing Broker'' to address these scenarios. Specifically, CAT LLC proposes to state the following in the definition of ''CAT Executing Broker: ''in those circumstances where there is a non-Industry Member identified as the contra-side executing broker in the TRF/ORF/ADF transaction data event or no contra-side executing broker is identified in the TRF/ORF/ADF transaction data event, then the Industry Member identified as the executing broker in the TRF/ORF/ADF transaction data event would be treated as CAT Executing Broker for the Buyer and for the Seller.''

d. Cancellations and Corrections

The Funding Proposal also would provide for cancellations and corrections. CAT LLC expects to determine CAT fees based on the transaction reports for a month as of a particular day. To the extent that changes are made to the transaction reports on or before the day the CAT fees are determined for the given month, the changes will be reflected in the monthly bill. To the extent that changes are made to the transaction reports after the day the CAT fees are determined for that month, subsequent bills will reflect any changes via debits or credits, as applicable. As CAT LLC is required under the CAT NMS Plan to adopt policies, procedures, and practices regarding the billing and collection of fees,[34] CAT LLC will establish specific policies and procedures regarding the treatment of such adjustments as those related to cancellations and corrections. Furthermore, CAT LLC will inform Industry Members and other market participants of these policies and procedures via FAQs, CAT Alerts and/or other appropriate methods.

2. CAT Budget

Section 11.1(a) of the CAT NMS Plan describes the requirement for the Operating Committee to approve an operating budget for CAT LLC on an annual basis. It requires the budget to ''include the projected costs of the Company, including the costs of developing and operating the CAT for the upcoming year, and the sources of all revenues to cover such costs, as well as the funding of any reserve that the Operating Committee reasonably deems appropriate for prudent operation of the Company.'' CAT LLC proposes to provide additional detail regarding the CAT LLC operating budget by adding proposed subparagraphs (i) and (ii) to Section 11.1(a) of the CAT NMS Plan. Such detailed information would provide Participants, Industry Members and other interested parties with a clear understanding of the CAT budget, and, in turn, the calculation of the CAT Fees.

a. Budgeted CAT Costs

CAT LLC proposes to add subparagraph (i) to Section 11.1(a) of the CAT NMS Plan to provide additional clarity regarding the costs to be included in the CAT budget. This proposed provision would list the types of CAT costs to be included in the budget. Specifically, Proposed Section 11.1(a)(i) of the CAT NMS Plan would state that ''[w]ithout limiting the foregoing, the reasonably budgeted CAT costs shall include technology (including cloud hosting services, operating fees, CAIS operating fees, change request fees and capitalized developed technology costs), legal, consulting, insurance, professional and administration, and public relations costs, a reserve, and such other categories as reasonably determined by the Operating Committee to be included in the budget.''

Because technology costs account for more than 90% of CAT costs,[35] CAT

[32] To the extent that FINRA's equity transaction reporting facilities or the exchanges report transactions in fractional shares in the future, then the calculation of CAT fees would reflect fractional shares as well.

[33] FINRA Trade Reporting FAQ 202.1.

[34] Section 11.1(d) of the CAT NMS Plan.

[35] This percentage is based on the 2025 Financial and Operating Budget. *See* CAT, LLC, 2025 Financial and Operating Budget (May 19, 2025), *https://www.catnmsplan.com/sites/default/files/*

LLC proposes to provide more granular information about such costs. Specifically, CAT LLC proposes to require the inclusion of five subcategories of technology costs in the budget: (1) cloud hosting services, (2) operating fees, (3) Customer and Account Information System (''CAIS'') operating fees, (4) change request fees, and (5) capitalized developed technology costs. Breaking out technology costs in this manner is consistent with how such costs are broken out in the CAT budgets available on the CAT website.[36] CAT LLC currently does not propose to require the disclosure of additional subcategories of cost information, such as a further breakdown of the category of cloud hosting services into production costs, including linker costs and storage costs. However, CAT LLC will consider the need to provide additional cost disclosure going forward.

Furthermore, CAT LLC has determined not to provide more detailed subcategories for the other cost categories (that is, legal, consulting, insurance, professional and administration, and public relations costs) at this time. Breaking out these costs into further subcategories would establish new subcategories that are not set forth in the budgets. In addition, these costs in the aggregate represent less than six percent (6%) of total CAT costs, with professional and administration costs and public relations costs, in particular, each representing less than one percent (1%) of overall CAT costs.[37] Therefore, CAT LLC does not believe that these costs warrant additional subcategory disclosure. CAT LLC further notes that it is not considered a best practice to publicly disclose detailed legal or insurance information, which is particularly sensitive. Nevertheless, CAT LLC notes that the CAT NMS Plan requires that detailed cost information be made available to the Commission upon request, and detailed information on CAT costs and operations is regularly made available to the Commission staff and the Advisory Committee on a confidential basis.

CAT LLC also intends to determine costs for the operating budget for the CAT in a reasonable manner. Accordingly, CAT LLC proposes to amend Section 11.1(a) of the CAT NMS Plan to refer to a ''reasonable'' operating budget for CAT LLC. Specifically, the first sentence of Section 11.1(a) of the CAT NMS Plan would be revised to read: ''On an annual basis the Operating Committee shall approve a reasonable operating budget for the Company.'' In addition, CAT LLC proposes to include the term ''reasonably'' in proposed paragraph (a)(i) of Section 11.1 of the CAT NMS Plan. Specifically, CAT proposes to introduce the term ''reasonably'' to the following proposed provision of the CAT NMS Plan: ''Without limiting the foregoing, the reasonably budgeted CAT costs shall include technology (including cloud hosting services, operating fees, CAIS operating fees, change request fees, and capitalized developed technology costs), legal, consulting, insurance, professional and administration, and public relations costs, a reserve and such other cost categories as reasonably determined by the Operating Committee to be included in the budget.''

Finally, CAT LLC proposes to amend Section 11.1(b) of the CAT NMS Plan. Currently, Section 11.1(b) of the CAT NMS Plan states that:

> Subject to Section 11.2, the Operating Committee shall have discretion to establish funding for the Company, including: (i) establishing fees that the Participants shall pay; and (ii) establishing fees for Industry Members that shall be implemented by Participants. The Participants shall file with the SEC under Section 19(b) of the Exchange Act any such fees on Industry Members that the Operating Committee approves, and such fees shall be labeled as ''Consolidated Audit Trail Funding Fees.''

CAT LLC proposes to amend Section 11.1(b) to include a reference to Section 11.1 as well as Section 11.2 in the ''subject to'' clause at the beginning of the provision. CAT LLC believes this reference is relevant because Section 11.1 sets forth requirements related to the budget, and the budget is used in calculating CAT Fees.

b. Reserve

Section 11.1(a) of the CAT NMS Plan states that the budget shall include ''the funding of any reserve that the Operating Committee reasonably deems appropriate for prudent operation of the Company.'' In addition, Proposed Section 11.1(a)(i) of the CAT NMS Plan would state that the budgeted CAT costs shall include a reserve. Section 11.1(c) of the CAT NMS Plan states that ''[a]ny surplus of the Company's revenues over its expenses shall be treated as an operational reserve to offset future fees.'' CAT LLC proposes to add subparagraph (ii) to Section 11.1(a) of the CAT NMS Plan to provide additional details regarding the size and use of the reserve.

To provide additional clarity regarding the size of the reserve, CAT LLC proposes to add proposed paragraph (ii) to Section 11.1(a) of the CAT NMS Plan to set forth the parameters for the size of the reserve. Based on the difficulty in accurately predicting various variable CAT costs, CAT LLC believes that a 25% reserve would appear to be reasonable. Accordingly, Proposed Section 11.1(a)(ii) of the CAT NMS Plan would state that ''[f]or the reserve referenced in paragraph (a)(i) of this Section, the budget will include an amount reasonably necessary to allow the Company to maintain a reserve of not more than 25% of the annual budget.'' CAT LLC also intends to include a reserve in the CAT budget that is ''reasonably'' necessary to allow the CAT LLC to maintain a reserve of not more than 25% of the annual budget. Accordingly, CAT LLC proposes to include the term ''reasonably'' in this sentence. Moreover, CAT LLC would calculate the reserve based on the amount of the budget other than the reserve, as the reserve is intended to provide funds for CAT LLC to pay its bills if necessary. Accordingly, Proposed Section 11.1(a)(ii) of the CAT NMS Plan would state that ''[f]or the avoidance of doubt, the calculation of the amount of the reserve would exclude the amount of the reserve from the budget.''

CAT LLC also believes that it is reasonable to base the reserve on a percentage of the budget. First, CAT LLC believes that setting the reserve at 25% of the budget is appropriate in light of the timeline for the collection of CAT fees.[38] Many of CAT LLC's bills must be paid on a monthly basis. However, CAT fees will be collected approximately three months after the activity on which a CAT fee is based—that is, 25% of the year. For example, activity in January would be subject to a bill in February, which would be required to be paid within 30 days,[39] which would be in March. Accordingly, the reserve would be available to address the funding

*2025-05/05.19.25-CAT-LLC-2025-Financial_and_Operating-Budget.pdf.*

[36] The CAT LLC budgets are available on the CAT website at *https://www.catnmsplan.com/cat-financial-and-operating-budget.*

[37] This percentage is based on the 2025 Financial and Operating Budget. *See* CAT, LLC, 2025 Financial and Operating Budget (May 19, 2025), *https://www.catnmsplan.com/sites/default/files/2025-05/05.19.25-CAT-LLC-2025-Financial_and_Operating-Budget.pdf.* In addition, CAT LLC has not incurred public relations costs since Q1 2025, and the 2025 Financial and Operating Budget does not contemplate any public relations costs will be incurred through the remainder of 2025.

[38] For a discussion of the billing and collection of CAT fees, *see* Section A.8 of this filing.

[39] *See* Sections 3.7(b) and 11.4 of the CAT NMS Plan.

needs related to the delay in CAT LLC's receipt of the CAT fees.

Second, CAT LLC has established a number of measures for establishing a reasonable budget for the CAT, thereby providing a reasonable starting point for the reserve calculation. For example, the CAT NMS Plan would require the budget to be ''reasonable.'' [40] The Fee Rate established at the beginning of the year would be adjusted mid-year to address changes in the actual or budgeted costs or changes in the actual or projected executed equivalent share volume. CAT LLC has established a variety of cost management measures, as discussed in detail in Section A.9.bb of this filing, and has and would provide substantial cost transparency as discussed in detail in Section A.9.l of this filing. The CAT fee filings pursuant to Section 19(b) of the Exchange Act would provide a description of how the budget is reconciled to the collected fees.

CAT LLC proposes to provide additional clarification regarding the collection of the reserve by providing additional information as to how budget surpluses would be treated for purposes of the reserve. CAT LLC proposes to clarify how CAT fees collected in excess of CAT costs, including the reserve, would be used. Specifically, proposed subparagraph (ii) of Section 11.1(a) of the CAT NMS Plan would state that ''[t]o the extent collected CAT fees exceed CAT costs, including the reserve of 25% of the annual budget, such surplus will be used to offset future fees.'' In addition, CAT LLC further proposes to state in Proposed Section 11.1(a)(ii) of the CAT NMS Plan that ''[f]or the avoidance of doubt, the Company will only include an amount for the reserve in the annual budget if the Company does not have a sufficient reserve (which shall be up to but not more than 25% of the annual budget).''

The following examples explain the circumstances under which a reserve would be included in the budget:

(1) Suppose that the Operating Committee had approved a budget of $100 million for CAT costs for Year X, and a reserve of $25 million, for a total budget of $125 million for Year X. Suppose that CAT Fees of $125 million were collected during Year X, and that actual CAT costs for Year X were $100 million. Therefore, CAT ended Year X with $25 million in reserve. Suppose further that the Operating Committee had approved a budget of $100 million for CAT costs and a reserve of $25 million, for a total budget of $125 million for Year X+1. Because CAT LLC had collected $25 million in excess of costs for the reserve in Year X, and the excess was not necessary to cover additional costs in Year X, CAT LLC would not include any additional amount in the budget for a reserve for Year X+1. CAT LLC would use the excess fees collected for the reserve.

(2) Suppose that the Operating Committee had approved a budget of $100 million for CAT costs for Year Y, and a reserve of $25 million, for a total budget of $125 million for Year Y. Suppose that CAT Fees of $110 million were collected during Year Y, and that actual CAT costs for Year Y were $100 million. Therefore, CAT ended Year Y with $10 million in reserve. Suppose further that the Operating Committee had approved a budget of $100 million for CAT costs, and a reserve of $25 million, for a total budget of $125 million for Year Y+1. Because CAT LLC had collected $10 million in excess of costs for the reserve in Year Y, and the entire reserve was not necessary to cover additional costs in Year Y, CAT LLC would only need to collect an additional $15 million for the reserve in Year Y+1, not $25 million.

c. Publicly Available Budgets

CAT LLC publicly provides the annual operating budget for the Company as well as updates to the budget that occur during the year.[41] This publicly available budget information describes in detail the budget for the Company. For example, among other things, the budget provides specific budgeted technology costs (including cloud hosting services, operating fees, CAIS operating fees and change request fees) and general and administrative costs (including legal, consulting, insurance, professional and administration, and public relations). The Company provides such budget information on a dedicated web page on the CAT NMS Plan website to make it readily accessible to CAT Reporters and others.

3. CAT Fees Related to Prospective CAT Costs

CAT LLC proposes to describe CAT Fees related to Prospective CAT Costs in Section 11.3(a) of the CAT NMS Plan. Proposed Section 11.3(a) of the CAT NMS Plan would describe that the CAT Fees related to Prospective CAT Costs apply to both Participants and Industry Members, the manner of calculating the Fee Rate for CAT Fees, the description of the calculation of the Participant CAT Fees, a description of the calculation of the Industry Member CAT Fees, a description of the fee filings under Section 19(b) of the Exchange Act for Industry Member CAT Fees, and details regarding the calculation of the CAT Fees that are available upon request or publicly available. The following describes Proposed Section 11.3(a) of the CAT NMS Plan in detail.

a. Introductory Statement

CAT LLC proposes to revise Section 11.3(a) of the CAT NMS Plan to address CAT Fees related to Prospective CAT Costs for both Participants and Industry Members. Accordingly, CAT LLC proposes to revise the introductory statement in Proposed Section 11.3(a) of the CAT NMS Plan to state that ''[t]he Operating Committee will establish fees ('CAT Fees') to be payable by Participants and Industry Members with regard to CAT costs not previously paid by the Participants ('Prospective CAT Costs') as follows:''.

b. Fee Rate for CAT Fees

CAT LLC proposes to describe the timing and method for calculating the Fee Rate for the CAT Fees related to Prospective CAT Costs in Proposed Section 11.3(a)(i) of the CAT NMS Plan, and to provide additional detail regarding the Fee Rate in that provision. Proposed Section 11.3(a)(i) of the CAT NMS Plan would state that CAT Fees related to Prospective CAT Costs would be calculated twice a year. Specifically, this proposed provision would state that ''[t]he Operating Committee will calculate the Fee Rate for the CAT Fee twice per year, once at the beginning of the year and once during the year as follows.'' CAT LLC recognizes the need to align CAT Fees with CAT costs. Requiring the adjustment of the Fee Rate both at the beginning of the year and once mid-year in response to changes in the budgeted or actual costs or projected or actual total executed equivalent share volume during the year would likely lead to the greater alignment of CAT Fees and CAT costs, thereby potentially avoiding the collection of CAT Fees in excess of CAT costs or CAT Fees that

[40] *See* Proposed Section 11.1(a) of the CAT NMS Plan.

[41] To address potential changes related to the CAT during the year, the Operating Committee may adjust the budgeted CAT costs for the year as it reasonably deems appropriate for the prudent operation of the Company. For example, the Operating Committee may determine that an adjustment to the budget is necessary if actual costs during the year are more or less than the budget, or if unanticipated expenditures are necessary. To the extent that the Operating Committee adjusts the budgeted CAT costs during the year and determines to adjust the Fee Rate, the adjusted budgeted CAT costs would be used in calculating the new Fee Rate for the remaining months of the year.

are insufficient to cover CAT costs. Accordingly, CAT LLC proposes to require both an annual and a mid-year adjustment of the Fee Rate for the CAT Fee.

i. General

CAT LLC proposes to provide details regarding the calculation of the Fee Rate for the CAT Fees in Proposed Section 11.3(a)(i) of the CAT NMS Plan. The detail provided in Proposed Section 11.3(a)(i) of the CAT NMS Plan would include a description of the calculation of the Fee Rate at the beginning of the year and during the year, the counting method for executed equivalent shares, the budgeted CAT costs, and the projected total executed equivalent share volume of transactions in Eligible Securities for the relevant period. Each of these aspects of the CAT Fees are discussed in more detail below.

A. Annual Calculation of Fee Rate

Proposed Section 11.3(a)(i)(A)(I) of the CAT NMS Plan would describe the annual calculation of the Fee Rate and the requirement for Participants to file a fee filing for CAT Fees to be charged Industry Members calculated using the Fee Rate. This proposed provision also would state that Participants and Industry Members would be required to pay such CAT Fees once the CAT Fees are in effect with regard to Industry Members. Specifically, this proposed provision would state:

> For the beginning of each year, the Operating Committee will calculate the Fee Rate by dividing the reasonably budgeted CAT costs for the year by the reasonably projected total executed equivalent share volume of all transactions in Eligible Securities for the year. Once the Operating Committee has approved such Fee Rate, the Participants shall be required to file with the SEC pursuant to Section 19(b) of the Exchange Act CAT Fees to be charged to Industry Members calculated using such Fee Rate. Participants and Industry Members will be required to pay CAT Fees calculated using this Fee Rate once such CAT Fees are in effect with regard to Industry Members in accordance with Section 19(b) of the Exchange Act.

CAT LLC proposes to clarify that the annual calculation of CAT Fees would be performed using reasonably budgeted CAT costs and reasonably projected total executed equivalent share volume. Accordingly, CAT LLC proposes to use the term ''reasonably'' twice in the following sentence: ''For the beginning of each year, the Operating Committee will calculate the Fee Rate by dividing the reasonably budgeted CAT costs for the year by the reasonably projected total executed equivalent share volume of all transactions in Eligible Securities for the year.''

B. Mid-Year Calculation of Fee Rate

Proposed Section 11.3(a)(i)(A)(II) of the CAT NMS Plan describes the mandatory mid-year calculation of a new Fee Rate. This proposed provision would describe the mid-year calculation of the Fee Rate and the requirement for Participants to file a fee filing for CAT Fees to be charged Industry Members calculated using the Fee Rate. This proposed provision also would state that Participants and Industry Members would be required to pay such CAT Fees once the CAT Fees are in effect with regard to Industry Members. Specifically, this proposed provision would state:

> During each year, the Operating Committee will calculate a new Fee Rate by dividing the reasonably budgeted CAT costs for the remainder of the year by the reasonably projected total executed equivalent share volume of all transactions in Eligible Securities for the remainder of the year. Once the Operating Committee has approved the new Fee Rate, the Participants shall be required to file with the SEC pursuant to Section 19(b) of the Exchange Act CAT Fees to be charged to Industry Members calculated using the new Fee Rate. Participants and Industry Members will be required to pay CAT Fees calculated using this new Fee Rate once such CAT Fees are in effect with regard to Industry Members in accordance with Section 19(b) of the Exchange Act.

CAT LLC proposes to clarify that CAT Fees would be calculated during the year using reasonably budgeted CAT costs and reasonably projected total executed equivalent share volume. Accordingly, CAT LLC proposes to use the term ''reasonably'' twice in the following sentence: ''During each year, the Operating Committee will calculate a new Fee Rate by dividing the reasonably budgeted CAT costs for the remainder of the year by the reasonably projected total executed equivalent share volume of all transactions in Eligible Securities for the remainder of the year.''

C. Continuing CAT Fee

CAT LLC also proposes to add Section 11.3(a)(i)(A)(III) to the CAT NMS Plan to clarify that CAT Fees related to Prospective CAT Costs do not sunset automatically; such CAT Fees would remain in place until new CAT Fees are in place with a new Fee Rate. The Funding Proposal is designed to collect CAT fees continuously so as to provide uninterrupted revenue to pay CAT bills. Specifically, this proposed provision would state:

> For the avoidance of doubt, CAT Fees with a Fee Rate calculated as set forth in this paragraph (a)(i) shall remain in effect until the Operating Committee approves a new Fee Rate as described in this paragraph (a)(i) and CAT Fees with the new Fee Rate are in effect with regard to Industry Members in accordance with Section 19(b) of the Exchange Act.

D. Commencement of CAT Fee

CAT LLC believes that it would be appropriate to commence the first CAT Fee either at the beginning of the year or during the year (due to, for example, mid-year approval of the CAT Fee by the SEC), whichever is closest to the time that such a CAT Fee could become effective, so as to seek prompt recovery of CAT costs. If the CAT Fee were to commence during the year, the first CAT Fee would be calculated in the same way that a mid-year CAT Fee would be calculated. To clarify this approach, CAT LLC proposes to add Proposed Section 11.3(a)(i)(A)(IV) to the CAT NMS Plan. This provision would state that ''[f]or the avoidance of doubt, the first CAT Fee may commence at the beginning of the year or during the year. If it were to commence during the year, the CAT Fee would be calculated as described in paragraph (II) of this Section.''

ii. Executed Equivalent Shares

CAT LLC proposes to describe in Proposed Section 11.3(a)(i)(B) of the CAT NMS Plan how executed equivalent shares would be counted for purposes of calculating CAT Fees. Under the Funding Proposal, a CAT Fee would be charged with regard to each transaction in Eligible Securities as reported in CAT Data. As set forth in Section 1.1 of the CAT NMS Plan, ''Eligible Securities'' are defined to include all NMS Securities and all OTC Equity Securities. Section 1.1 of the CAT NMS Plan, in turn, defines an ''NMS Security'' as ''any security or class of securities for which transaction reports are collected, processed, and made available pursuant to an effective transaction reporting plan, or an effective national market system plan for reporting transactions in Listed Options.'' In addition, Section 1.1 of the CAT NMS Plan defines an ''OTC Equity Security'' as ''any equity security, other than an NMS Security, subject to prompt last sale reporting rules of a registered national securities association and reported to one of such association's equity trade reporting facilities.'' A CAT Fee would be imposed with regard to transactions in Eligible Securities in the CAT Data regardless of whether the trade is executed on an exchange or otherwise than on an exchange.

The Funding Proposal uses the concept of executed equivalent shares as the transactions subject to a CAT Fee involve NMS Stocks, Listed Options and OTC Equity Securities, each of which have different trading characteristics.

*NMS Stocks.* Under the Funding Proposal, each executed share for a transaction in NMS Stocks would be counted as one executed equivalent share. Accordingly, Proposed Section 11.3(a)(i)(B)(I) of the CAT NMS Plan would state that ''[f]or purposes of calculating CAT Fees, executed equivalent shares in a transaction in Eligible Securities will be reasonably counted as follows: (I) each executed share for a transaction in NMS Stocks will be counted as one executed equivalent share.''

*Listed Options.* Recognizing that Listed Options trade in contracts rather than shares, each executed contract for a transaction in Listed Options will be counted using the contract multiplier applicable to the specific Listed Option in the relevant transaction. Typically, a Listed Option contract represents 100 shares; however, it may also represent another designated number of shares. Accordingly, Proposed Section 11.3(a)(i)(B)(II) of the CAT NMS Plan would state that ''[f]or purposes of calculating CAT Fees, executed equivalent shares in a transaction in Eligible Securities will be reasonably counted as follows: . . . (II) each executed contract for a transaction in Listed Options will be counted based on the multiplier applicable to the specific Listed Option (*i.e.,* 100 executed equivalent shares or such other applicable multiplier).''

*OTC Equity Securities.* Similarly, in recognition of the different trading characteristics of OTC Equity Securities as compared to NMS Stocks, the Funding Proposal would discount the share volume of OTC Equity Securities when calculating CAT Fees. Many OTC Equity Securities are priced at less than one dollar—and a significant number are priced at less than one penny—per share and low-priced shares tend to trade in larger quantities. Accordingly, a disproportionately large number of shares are involved in transactions involving OTC Equity Securities versus NMS Stocks.[42] Because the Funding Proposal would calculate CAT Fees based on executed share volume, CAT Reporters trading OTC Equity Securities would likely be subject to higher fees than their market activity may warrant. To address this potential concern, the Funding Proposal would count each executed share for a transaction in OTC Equity Securities as 0.01 executed equivalent shares. Accordingly, Proposed Section 11.3(a)(i)(B)(III) of the CAT NMS Plan would state that ''[f]or purposes of calculating CAT Fees, executed equivalent shares in a transaction in Eligible Securities will be reasonably counted as follows: . . . (III) each executed share for a transaction in OTC Equity Securities shall be counted as 0.01 executed equivalent share.''

The discount to 1% was selected based on a reasoned analysis of a variety of different metrics for comparing the markets for OTC Equity Securities and NMS Stocks, rather than a simple calculation. For example, using 2021 data, the Operating Committee calculated the following metrics: (1) the ratio of total notional dollar value traded for OTC Equity Securities to OTC Equity Securities and NMS Stocks was 0.051%; (2) the ratio of total trades in OTC Equity Securities to total trades in OTC Equity Securities and NMS Stocks was 0.90%; and (3) the ratio of average share price per trade of OTC Equity Securities to average share price per trade for OTC Equity Securities and NMS Stocks was 0.065%. In recognition of the fact that these calculations involve averages and for ease of application, the Operating Committee determined to round these metrics to 1%.

In calculating CAT Fees, CAT LLC intends for executed equivalent shares in a transaction in Eligible Securities to be reasonably counted. Accordingly, CAT LLC proposes to include the term ''reasonably'' in the following sentence in Proposed Section 11.3(a)(i)(B) of the CAT NMS Plan: ''For purposes of calculating CAT Fees, executed equivalent shares in a transaction in Eligible Securities will be reasonably counted as follows:''.

iii. Budgeted CAT Costs

The calculation of the Fee Rate for CAT Fees related to Prospective CAT Costs requires the determination of the budgeted CAT costs for the year or other relevant period. Proposed Section 11.3(a)(i)(C) of the CAT NMS Plan would describe the budgeted CAT costs for calculating CAT Fees. It would state the following:

The budgeted CAT costs for the year shall be comprised of all reasonable fees, costs and expenses reasonably budgeted to be incurred by or for the Company in connection with the development, implementation and operation of the CAT as set forth in the annual operating budget approved by the Operating Committee pursuant to Section 11.1(a) of the CAT NMS Plan, or as adjusted during the year by the Operating Committee.

As discussed above, CAT LLC also proposes to provide additional details regarding what is included in the annual operating budget approved by the Operating Committee pursuant to Section 11.1(a) of the CAT NMS Plan in proposed paragraphs (i) and (ii) of Section 11.1(a) of the CAT NMS Plan.

Moreover, CAT LLC proposes to clarify that CAT Fees must be calculated using reasonably budgeted CAT costs. Accordingly, CAT proposes to include the terms ''reasonably'' and ''reasonable'' the following sentence: ''The budgeted CAT costs for the year shall be comprised of all reasonable fees, costs and expenses reasonably budgeted to be incurred by or for the Company in connection with the development, implementation and operation of the CAT as set forth in the annual operating budget approved by the Operating Committee pursuant to Section 11.1(a) of the CAT NMS Plan, or as adjusted during the year by the Operating Committee.''

iv. Projected Total Executed Equivalent Share Volume

The calculation of the Fee Rate for CAT Fees also requires the determination of the projected total executed equivalent share volume of transactions in Eligible Securities for each relevant period. Each year, the Operating Committee would determine this projection based on the total executed equivalent share volume of transactions in Eligible Securities from the prior twelve months. Therefore, Proposed Section 11.3(a)(i)(D) of the CAT NMS Plan would state that ''[t]he Operating Committee shall reasonably determine the projected total executed equivalent share volume of all transactions in Eligible Securities for each relevant period based on the executed equivalent share volume of all transactions in Eligible Securities for the prior twelve months.'' CAT LLC determined that the use of the data from the prior twelve months provides an appropriate balance between using data from a period that is sufficiently long to avoid short-term fluctuations while providing data close in time to the upcoming relevant period. In addition, CAT LLC proposes to allow the Operating Committee to base its projection on the prior twelve months, but to use its discretion to analyze the likely volume for the upcoming year. As set forth in Proposed Section

[42] For example, based on data from 2021, (1) the average price per executed share of OTC Equity Securities was $0.072 and the average price per executed share for NMS Stocks was $49.51; and (2) the average trade size for OTC Equity Securities was 63,474 and the average trade size for NMS Stocks was 166 shares. Trades in OTC Equity Securities accounted for 77% of the number of all equity shares traded, but only 0.51% of the notional value of all equity shares traded.

11.3(a)(iii)(B), Participants will be required to provide a description of the calculation of the projection in their fee filings pursuant to Section 19(b) of the Exchange Act. Furthermore, CAT LLC intends to calculate the CAT Fees based on a reasonable determination of the projected total executed equivalent share volume of transactions in Eligible Securities. Accordingly, CAT LLC proposes to include the term ''reasonably'' in the Proposed Section 11.3(a)(i)(D) of the CAT NMS Plan to indicate that the Operating Committee will ''reasonably determine the projected total executed equivalent share volume.''

c. Participant CAT Fees for Prospective CAT Costs

CAT LLC proposes to describe the Participant CAT Fees related to Prospective CAT Costs in Proposed Section 11.3(a)(ii) of the CAT NMS Plan. Proposed Section 11.3(a)(ii) of the CAT NMS Plan would have two paragraphs (A) and (B), where paragraph (A) would describe the CAT Fee obligation for Participants and paragraph (B) would clarify that Participants would only be required to pay CAT Fees when Industry Members are required to pay CAT Fees.

i. CAT Fee Obligation of the Participants

CAT LLC proposes to add paragraph (A) to Proposed Section 11.3(a)(ii) of the CAT NMS Plan to describe the CAT Fee obligation of the Participants. Specifically, proposed paragraph (A) of Proposed Section 11.3(a)(ii) of the CAT NMS Plan would state the following:

> Each Participant that is a national securities exchange will be required to pay the CAT Fee for each transaction in Eligible Securities executed on the exchange in the prior month based on CAT Data. Each Participant that is a national securities association will be required to pay the CAT Fee for each transaction in Eligible Securities executed otherwise than on an exchange in the prior month based on CAT Data. The CAT Fee for each transaction in Eligible Securities will be calculated by multiplying the number of executed equivalent shares in the transaction by one-third and by the Fee Rate reasonably determined pursuant to paragraph (a)(i) of this Section 11.3.

CAT LLC intends for the Participant CAT Fee to be calculated using the Fee Rate reasonably determined pursuant to Proposed Section 11.3(a)(i) of the CAT NMS Plan. Accordingly, CAT LLC proposes to include the term ''reasonably'' in the following sentence: ''[t]he CAT Fee for each transaction in Eligible Securities will be calculated by multiplying the number of executed equivalent shares in the transaction by one-third and by the Fee Rate reasonably determined pursuant to paragraph (a)(i) of this Section 11.3.''

ii. Effectiveness of Participant CAT Fees

CAT LLC also proposes to include proposed paragraph (B) of Proposed Section 11.3(a)(ii) of the CAT NMS Plan to clarify that Participants would only be required to pay CAT Fees when Industry Members are required to pay CAT Fees. Under the Funding Proposal, CAT Fees are designed to cover 100% of CAT costs by allocating costs between and among Participants and Industry Members. However, the CAT Fees charged to Participants are implemented via a different process than CAT Fees charged to Industry Members. CAT Fees charged to Participants are implemented via an approval of the CAT Fees by the Operating Committee in accordance with the requirements of the CAT NMS Plan. In contrast, CAT Fees charged to Industry Members may only become effective in accordance with the requirements of Section 19(b) of the Exchange Act. Accordingly, proposed paragraph (B) of Proposed Section 11.3(a)(ii) of the CAT NMS Plan would state that ''[e]ach Participant will be required to pay the CAT Fee calculated using the Fee Rate reasonably determined pursuant to paragraph (a)(i) of this Section 11.3 and approved by the Operating Committee only if such CAT Fees are in effect with regard to Industry Members in accordance with Section 19(b) of the Exchange Act.'' CAT LLC intends for the Participant CAT Fee to be calculated using the Fee Rate reasonably determined pursuant to Proposed Section 11.3(a)(i) of the CAT NMS Plan. Accordingly, CAT LLC proposes to include the term ''reasonably'' in the phrase ''the Fee Rate reasonably determined'' in this provision.

d. Industry Member CAT Fees for Prospective CAT Costs

CAT LLC proposes to describe the Industry Member CAT Fees related to Prospective CAT Costs in Proposed Section 11.3(a)(iii) of the CAT NMS Plan. Proposed Section 11.3(a)(iii) of the CAT NMS Plan would have three paragraphs, (A), (B) and (C), where paragraph (A) would describe the CAT Fee obligation for Industry Members, paragraph (B) would described the required content of the fee filings required to be filed pursuant to Section 19(b) of the Exchange Act regarding the CAT Fees for Industry Members, and paragraph (C) would clarify that Participants would not make CAT fee filings regarding CAT Fees until the Financial Accountability Milestone related to Period 4 as described in Section 11.6 of the CAT NMS Plan has been satisfied.

i. Industry Member CAT Fee Obligation

CAT LLC proposes to describe the CAT Fees related to Prospective CAT Costs that would be charged to Industry Members in Proposed Section 11.3(a)(iii)(A) of the CAT NMS Plan. Accordingly, Proposed Section 11.3(a)(iii)(A) of the CAT NMS Plan would state the following:

> Each Industry Member that is the CAT Executing Broker for the buyer in a transaction in Eligible Securities (''CAT Executing Broker for the Buyer'' or ''CEBB'') and each Industry Member that is the CAT Executing Broker for the seller in a transaction in Eligible Securities (''CAT Executing Broker for the Seller'' or ''CEBS'') will be required to pay a CAT Fee for each such transaction in Eligible Securities in the prior month based on CAT Data. The CEBB's CAT Fee or CEBS's CAT Fee (as applicable) for each transaction in Eligible Securities will be calculated by multiplying the number of executed equivalent shares in the transaction by one-third and by the Fee Rate reasonably determined pursuant to paragraph (a)(i) of this Section 11.3.

CAT LLC intends for the Participant CAT Fee to be calculated using the Fee Rate reasonably determined pursuant to Proposed Section 11.3(a)(i) of the CAT NMS Plan. Accordingly, CAT LLC proposes to include the phrase ''the Fee Rate reasonably determined pursuant to paragraph (a)(i) of this Section 11.3'' in this provision.

ii. Fee Filings Under Section 19(b) of the Exchange Act for Industry Member CAT Fees

CAT LLC proposes to describe the information that Participants would be required to include in their fee filings to be made pursuant to Section 19(b) of the Exchange and Rule 19b–4 thereunder for Industry Member CAT Fees in proposed paragraph (B) of Proposed Section 11.3(a)(iii) of the CAT NMS Plan.[43] Specifically, such filings would be required to include with regard to the CAT Fee: (A) the Fee Rate; (B) the budget for the upcoming year (or remainder of the year, as applicable), including a brief description of each line item in the budget, including (1) technology line items of cloud hosting services, operating fees, CAIS operating fees, change request fees and capitalized developed technology costs, (2) legal, (3)

[43] CAT LLC expects the fee filings required to be made by the Participants pursuant to Section 19(b) of the Exchange Act with regard to CAT Fees to be filed pursuant to Section 19(b)(3)(A) of the Exchange Act and Rule 19b–(f)(2) thereunder. In accordance with Section 19(b)(3)(A) of the Exchange Act and Rule 19b–4(f)(2) thereunder, such fee filings would be effective upon filing.

consulting, (4) insurance, (5) professional and administration, and (6) public relations costs, a reserve and/or such other categories as reasonably determined by the Operating Committee to be included in the budget and the reason for changes in each such line item from the prior CAT Fee filing; [44] (C) a discussion of how the budget is reconciled to the collected fees; and (D) the projected total executed equivalent share volume of all transactions in Eligible Securities for the year (or remainder of the year, as applicable), and a description of the calculation of the projection. This detail would describe how the Fee Rate is calculated, and explain how the budget used in the calculation is reconciled to the collected fees. Such detailed information would provide Industry Members and other interested parties with a clear understanding of the calculation of the CAT Fees and their relationship to CAT costs.[45]

In addition, CAT LLC proposes to clarify that the budgeted CAT costs described in the fee filings must provide sufficient detail to demonstrate that the CAT budget used in calculating the CAT Fees is reasonable and appropriate. Therefore, CAT LLC proposes to add the following sentence to Proposed Section 11.3(a)(iii)(B) of the CAT NMS Plan: ''The information provided in this Section would be provided with sufficient detail to demonstrate that the budget for the upcoming year, or part of year, as applicable, is reasonable and appropriate.''

iii. Financial Accountability Milestone

CAT LLC recognizes that the collection of CAT Fees from Industry Members is subject to Section 11.6 of the CAT NMS Plan regarding the Financial Accountability Milestones. Accordingly, CAT LLC proposes to clarify that Participants will not make fee filings pursuant to Section 19(b) of the Exchange Act regarding CAT Fees until the Financial Accountability Milestone related to Period 4 described in Section 11.6 of the CAT NMS Plan has been satisfied. Specifically, CAT LLC proposes to add proposed paragraph (C) to Proposed Section 11.3(a)(iii) to the CAT NMS Plan to address the Financial Accountability Milestone. This provision would state that ''[n]o Participant will make a filing with the SEC pursuant to Section 19(b) of the Exchange Act regarding any CAT Fee related to Prospective CAT Costs until the Financial Accountability Milestone related to Period 4 described in Section 11.6 has been satisfied.''

e. CAT Fee Details

CAT LLC proposes to provide Participants and CAT Executing Brokers with details regarding the calculation of their CAT Fees upon request. Specifically, CAT LLC proposes to add Proposed Section 11.3(a)(iv)(A) to the CAT NMS Plan to describe this disclosure. This provision would state that ''[d]etails regarding the calculation of a Participant or CAT Executing Brokers' CAT Fees will be provided upon request to such Participant or CAT Executing Broker. At a minimum, such details would include each Participant or CAT Executing Broker's executed equivalent share volume and corresponding fee by (1) Listed Options, NMS Stocks and OTC Equity Securities, (2) by transactions executed on each exchange and transactions executed otherwise than on an exchange, and (3) by buy-side transactions and sell-side transactions.'' Such information would provide Participants and CAT Executing Brokers with the ability to understand the details regarding the calculation of their CAT Fees.

In addition, CAT LLC proposes to make certain aggregate statistics regarding the CAT Fees publicly available. Specifically, CAT LLC proposes to add Proposed Section 11.3(a)(iv)(B) to the CAT NMS Plan to describe this public disclosure. This provision would state that ''[f]or each CAT Fee, at a minimum, CAT LLC will make publicly available the aggregate executed equivalent share volume and corresponding aggregate fee by (1) Listed Options, NMS Stocks and OTC Equity Securities, (2) by transactions executed on each exchange and transactions executed otherwise than on an exchange, and (3) by buy-side transactions and sell-side transactions.'' [46]

4. Historical CAT Assessment

CAT LLC proposes to describe Historical CAT Assessments related to Historical CAT Costs in Proposed Section 11.3(b) of the CAT NMS Plan. Proposed Section 11.3(b) of the CAT NMS Plan would describe that Historical CAT Assessments apply only to Industry Members (not to Participants), the manner of calculating the Historical Fee Rate for the Historical CAT Assessment, a description of the calculation of the Industry Member CAT Fees, a description of the fee filings under Section 19(b) of the Exchange Act for Historical CAT Assessments, and details regarding the calculation of the Historical CAT Assessments that are available upon request or publicly available. The following describes in detail Section 11.3(b) of the CAT NMS Plan.

a. Introductory Statement

CAT LLC proposes to revise Section 11.3(b) of the CAT NMS Plan to address Historical CAT Assessments related to Historical CAT Costs to be charged to Industry Members. Accordingly, CAT LLC proposes to revise the introductory statement in Proposed Section 11.3(b) of the CAT NMS Plan to state that ''[t]he Operating Committee will establish one or more fees (each a ''Historical CAT Assessment'') to be payable by Industry Members with regard to CAT costs previously paid by the Participants (''Past CAT Costs'') as follows:''.[47] With the reference to ''one or more'' Historical CAT Fees, this provision also clarifies that there may be one or more Historical CAT Assessments.

b. Calculation of Historical Fee Rate

CAT LLC proposes to provide details regarding the calculation of the Historical CAT Assessment in Proposed Section 11.3(b)(i) of the CAT NMS Plan. These details would include a description of the calculation of the Historical Fee Rate, the counting method for executed equivalent shares, the Historical CAT Costs, the Historical Recovery Period, and the projected total executed equivalent share volume of transactions in Eligible Securities for the Historical Recovery Period.

i. General

Proposed paragraph (a) of Proposed Section 11.3(b)(i) of the CAT NMS Plan would describe the calculation of the Historical Fee Rate for each Historical CAT Assessment and the requirement for Participants to file a fee filing for each Historical CAT Assessment. This proposed provision also would state that Industry Members would be

[44] CAT LLC intends to include any other categories as reasonably determined by the Operation Committee. Accordingly, this provision refers to ''such other categories as reasonably determined by the Operating Committee to be included in the budget.''

[45] As a practical matter, the fee filing would provide the exact fee per executed equivalent share to be paid for the CAT Fees, by multiplying the Fee Rate by one-third and describing the relevant number of decimal places for the fee.

[46] *See* CAT, LLC, *Billing Trade Summaries, https://www.catnmsplan.com/billing-trade-summaries.*

[47] To date, there has been one Historical CAT Assessment, referred to as Historical CAT Assessment 1. *See, e.g.,* Securities Exchange Act Rel. No. 100936 (Sept. 5, 2024), 89 FR 74430 (Sept. 22, 2024) (BOX Exchange LLC filing for Historical CAT Assessment 1). There may be one or more additional Historical CAT Assessments related to CAT costs incurred prior to the completion of the fourth and final Financial Accountability Milestone (''FAM 4'') in July 2024.

required to pay each Historical CAT Assessment once such Historical CAT Assessment is in effect in accordance with Section 19(b) of the Exchange Act. Specifically, this proposed provision would state that:

> The Operating Committee will calculate the Historical Fee Rate for each Historical CAT Assessment by dividing the Historical CAT Costs for each Historical CAT Assessment by the reasonably projected total executed equivalent share volume of all transactions in Eligible Securities for the Historical Recovery Period for each Historical CAT Assessment. Once the Operating Committee has approved such Historical Fee Rate, the Participants shall be required to file with the SEC pursuant to Section 19(b) of the Exchange Act such Historical CAT Assessment to be charged Industry Members calculated using such Historical Fee Rate. Industry Members will be required to pay such Historical CAT Assessment calculated using such Historical Fee Rate once such Historical CAT Assessment is in effect in accordance with Section 19(b) of the Exchange Act.

CAT LLC proposes to clarify that the calculation of each Historical Fee Rate would be performed using reasonably projected total executed equivalent share volume. Accordingly, CAT LLC proposes to use the term ''reasonably'' to the describe ''projected total executed equivalent share volume'' in this provision.

ii. Executed Equivalent Shares

The Historical CAT Assessment would be calculated based on the same executed equivalent share calculation as CAT Fees related to Prospective CAT Costs. Accordingly, Proposed Section 11.3(b)(i)(B) of the CAT NMS Plan would make it clear that the calculation is the same for both types of fees. Specifically, Proposed Section 11.3(b)(i)(B) of the CAT NMS Plan would state that ''[f]or purposes of calculating each Historical CAT Assessment, executed equivalent shares in a transaction in Eligible Securities will be reasonably counted in the same manner as set forth in paragraph (a)(i)(B) of this Section 11.3.''

iii. Historical CAT Costs

The calculation of the Historical CAT Assessment depends upon the determination of the Historical CAT Costs. Proposed Section 11.3(b)(i)(C) of the CAT NMS Plan would describe the Historical CAT Costs for calculating Historical CAT Assessments. The Operating Committee will reasonably determine the Past CAT Costs sought to be recovered through the Historical CAT Assessment. CAT LLC proposes to make this approach clear in the language of the CAT NMS Plan by adding Proposed Section 11.3(b)(i)(C) of the CAT NMS Plan, which would state that ''[t]he Operating Committee will reasonably determine the Historical CAT Costs sought to be recovered by each Historical CAT Assessment, where the Historical CAT Costs will be Past CAT Costs minus Past CAT Costs reasonably excluded from Historical CAT Costs by the Operating Committee.''

CAT LLC proposes to further clarify the amount to be collected via the Historical CAT Assessments in Proposed Section 11.3(b)(i)(C) of the CAT NMS Plan. Specifically, CAT LLC proposes to add the clarifying statement that ''[e]ach Historical CAT Assessment will seek to recover from CAT Executing Brokers two-thirds of Historical CAT Costs incurred during the period covered by the Historical CAT Assessment.'' This statement reiterates the requirement set forth in Proposed Section 11.3(b)(iii)(A) of the CAT NMS Plan regarding the calculation of the Historical CAT Assessment, which requires the multiplication of the number of executed equivalent shares in the transaction by *one-third* and by the Historical Fee Rate. Each CEBS and CEBB pays one-third, and, therefore, two-thirds of the Historical CAT Costs would be collected from CAT Executing Brokers.

CAT LLC also proposes to add the term ''reasonably'' to the following sentence in Section 11.1(c) of the CAT NMS Plan before the word ''incurred'': ''In determining fees on Participants and Industry Members the Operating Committee shall take into account fees, costs and expenses (including legal and consulting fees and expenses) reasonably incurred by the Participants on behalf of the Company prior to the Effective Date in connection with the creation and implementation of the CAT.'' The addition of the term ''reasonably'' would require such fees, costs and expenses to be reasonable.

iv. Historical Recovery Period

The calculation of the Historical CAT Assessment also depends upon the determination of the Historical Recovery Period. Based on CAT costs incurred to date, however, CAT LLC believes that the Historical Recovery Period should not be less than 24 months or more than five years.[48] In analyzing the potential Historical Recovery Periods, CAT LLC sought to weigh the need for a reasonable Historical Fee Rate that spreads the Historical CAT Costs over an appropriate amount of time and the need to repay the loan notes to the Participants in a timely fashion. Based on an analysis of the Historical CAT Costs and executed equivalent share volume of transactions in Eligible Securities to date, CAT LLC determined that the Historical Fee Rate calculated using a Historical Recovery Period of two to five years would establish a reasonable Historical Fee Rate even if Industry Members were required to pay a Historical CAT Assessment and the ongoing CAT Fee at the same time. CAT LLC notes, however, that the actual Historical CAT Assessment would be calculated using Historical CAT Costs to be recovered for such Historical CAT Assessment and executed equivalent share volume.

Proposed Section 11.3(b)(i)(D)(I) of the CAT NMS Plan would describe the Historical Recovery Period used in calculating the Historical Fee Rate. This proposed provision would state that ''[t]he length of the Historical Recovery Period used in calculating each Historical Fee Rate will be reasonably established by the Operating Committee based upon the amount of the Historical CAT Costs to be recovered by the Historical CAT Assessment.''[49] This proposed provision, however, would state that ''no Historical Recovery Period used in calculating the Historical Fee Rate shall be less than 24 months or more than five years.'' As discussed below, the Historical Recovery Period is used to calculate the Historical Fee Rate. The actual recovery period may be longer or shorter than the Historical Recovery Period depending on the actual executed equivalent share volumes during the time that the Historical CAT Assessment is in effect. Any Historical CAT Assessment would remain in effect until the relevant Historical CAT Costs are recovered, whether that time is shorter or longer than the Historical Recovery Period used in calculating the Historical Fee Rate.

Proposed Section 11.3(b)(i)(D)(II) of the CAT NMS Plan would describe the length of the time that the Historical CAT Assessment would be in effect, which may be greater than or less than the Historical Recovery Period, depending on the amount of the Historical CAT Assessments collected based on the actual volume during the time that the Historical Assessment is in effect. Any Historical CAT Assessment

[48] CAT LLC used a Historical Recovery Period of two years for Historical CAT Assessment 1, which has a fee rate of $0.000013 per executed equivalent share. *See, e.g.,* Securities Exchange Act Rel. No. 100936 (Sept. 5, 2024), 89 FR 74430 (Sept. 22, 2024) (BOX Exchange LLC filing for Historical CAT Assessment 1).

[49] This provision would require that the Historical Recovery Period be ''reasonably'' established by the Operating Committee.

would remain in effect until the relevant Historical CAT Costs are collected, whether that time is shorter or longer than the Historical Recovery Period used in calculating the Historical Fee Rate. Accordingly, this provision states that ''[n]otwithstanding the length of the Historical Recovery Period used in calculating the Historical Fee Rate, each Historical CAT Assessment calculated using the Historical Fee Rate will remain in effect until all Historical CAT Costs for the Historical CAT Assessment are collected.''

v. Projected Total Executed Equivalent Share Volume

The Historical Fee Rate for a Historical CAT Assessment would be calculated by using the projected total executed equivalent share volume of all transactions in Eligible Securities for the Historical Recovery Period for such Historical CAT Assessment. CAT LLC proposes to clarify the manner of calculating the projected total executed equivalent share volume for each Historical CAT Assessment in Proposed Section 11.3(b)(i)(E) to the CAT NMS Plan. CAT LLC proposes to state in this provision that the projection will be determined based on transactions in Eligible Securities for the prior twelve months. Accordingly, Proposed Section 11.3(b)(i)(E) of the CAT NMS Plan would state that ''[t]he Operating Committee shall reasonably determine the projected total executed equivalent share volume of all transactions in Eligible Securities for each Historical Recovery Period based on the executed equivalent share volume of all transactions in Eligible Securities for the prior twelve months.'' As with the calculation of the projections for CAT Fees, CAT LLC determined that the use of the data from the prior twelve months provides an appropriate balance between using data from a period that is sufficiently long to avoid short-term fluctuations while providing data close in time to the upcoming relevant period. In addition, CAT LLC proposes to allow the Operating Committee to base its projection on the prior twelve months, but to use its discretion to analyze the likely volume for the upcoming year. As set forth in Proposed Section 11.3(b)(iii)(B)(II) of the CAT NMS Plan, Participants will be required to provide a description of the calculation of the projection in their fee filings pursuant to Section 19(b) of the Exchange Act for Historical CAT Assessments. As noted, this provision would require the Operating Committee to ''reasonably'' determine the projected total executed equivalent share volume.

c. Past CAT Costs and Participants

Proposed Section 11.3(b)(ii) of the CAT NMS Plan would clarify that the Participants would not be required to pay the Historical CAT Assessment as the Participants previously have paid all Past CAT Costs. It would state that, ''[b]ecause Participants previously have paid Past CAT Costs via loans to the Company, Participants would not be required to pay any Historical CAT Assessment.'' In addition, Proposed Section 11.3(b)(ii) of the CAT NMS Plan would clarify that the Historical CAT fees collected from Industry Members would be allocated to Participants for repayment of the outstanding loan notes of the Participants to the Company on a pro rata basis; such fees would not be allocated to Participants based on the executed equivalent share volume of transactions in Eligible Securities. Specifically, Proposed Section 11.3(b)(ii) of the CAT NMS Plan would state that ''[i]n lieu of a Historical CAT Assessment, the Participants' one-third share of Historical CAT Costs and such other additional Past CAT Costs as reasonably determined by the Operating Committee will be paid by the cancellation of loans made to the Company on a pro rata basis based on the outstanding loan amounts due under the loans.'' Furthermore, Proposed Section 11.3(b)(ii) of the CAT NMS Plan would emphasize that ''Historical CAT Assessments are designed to recover two-thirds of the Historical CAT Costs.''

d. Historical CAT Assessment for Industry Members

CAT LLC proposes to describe the Historical CAT Assessment for Industry Members in Proposed Section 11.3(b)(iii) of the CAT NMS Plan. Proposed Section 11.3(b)(iii) of the CAT NMS Plan would have two paragraphs, (A) and (B), where paragraph (A) would describe the Historical CAT Assessment for Industry Members, and paragraph (B) would describe the fee filings required to be filed pursuant to Section 19(b) of the Exchange Act regarding the Historical CAT Assessments.

i. Industry Member Obligation for Historical CAT Assessment

CAT LLC proposes to describe the Historical CAT Assessment charged to Industry Members in Proposed Section 11.3(b)(iii)(A) of the CAT NMS Plan. Specifically, this proposed paragraph would state that:

> Each month in which a Historical CAT Assessment is in effect, each CEBB and each CEBS shall pay a fee for each transaction in Eligible Securities executed by the CEBB or CEBS from the prior month as set forth in CAT Data, where the Historical CAT Assessment for each transaction will be calculated by multiplying the number of executed equivalent shares in the transaction by one-third and by the Historical Fee Rate reasonably determined pursuant to paragraph (b)(i) of this Section 11.3.

As noted, this provision would require the Operating Committee to ''reasonably'' determine the Historical Fee Rate pursuant to Proposed Section 11.3(b)(i) of the CAT NMS Plan.

ii. Historical CAT Assessment Fee Filings

CAT LLC proposes to provide additional details regarding the fee filings to be filed by the Participants regarding each Historical CAT Assessment pursuant to Section 19(b) of the Exchange Act in Proposed Section 11.3(b)(iii)(B) of the CAT NMS Plan.[50] Specifically, this provision would describe that fee filings would be required for each Historical CAT Assessment, the content of such fee filings, and the effect of the Financial Accountability Milestones described in Section 11.6 of the CAT NMS Plan on the fee filings.

A. Number of Fee Filings for Historical CAT Assessments

CAT LLC proposes to clarify how many fee filings pursuant to Section 19(b) of the Exchange Act Participants would be required to make with regard to Historical CAT Assessments. CAT LLC proposes to clarify that each Participant will be required to file a fee filing pursuant to Section 19(b) of the Exchange Act to describe each Historical CAT Assessment. Accordingly, CAT LLC proposes to describe this requirement in Proposed Section 11.3(b)(iii)(B)(I) of the CAT NMS Plan, which would state that ''Participants will be required to file with the SEC pursuant to Section 19(b) of the Exchange Act a filing for each Historical CAT Assessment.''

*B. Content of Fee Filings for Historical CAT Assessments*

CAT LLC proposes to provide additional detail as to the information that Participants would be required to include in their fee filings to be made pursuant to Section 19(b) of the Exchange and Rule 19b–4(f)(2) for Historical CAT Assessments in proposed paragraph (b)(iii)(B)(II) of Proposed Section 11.3 of the CAT NMS

[50] CAT LLC expects the fee filings required to be made by the Participants pursuant to Section 19(b) of the Exchange Act with regard to Historical CAT Assessments to be filed pursuant to Section 19(b)(3)(A) of the Exchange Act. In accordance with Section 19(b)(3)(A) of the Exchange Act, fee filings made pursuant to Section 19(b)(3)(A) of the Exchange Act would be effective upon filing.

Plan. The proposed paragraph sets forth the information about the Historical CAT Assessments that should be included in the fee filings required to be made by the Participants pursuant to Section 19(b) of the Exchange Act. Specifically, such filings would be required to include: (A) the Historical Fee Rate; (B) a brief description of the amount and type of Historical CAT Costs, including (1) the technology line items of cloud hosting services, operating fees, CAIS operating fees, change request fees and capitalized developed technology costs, (2) legal, (3) consulting, (4) insurance, (5) professional and administration, and (6) public relations costs; (C) the Historical Recovery Period and the reasons for its length; and (D) the projected total executed equivalent share volume of all transactions in Eligible Securities for the Historical Recovery Period, and a description of the calculation of the projection. Such detailed information would provide Industry Members and other interested parties with a clear understanding of the calculation of each Historical CAT Assessment and its relationship to Historical CAT Costs.[51]

In addition, CAT LLC proposes to clarify that the Historical CAT Costs described in the fee filings must provide sufficient detail to demonstrate that such costs are reasonable and appropriate. Therefore, CAT LLC proposes to add the following sentence to Proposed Section 11.3(b)(iii)(B)(II) of the CAT NMS Plan: ''The information provided in this Section would be provided with sufficient detail to demonstrate that the Historical CAT Costs are reasonable and appropriate.''

C. Financial Accountability Milestones

CAT LLC recognizes that the collection of Historical CAT Assessments from Industry Members is subject to Section 11.6 of the CAT NMS Plan regarding the Financial Accountability Milestones. Accordingly, CAT LLC proposes to clarify that Participants will not make CAT fee filings pursuant to Section 19(b) of the Exchange Act regarding a Historical CAT Assessment until any applicable Financial Accountability Milestone has been satisfied. Specifically, CAT LLC proposes to add Proposed Section 11.3(b)(iii)(B)(III) to the CAT NMS Plan. This provision would state that ''[n]o Participant will make a filing with the SEC pursuant to Section 19(b) of the Exchange Act regarding any Historical CAT Assessment until any applicable Financial Accountability Milestone described in Section 11.6 has been satisfied.''

e. Historical CAT Assessment Details

CAT LLC proposes to provide CAT Executing Brokers with details regarding the calculation of their Historical CAT Assessments upon request. Specifically, CAT LLC proposes to add Proposed Section 11.3(b)(iv)(A) to the CAT NMS Plan, which would state that ''[d]etails regarding the calculation of a CAT Executing Broker's Historical CAT Assessment will be provided upon request to such CAT Executing Broker. At a minimum, such details would include each CAT Executing Broker's executed equivalent share volume and corresponding fee by (1) Listed Options, NMS Stocks and OTC Equity Securities, (2) by transactions executed on each exchange and transactions executed otherwise than on an exchange, and (3) by buy-side transactions and sell-side transactions.'' Such information would provide CAT Executing Brokers with the ability to understand the details regarding the calculation of their Historical CAT Assessments.

In addition, CAT LLC proposes to make certain aggregate statistics regarding Historical CAT Assessments publicly available. Specifically, CAT LLC proposes to add Proposed Section 11.3(b)(iv)(B) to the CAT NMS Plan. This provision would state that ''[f]or each Historical CAT Assessment, at a minimum, CAT LLC will make publicly available the aggregate executed equivalent share volume and corresponding aggregate fee by (1) Listed Options, NMS Stocks and OTC Equity Securities, (2) by transactions executed on each exchange and transactions executed otherwise than on an exchange, and (3) by buy-side transactions and sell-side transactions.''

5. Participant Pass-Through Fees

CAT LLC proposes to add a new paragraph (e) to Section 11.3 to address the Eleventh Circuit's opinion regarding the potential for Participants to pass-through 100% of their CAT fees to Industry Members, and its effect on the allocation of CAT costs under the Executed Share Model. Proposed new paragraph (e) of Section 11.3 would state that ''[e]ach Participant agrees not to file with the SEC a proposed rule change pursuant to Section 19(b) and Rule 19b–4 thereunder that would establish a new fee for passing through to its members the CAT fee charged to such Participant in accordance with Section 11.3(a).'' [52] This proposed provision would respond to the Eleventh Circuit's decision regarding the possibility for Participants to pass-through their CAT fees to their members, thereby causing Industry Members to bear more than two-thirds of the CAT costs (ignoring what Industry Members would pass-through to investors).

6. CAT Fee Schedule for Participants

To implement the Participant CAT fees, CAT LLC proposes to add a fee schedule, entitled ''Consolidated Audit Trail Funding Fees,'' to Appendix B of the CAT NMS Plan. Proposed paragraph (a) of the fee schedule would describe the CAT Fees to be paid by the Participants under the Funding Proposal. Specifically, paragraph (a) of the Participant fee schedule would state that ''[e]ach Participant shall pay the CAT Fee set forth in Section 11.3(a) of the CAT NMS Plan to Consolidated Audit Trail, LLC in the manner prescribed by Consolidated Audit Trail, LLC on a monthly basis based on the Participant's transactions in Eligible Securities in the prior month.''

7. Additional Changes From Original Funding Model

CAT LLC proposes certain revisions to Article XI of the CAT NMS Plan to implement the Funding Proposal. CAT LLC proposes to make the following changes to the CAT NMS Plan in addition to the proposed changes to the CAT NMS Plan discussed above.

a. Elimination of Definition of ''Execution Venue''

Section 1.1 of the CAT NMS Plan defines the term ''Execution Venue'' to mean ''a Participant or an alternative trading system ('ATS') (as defined in Rule 300 of Regulation ATS) that operates pursuant to Rule 301 of Regulation ATS (excluding any such ATS that does not execute orders).'' Currently, the term ''Execution Venue'' is used in Sections 11.2 and 11.3 of the CAT NMS Plan to describe how CAT costs would be allocated among CAT Reporters under the Original Funding Model. The Original Funding Model would have imposed fees based on market share to CAT Reporters that are Execution Venues, including ATSs, and fees based on message traffic for Industry Members' non-ATS activities. In contrast, the Funding Proposal would impose fees based on the executed equivalent shares of transactions in

[51] As a practical matter, the fee filing would provide the exact fee per executed equivalent share to be paid for the Historical CAT Assessment, by multiplying the Historical Fee Rate by one-third and describing the relevant number of decimal places for the fee.

[52] As highlighted in *Exhibit B,* Proposed Section 11.3(e) of the CAT NMS Plan was not included in the Executed Share Model.

Eligible Securities for three categories of CAT Reporters: Participants, CEBBs and CEBSs. Accordingly, as the concept for an ''Execution Venue'' would not be relevant for the Funding Proposal, CAT LLC proposes to delete this term and its definition from Section 1.1 of the CAT NMS Plan.

b. Use of Executed Equivalent Share Volume Under Funding Proposal

The Original Funding Model set forth in the CAT NMS Plan requires Participants and Execution Venue ATSs to pay CAT fees based on market share and Industry Members (other than Execution Venue ATSs) to pay CAT fees based on message traffic. The CAT NMS Plan also describes how the market share-based fee would be calculated for Participants and other Execution Venue ATSs and how the message traffic-based fee would be calculated for Industry Members (other than Execution Venue ATSs). CAT LLC proposes to amend the CAT NMS Plan to require Participants, CEBBs and CEBSs to pay CAT fees based on the number of executed equivalent shares in a transaction in Eligible Securities, rather than based on market share and message traffic. Accordingly, the Operating Committee proposes to amend Section 11.2(b) and (c) and Section 11.3(a) and (b) of the CAT NMS Plan to reflect the proposed use of the number of executed equivalent shares in transactions in Eligible Securities in calculating CAT fees.

Section 11.2(b) of the CAT NMS Plan states that ''[i]n establishing the funding of the Company, the Operating Committee shall seek . . . (b) to establish an allocation of the Company's related costs among Participants and Industry Members that is consistent with the Exchange Act, taking into account the timeline for implementation of the CAT and distinctions in the securities trading operations of Participants and Industry Members and their relative impact upon Company resources and operations.'' CAT LLC proposes to delete the requirement to take into account ''distinctions in the securities trading operations of Participants and Industry Members and their relative impact upon Company resources and operations.'' This requirement related to using message traffic and market share in the calculation of CAT fees, as message traffic and market share were metrics related to the impact of a CAT Reporter on the Company's resources and operations. With the proposed move to the use of the executed equivalent shares metric instead of message traffic and market share, the requirement is no longer relevant.

Section 11.2(c) of the CAT NMS Plan states that ''[i]n establishing the funding of the Company, the Operating Committee shall seek . . . (c) to establish a tiered fee structure in which the fees charged to: (i) CAT Reporters that are Execution Venues, including ATSs, are based upon the level of market share; (ii) Industry Members' non-ATS activities are based upon message traffic.'' CAT LLC proposes to delete subparagraphs (i) and (ii) and replace these subparagraphs with the requirement that the fee structure in which the fees charged to ''Participants and Industry Members are based upon the executed equivalent share volume of transactions in Eligible Securities.'' [53]

In addition, CAT LLC proposes to amend the CAT funding principles to clarify that CAT Fees and the Historical CAT Assessments are intended to be cost-based fees—that is, the fees are designed to recover the cost of the creation, implementation and operation of the CAT. CAT LLC proposes to amend the funding principle set forth in Section 11.2(c) by making a specific reference to the costs of the CAT. With this proposed change, Proposed Section 11.2(c) would state that ''[i]n establishing the funding of the Company, the Operating Committee shall seek: . . . to establish a fee structure in which the fees charged to Participants and Industry Members are based upon the executed equivalent share volume of transactions in Eligible Securities, and the costs of the CAT.''

Section 11.3(a) of the CAT NMS Plan provides additional detail regarding the market share-based fees to be paid by Participants and Execution Venue ATSs under the Original Funding Model. Specifically, Section 11.3(a) of the CAT NMS Plan states:

> (a) The Operating Committee will establish fixed fees to be payable by Execution Venues as provided in this Section 11.3(a):
>
> (i) Each Execution Venue that: (A) executes transactions; or (B) in the case of a national securities association, has trades reported by its members to its trade reporting facility or facilities for reporting transactions effected otherwise than on an exchange, in NMS Stocks or OTC Equity Securities will pay a fixed fee depending on the market share of that Execution Venue in NMS Stocks and OTC Equity Securities, with the Operating Committee establishing at least two and no more than five tiers of fixed fees, based on an Execution Venue's NMS Stocks and OTC Equity Securities market share. For these purposes, market share for Execution Venues that execute transactions will be calculated by share volume, and market share for a national securities association that has trades reported by its members to its trade reporting facility or facilities for reporting transactions effected otherwise than on an exchange in NMS Stocks or OTC Equity Securities will be calculated based on share volume of trades reported, provided, however, that the share volume reported to such national securities association by an Execution Venue shall not be included in the calculation of such national security association's market share.
>
> (ii) Each Execution Venue that executes transactions in Listed Options will pay a fixed fee depending on the Listed Options market share of that Execution Venue, with the Operating Committee establishing at least two and no more than five tiers of fixed fees, based on an Execution Venue's Listed Options market share. For these purposes, market share will be calculated by contract volume.

CAT LLC proposes to delete Section 11.3(a) of the CAT NMS Plan and replace this paragraph with a description of the CAT Fees related to Prospective CAT Costs, as described above.

Section 11.3(b) of the CAT NMS Plan provides additional detail regarding the message traffic-based CAT fees to be paid by Industry Members (other than Execution Venue ATSs) under the Original Funding Model. Specifically, Section 11.3(b) of the CAT NMS Plan states:

> The Operating Committee will establish fixed fees to be payable by Industry Members, based on the message traffic generated by such Industry Member, with the Operating Committee establishing at least five and no more than nine tiers of fixed fees, based on message traffic. For the avoidance of doubt, the fixed fees payable by Industry Members pursuant to this paragraph shall, in addition to any other applicable message traffic, include message traffic generated by: (i) an ATS that does not execute orders that is sponsored by such Industry Member; and (ii) routing orders to and from any ATS sponsored by such Industry Member.

CAT LLC proposes to delete Section 11.3(b) of the CAT NMS Plan and replace this paragraph with a description of the Historical CAT Assessments, as described above.

c. Elimination of Tiered Fees

CAT LLC proposes to eliminate the use of tiered fees that were included in the Original Funding Model. Instead, under the Funding Proposal, each Participant, CEBB or CEBS would pay a fee based solely on its transactions in Eligible Securities. The Operating Committee therefore proposes to amend Sections 11.1(d), 11.2(c), 11.3(a) and 11.3(b) of the CAT NMS Plan to eliminate tiered fees and related concepts.

Utilizing a tiered fee structure, by its nature, would create certain inequities

[53] As discussed in the next section, the Operating Committee also proposes to delete the reference to a ''tiered'' fee structure.

among the CAT fees paid by CAT Reporters. For example, two CAT Reporters with comparable executed equivalent share volume may pay notably different fees if one falls in a higher tier and the other falls within a lower tier. Correspondingly, a tiered fee structure generally would reduce fees for CAT Reporters with higher executed share volume in one tier, while increasing fees for Industry Members with lower executed share volume in the same tier, as compared to a non-tiered fee. Furthermore, CAT Reporters in lower tiers potentially pay more than they would without the use of tiers. While tiering appropriately exists in various other self-regulatory fee programs, CAT LLC proposes to eliminate the tiering concept for the Funding Proposal.

By charging each Participant, CEBB and CEBS a CAT fee directly based on its own executed equivalent share volume, rather than charging a tiered fee, the Funding Proposal would result in a CAT fee being tied more directly to the CAT Reporter's executed share volume. In contrast, with a tiered fee, CAT Reporters with different levels of executed equivalent share volume that are placed in the same tier would all pay the same CAT fee, thereby limiting the correlation between a CAT Reporter's activity and its CAT fee.

The proposed non-tiering approach is simpler and more objective to administer than the tiering approach. With a tiering approach, the number of tiers for Participants, CEBBs and CEBSs, the boundaries for each tier and the fees assigned to each tier must be established. In the absence of clear groupings of CAT Reporters, selecting the number of, boundaries for, and the fees associated with each tier would be subject to some level of subjectivity. Furthermore, the establishment of tiers would need to be continually reassessed based on changes in the executed equivalent share volume of transactions in Eligible Securities, thereby requiring regular subjective assessments. Accordingly, the removal of tiering from the Funding Proposal eliminates a variety of subjective analyses and judgments from the model and simplifies the determination of CAT fees.

Section 11.1(d) of the CAT NMS Plan states that ''[c]onsistent with this Article XI, the Operating Committee shall adopt policies, procedures, and practices regarding the budget and budgeting process, assignment of tiers, resolution of disputes, billing and collection of fees, and other related matters.'' With the elimination of tiered fees, the reference to the ''assignment of tiers'' would no longer be relevant for the Funding Proposal. Therefore, CAT LLC proposes to delete the reference to ''assignment of tiers'' from Section 11.1(d).

Section 11.1(d) of the CAT NMS Plan also states that:

> For the avoidance of doubt, as part of its regular review of fees for the CAT, the Operating Committee shall have the right to change the tier assigned to any particular Person in accordance with fee schedules previously filed with the Commission that are reasonable, equitable and not unfairly discriminatory and subject to public notice and comment, pursuant to this Article XI. Any such changes will be effective upon reasonable notice to such Person.

As noted above, unlike the Original Funding Model, the Funding Proposal would not utilize tiered fees. Accordingly, these two sentences would not be applicable to the Funding Proposal. Therefore, CAT LLC proposes to delete these two sentences from Section 11.1(d) of the CAT NMS Plan.

CAT LLC proposes to delete the reference to ''tiered'' fees from Section 11.2(c) of the CAT NMS Plan. Section 11.2(c) of the CAT NMS Plan states that ''[i]n establishing the funding of the Company, the Operating Committee shall seek: . . . (c) to establish a tiered fee structure . . .'' CAT LLC propose to delete the word ''tiered'' from this provision as the CAT fees would not be tiered under the Funding Proposal.

CAT LLC also proposes to delete paragraph (iii) of Section 11.2(c) of the CAT NMS Plan. Paragraph (iii) of Section 11.2(c) of the CAT NMS Plan states that the Operating Committee shall seek to establish a tiered fee structure in which fees charged to:

> the CAT Reporters with the most CAT-related activity (measured by market share and/or message traffic, as applicable) be generally comparable (where for these comparability purposes, the tiered fee structure takes into consideration affiliations between or among CAT Reporters, whether Execution Venues and/or Industry Members).

Under the Original Funding Model, the comparability provision was an important factor in determining the tiers for Industry Members and Execution Venues. In determining the tiers, the Operating Committee sought to establish comparable fees among the CAT Reporters with the most Reportable Events.[54] Under the Funding Proposal, however, the comparability provision is no longer necessary, as a tiered fee structure would not be used for Industry Members or Participants.

As discussed above, the Operating Committee proposes to replace the language in Sections 11.3(a) and (b) of the CAT NMS Plan with language implementing the Funding Proposal. These proposed changes would remove the references to tiers in Sections 11.3(a)(i) and (ii) and 11.3(b) of the CAT NMS Plan, along with the other proposed changes. Specifically, Section 11.3(a)(i) of the CAT NMS Plan states that the Operating Committee, when establishing fees for Execution Venues for NMS Stocks and OTC Equity Securities, will establish ''at least two and no more than five tiers of fixed fees, based on an Execution Venue's NMS Stocks and OTC Equity Securities market share.'' Similarly, Section 11.3(a)(ii) of the CAT NMS Plan states that the Operating Committee, when establishing fees for Execution Venues that execute transactions in Listed Options, will establish ''at least two and no more than five tiers of fixed fees, based on an Execution Venue's Listed Options market share.'' Section 11.3(b) of the CAT NMS Plan states that the Operating Committee, when establishing fees to be payable by Industry Members, will establish ''at least five and no more than nine tiers of fixed fees, based on message traffic.'' CAT LLC proposes to delete each of these references to tiers from the CAT NMS Plan.

d. No Fixed Fees

As discussed above, CAT LLC proposes to replace the language in Sections 11.3(a) and (b) of the CAT NMS Plan with language implementing the Funding Proposal. These proposed changes also would remove the references to ''fixed fees'' in Sections 11.3(a), 11.3(a)(i), 11.3(a)(ii) and 11.3(b) and replaced them with references to ''fees.'' Under the Funding Proposal, the CAT fees to be paid by Participants, CEBBs and CEBSs will vary in accordance with their executed equivalent share volume of transactions in Eligible Securities, although the Fee Rate will be fixed for a relevant period. Therefore, the concept of a fixed fee—that is, a fee that does not vary depending on circumstances—is not relevant under the Funding Proposal.

8. Billing and Collection of CAT Fees

Consistent with Section 11.1(d) of the CAT NMS Plan, CAT LLC will adopt policies, procedures and practices regarding the billing and collection of fees. In addition, pursuant to Section 11.4 of the CAT NMS Plan, CAT LLC will establish a system for the collection of CAT fees from Participants and Industry Members. As set forth in

[54] *See, e.g.,* Securities Exchange Act Rel. No. 82451 (Jan. 5, 2018), 83 FR 1399, 1406–07 (Jan. 11, 2018) (''2018 Fee Proposal Release'').

Section 11.4 of the CAT NMS Plan, each Participant would be required to pay its CAT fees authorized under the CAT NMS Plan as required by Section 3.7(b) of the CAT NMS Plan.[55] Section 3.7(b) of the CAT NMS Plan provides the following:

> Each Participant shall pay all fees or other amounts required to be paid under this Agreement within thirty (30) days after receipt of an invoice or other notice indicating payment is due (unless a longer payment period is otherwise indicated) (the ''Payment Date''). The Participant shall pay interest on the outstanding balance from the Payment Date until such fee or amount is paid at a per annum rate equal to the lesser of: (i) the Prime Rate plus 300 basis points; or (ii) the maximum rate permitted by applicable law. If any such remaining outstanding balance is not paid within thirty (30) days after the Payment Date, the Participants shall file an amendment to this Agreement requesting the termination of the participation in the Company of such Participant, and its right to any Company Interest, with the SEC. Such amendment shall be effective only when it is approved by the SEC in accordance with SEC Rule 608 or otherwise becomes effective pursuant to SEC Rule 608.

Section 11.4 of the CAT NMS Plan also addresses the payment of CAT fees by Industry Members. Section 11.4 of the CAT NMS Plan states:

> Participants shall require each Industry Member to pay all applicable fees authorized under this Article XI within thirty (30) days after receipt of an invoice or other notice indicating payment is due (unless a longer payment period is otherwise indicated). If an Industry Member fails to pay any such fee when due (as determined in accordance with the preceding sentence), such Industry Member shall pay interest on the outstanding balance from such due date until such fee is paid at a per annum rate equal to the lesser of: (a) the Prime Rate plus 300 basis points; or (b) the maximum rate permitted by applicable law.

9. Advantages of and Support for the Funding Proposal

CAT LLC proposes to adopt the Funding Proposal as it provides a variety of advantages over the Original Funding Model. CAT LLC discusses these advantages in this section of the filing.

a. Comparable to Existing Fee Precedent

The Funding Proposal would operate in a manner similar to other funding models employed by the SEC and the Participants, including the SEC's Section 31 fees, FINRA's trading activity fee (''FINRA TAF'') and the options regulatory fee (''ORF'') utilized by options exchanges. The SEC previously has determined that the Participants' sales value fees related to Section 31, the FINRA TAF and the ORF are consistent with the Exchange Act.

i. Section 31 Fees

Pursuant to Section 31 of the Exchange Act, a national securities exchange must pay the Commission a fee based on the aggregate dollar amount of sales of securities transacted on the exchange, and a national securities association must pay the Commission a fee based on the aggregate dollar amount of sales of securities transacted by or through any member of the association otherwise than on a national securities exchange (collectively, ''covered sales''). The SEC calculates the amount of Section 31 fees due from each exchange or FINRA by multiplying the aggregate dollar amount of its covered sales by the fee rate set by the Commission in a procedure set forth in Section 31(j) of the Exchange Act. These fees are designed to recover the costs related to the government's supervision and regulation of the securities markets and securities professionals. Section 31 requires the SEC to make annual and, in some cases, mid-year adjustments to the fee rate. These adjustments are necessary to make the SEC's total collection of transaction fees in a given year as close as possible to the amount of the regular appropriation to the Commission by Congress for that fiscal year.

To recover the costs of their Section 31 fee obligations, each of the national securities exchanges and FINRA have adopted, and the SEC has approved, rules assessing a regulatory transaction fee on their members, the amount of which is set in accordance with Section 31 of the Exchange Act.[56] Broker-dealers, in turn, often impose fees on their customers that provide the funds to pay the fees owed to the exchanges and FINRA.

Like the well-known, longstanding and accepted Section 31-related fee model, the Funding Proposal would use a predetermined fee rate for the calculation of the fees, seek to recover designated regulatory costs (as CAT provides a solely regulatory function), and allow for the adjustment of the fee rate during the year to seek to match regulatory costs with fees collected. The Funding Proposal, however, would impose fees based on executed equivalent share volume rather than the sales values of certain transactions. Despite the different calculation metric, the Funding Proposal is similar to a model well-known, long accepted and justified under the Exchange Act the purpose of which is also to cover costs associated with the regulation of securities markets and securities professionals.

ii. FINRA Trading Activity Fee

The transaction-based fees charged under the Funding Proposal also would be similar to FINRA's transaction-based trading activity fee,[57] which was modeled on the Commission's Section 31 fee.[58] Although the FINRA TAF is designed to cover a subset of the costs of FINRA services (*e.g.,* costs to FINRA of the supervision and regulation of members, including performing examinations, financial monitoring, and policy, rulemaking, interpretive, and enforcement activities) rather than all of FINRA's costs like the CAT, the transaction-based calculation of the FINRA TAF and the proposed CAT fees are similar. With the FINRA TAF, FINRA members on the sell-side of a transaction are required to pay a per share fee for each sale of covered securities, which includes exchange registered securities, equity securities traded otherwise than on an exchange, security futures, TRACE-Eligible Securities and municipal securities, subject to certain exceptions. In approving the FINRA TAF, the SEC stated that the implementation of the FINRA TAF ''is consistent with section 15A(b)(5) of the Act, in that the proposal is reasonably designed to recover NASD costs related to regulation and oversight of its members.'' [59] The SEC further stated that ''[t]he Commission recognizes the difficulties inherent in restructuring the NASD's regulatory fees, and believes that the NASD has done so in a manner that is fair and reasonable.'' [60] The CAT fees calculated under the Funding Proposal would be similar to the FINRA TAF in that they would be transaction-based fees intended to provide funding for regulatory costs.

iii. Options Regulatory Fee

The fees charged under the Funding Proposal also would be similar to the ORF charged by the options

[55] Participants and CAT Executing Brokers would be responsible for a fee each month in which they are a CAT Reporter. If a Participant or CAT Executing Broker ceases to the meet the definition of a CAT Reporter during a month, the Participant or CAT Executing Broker would still be responsible for CAT fees associated with its transactions during that month.

[56] *See, e.g.,* Section 3 of Schedule A of FINRA's By-Laws.

[57] Section 1 of Schedule A of FINRA's By-Laws.

[58] *See* Securities Exchange Act Rel. No. 46416 (Aug. 23, 2002), 67 FR 55901 (Aug. 30, 2002).

[59] Securities Exchange Act Rel. No. 47946 (May 30, 2003), 68 FR 34021, 34023 (June 6, 2003) (''TAF Release'').

[60] *Id.*

exchanges.[61] The ORF is a per contract fee charged by an options exchange for certain options transactions to options members of the relevant exchange. The ORF is collected indirectly from exchange members through their clearing firms by the Options Clearing Corporation on behalf of the Exchange. Revenue generated from the ORF is designed to recover a material portion of an options exchange's regulatory costs related to the supervision and regulation of its members' options business, including performing routine surveillance, investigations, examinations and financial monitoring as well as policy, rulemaking, interpretive, and enforcement activities. Exchange members generally pass-through the ORF to their customers in the same manner that firms pass-through to their customers the fees charged by SROs to help the SROs meet their obligations under Section 31 of the Exchange Act.[62] The CAT fees calculated under the Funding Proposal would be similar to the ORF in that they would be transaction-based fees intended to provide funding for regulatory costs.

b. Fee Metric: Executed Equivalent Share Volume

CAT LLC proposes to use the executed equivalent share volume of transactions in Eligible Securities as the means for allocating CAT costs among Participants and Industry Members. The use of executed equivalent share volume would replace the use of message traffic for allocating costs among Industry Members and the use of market share for allocating costs among Participants as set forth in the Original Funding Model. The use of executed equivalent share volume is a reasonable and equitable method for allocating costs for a variety of reasons, and CAT LLC believes it improves upon the use of message traffic.

The proposed use of CAT-reported message traffic as set forth in the Original Funding Model raised a variety of issues for allocating CAT costs. First, based on a subsequent study of cost drivers for the CAT, it was determined that message traffic may be a factor in the CAT costs, but it is not the primary factor. CAT costs are dominated by technology costs, and the predominant technology costs are data processing (*e.g.,* linker) and storage costs.[63] The data processing and storage costs are related to the level of message traffic, but such costs also relate to other factors. The data processing and storage costs also are directly related to the complexity of the reporting requirements for the market activity. For example, in light of the complexity of market activity, the CAT's order reporting and linkage scenarios document for Industry Members is over 800 pages in length, addressing nearly 200 scenarios.[64] The processing and storage of such a large number of complex reporting scenarios requires very complex algorithms, which, in turn, lead to significant data processing and storage costs. The data processing and storage costs also are driven by the stringent performance, timelines and operational requirements for processing CAT Data. For example, the CAT NMS Plan requires that CAT order events be processed within established timeframes to ensure data can be made available to Participants' regulatory staff and the SEC in a timely manner. Accordingly, a CAT Reporter's message traffic may be a factor, but not a primary factor, in terms of the costs of the CAT.

Second, in general, Industry Member revenue, including revenue derived from fees Industry Members charge their clients, is often driven by transactions. Because message traffic is separate from whether or not a transaction occurs, fees based on message traffic may not correlate with common revenue or fee models. As a result, CAT fees based on message traffic could impose an outsized adverse financial impact on certain Industry Members.

Third, imposing CAT fees on each CAT Reporter based on its message traffic may have an adverse effect on competition, liquidity or other aspects of market structure, and may increase model complexity. For example, the number of messages for any given order, whether or not ultimately executed, could vary depending on how a given order is processed, leading to a lack of predictability on the applicable cost to process any given order or executions for broker-dealers or non-broker-dealer customers.[65] As one example, discussed in the context of the previously proposed funding models,[66] market makers in Eligible Securities may have very high levels of message traffic due to their quoting obligations. Such high levels of message traffic may lead to outsized fees for market makers in comparison to their transaction activity, thereby placing an excessive financial burden on market makers. This, in turn, may lead to a decrease in the number of market makers, resulting in a decrease in liquidity and a reduction in market quality. To address this effect on market makers, CAT LLC proposed to discount the fees that market makers would need to pay. However, such a discount adds complexity to the message traffic approach, as the model must determine when a discount is necessary and how much the discount should be.

The use of executed equivalent share volume to allocate CAT costs addresses each of these concerns. The fees are not divorced from transactions, the traditional source of revenue for Industry Members; fees based on executed equivalent share volume would not adversely impact certain market participants to the detriment of the markets, and the model is simple to understand and implement. Moreover, in addition to these benefits, the executed equivalent share volume is related to, but not precisely linked to, the CAT Reporter's burden on the CAT. In light of the many inter-related cost drivers of the CAT (*e.g.,* storage, message traffic, processing), determining the precise cost burden imposed by each individual CAT Reporter on the CAT is not feasible. Accordingly, CAT LLC has determined that trading activity provides a reasonable proxy for cost burden on the CAT, and therefore is an appropriate metric for allocating CAT costs among CAT Reporters. This conclusion is consistent with the SEC's prior recognition of the use of transaction volume in setting regulatory fees. For example, in approving the FINRA TAF, the SEC recognized that transaction volume was closely enough connected to FINRA's regulatory responsibilities to satisfy the statutory standard in the Exchange Act.[67]

c. CAT Executing Brokers

i. Charging CAT Executing Brokers

CAT LLC proposes to charge CAT fees to CAT Executing Brokers. CAT LLC believes that such an approach is consistent with the requirements of the Exchange Act for a variety of reasons, including the following reasons.

First, the proposal to charge executing brokers is broadly supported by the

[61] *See, e.g.,* Cboe Fee Schedule, MIAX Fee Schedule, and NYSE Arca Fee Schedule.

[62] *See, e.g.,* Securities Exchange Act Rel. No. 58817 (Oct. 20, 2008), 73 FR 63744, 63745 (Oct. 27, 2008).

[63] For a detailed discussion of cost drivers of the CAT, *see* CAT LLC Webinar, CAT Costs (Sept. 21, 2021), *https://www.catnmsplan.com/events/cat-costs-september-21-2021.*

[64] CAT Industry Member Reporting Scenarios, Version 4.16 (July 31, 2025), *https://www.catnmsplan.com/sites/default/files/2025-07/07.31.25_Industry_Member_Tech_Specs_Reporting_Scenarios_v4.16_CLEAN.pdf.*

[65] The predictability of fees is discussed further below in Section A.9.u of this filing.

[66] *See* 2018 Fee Proposal Release.

[67] TAF Release at 34024.

industry.[68] For example, SIFMA has supported charging executing brokers, and continues to support charging executing brokers, rather than clearing brokers.[69] In one of its comment letters on the 2022 Funding Proposal, SIFMA stated that ''we support the Participants' decision to allocate CAT costs to executing brokers rather than clearing brokers.'' [70] CAT LLC notes that there have been very few issues with the ability of CAT Executing Brokers to pay their invoices for CAT fees; approximately 99% of CAT fees are paid on time. CAT LLC understands that, under the Executed Share Model, many Industry Members have implemented processes to pass-through their CAT fees to upstream broker-dealers and customers.

Second, the proposal to rely on executing brokers, rather than clearing brokers, was proposed in direct response to comments raised by SIFMA and other commenters on the 2022 Funding Proposal regarding the cost burden that clearing firms may experience if clearing brokers were charged CAT fees.[71] As noted by commenters, imposing the fee payment obligation on clearing brokers, rather than on executing brokers more generally, potentially may impose a significant financial burden on clearing firms if the fees imposed on clearing firms are not passed through to their clients.

Third, charging the CEBBs and CEBSs would reflect the executing role the CEBB and CEBS have in each transaction. Such a fee model is currently used and well-known in the securities markets. For example, SRO members regularly pay transaction-based fees. As a result, the CAT fees could be paid by Industry Members without requiring significant and potentially costly changes.

Fourth, charging CEBBs and CEBSs is in line with the use of transaction reports from the exchanges and FINRA's equity trading reporting facilities for calculating the CAT fees. The CEBBs and CEBSs are identified on the transaction reports, thereby streamlining the CAT collection process.

Fifth, CAT LLC does not believe that the proposal would burden CAT Executing Brokers. The CEBBs and CEBSs could determine, but would not be required, to pass their CAT fees through to their clients (both non-broker-dealer customers and upstream broker-dealers), who, in turn, could pass their CAT fees to their clients, until the fee is imposed on the ultimate participant in the transaction. With such a pass-through, the CEBBs and CEBSs would not ultimately incur the cost of all CAT fees related to their transactions. It is common practice in the industry for broker-dealers to pass transaction-based fees through to their clients, and CAT fees would introduce no unique issues for passing the CAT fee on to clients. Indeed, CAT LLC understands that, under the Executed Share Model, many Industry Members have implemented processes to pass-through their CAT fees to upstream broker-dealers and customers. Moreover, those CAT Executing Brokers that do not directly pass-through their CAT fees may account for and recover such fees as part of their overall business costs when considering and establishing other revenue-generating sources.

Finally, the proposal to charge CAT Executing Brokers CAT fees as set forth in the Funding Proposal only addresses the party responsible for the payment of the CAT fee. As an administrative matter regarding the method of payment, each CAT Executing Broker may seek to enter into a bilateral arrangement with its clearing broker for the clearing broker to collect and pass-through the CAT fees as it does in other contexts.

ii. Effect on Net Capital of CAT Executing Brokers

CAT fees do not raise new or different issues for CAT Executing Brokers with respect to net capital requirements than other transaction-based fees charged to executing brokers. CAT fees will be billed on a monthly basis, and Section 11.4 of the CAT NMS Plan states that ''Participants shall require each Industry Member to pay all applicable fees authorized under this Article XI within thirty (30) days after receipt of an invoice or other notice indicating payment is due (unless a longer payment period is otherwise indicated).'' With respect to net capital requirements, CAT Executing Brokers may determine whether to establish arrangements with their brokerage clients to account for costs incurred by the CAT Executing Broker on the client's behalf, including setting the terms under which they must be repaid by their broker-dealer clients such that receivables need not extend beyond 30 days.

d. Cost Allocation

i. One-Third/One-Third/One-Third Allocation of Prospective CAT Costs Between CEBS, CEBB and Participant

When calculating the CAT Fees related to Prospective CAT Costs under the Funding Proposal, CAT LLC proposes to allocate one-third of Prospective CAT Costs to Participants, one-third of Prospective CAT Costs to CEBSs and one-third of Prospective CAT Costs to CEBBs. CAT LLC believes that this proposed allocation satisfies the requirements of the Exchange Act and Rule 608 of Regulation NMS under the Exchange Act.

The proposed ⅓, ⅓, ⅓ allocation of Prospective CAT Costs recognizes the three primary roles in each transaction: the buyer, the seller and the market regulator, and assigns an equal one-third share of the fee per transaction to each of these three roles. The Exchange Act itself recognizes the importance of these three roles in a transaction by imposing registration and other regulatory obligations on the broker-dealers and regulator involved in a transaction. This allocation is similar to the approach taken with the FINRA TAF, ORF and Section 31 sales value fees, and also recognizes the role of the market regulator and the buyer in the transaction as well as the seller.[72]

Furthermore, the allocation of two-thirds of the CAT costs to Industry Members and only one-third to Participants recognizes that a substantial portion of CAT costs originates from Industry Members. CAT costs are dominated by technology costs, and the predominant technology costs are data processing (*e.g.,* linker) and storage costs. The data processing and storage costs are related to message traffic and the complexity of the reporting requirements for CAT, which, in turn, are determined by market activity. Industry Members are responsible for originating trading activity that necessitates message traffic to the CAT, and the complexity of Industry Members' chosen business models contributes substantially to the costs of the CAT.

[68] *See* Partial Amendment I at 74185; February 2023 Proposed Partial Amendment at 5.

[69] *See* Letter from Ellen Greene, Managing Director, Equities and Options Market Structure, SIFMA, to Vanessa Countryman, Secretary, SEC (Dec. 14, 2022) (''December 2022 SIFMA Letter'') at 2; Letter from Ellen Greene, Managing Director, Equities and Options Market Structure, SIFMA, to Vanessa Countryman, Secretary, SEC (Oct. 7, 2022) at 4–5.

[70] Letter from Ellen Greene, Managing Director, Equities and Options Market Structure, and Joseph Corcoran, Managing Director, Associate General Counsel, SIFMA, to Vanessa Countryman, Secretary, SEC (Jan. 12, 2023) at 7. *See also* December 2022 SIFMA Letter at 2 (''[W]e support changing the payment obligation to executing brokers.'').

[71] *See* Partial Amendment I at 74185; February 2023 Proposed Partial Amendment at 5.

[72] As discussed below in Section A.9.e, Proposed Section 11.3(e) of the CAT NMS Plan would maintain the Participants' one-third contribution to CAT costs.

One of the factors driving CAT costs is the complexity of the Industry Members' CAT reporting requirements, which are driven by the inherent complexity of Industry Members' chosen business models. For example, in light of the complexity of market activity, the CAT's reporting scenarios document for Industry Members is over 800 pages in length, addressing almost 200 scenarios, including, for example, scenarios related to representative orders, internal routing, order modification, order cancellation, ATS scenarios, OTC scenarios, foreign scenarios, child orders, proprietary orders, fractional shares, stop and conditional orders, RFQs, floor activity and more.[73] The processing and storage of such a large number of complex reporting scenarios requires very complex algorithms, which, in turn, lead to significant data processing and storage costs. In contrast, the Participants do not originate market activity or orders or otherwise bring this level of complexity to the markets. As a result, the technical specifications for the Participants are far less complex than for Industry Members. For example, the technical specifications for Participants have 13 reporting events for stock exchanges compared to 39 equity reporting events in the technical specifications for Industry Members, and the technical specifications for Participants have 28 reporting events for options exchanges compared to 60 reporting options events in the technical specifications for Industry Members.[74] Since the complexity of Industry Members' chosen business models contributes substantially to the costs of the CAT, it is reasonable and equitable to require that Industry Members pay a substantial portion of those costs.

Participant activity does not impact CAT costs in the same way that Industry Member activity impacts CAT costs. The analysis regarding the complexity of Industry Member activity is based on the effects of the business models *on the costs of the CAT,* not on the complexity of the market generally. The complexity of Industry Member activity adds significantly to the cost of the CAT in a way that Participant activity does not.

Moreover, allocating a greater percentage of the CAT costs to Participants would raise fairness issues in light of the greater financial resources of Industry Members. There are only 27 Participants and approximately 1,000 Industry Members.[75] Moreover, based upon a 2021 analysis of available CAT Reporter revenue, Participants only represented approximately 4% of the total CAT Reporter revenue while Industry Members represented 96% of the total CAT Reporter revenue.[76] In addition, various individual Industry Members have revenue in excess of some or all of the Participants. Accordingly, CAT LLC determined that allocating a higher percentage of the total CAT costs to the Participants was not a fair and equitable approach.

Finally, CAT LLC analyzed a variety of alternative allocations of CAT costs and continues to support the proposed one-third, one-third, one-third allocation as consistent with the requirements of the Exchange Act and the CAT NMS Plan. Alternative allocations considered by CAT LLC are discussed in detail below in Section A.10 of this filing.

ii. ⅓, ⅓ Allocation for Historical CAT Assessment

Under the Funding Proposal, the CEBS and the CEBB would each pay one-third of the fee obligation for each transaction related to Historical CAT Costs. Because the Participants have already paid for Past CAT Costs via loans to CAT LLC, the Participants would not be required to pay any Historical CAT Assessment. As stated in Proposed Section 11.3(b)(ii) of the CAT NMS Plan, ''[i]n lieu of a Historical CAT Assessment, the Participants' one-third share of Historical CAT Costs and such other additional Past CAT Costs as reasonably determined by the Operating Committee will be paid by the cancellation of loans made to the Company on a pro rata basis based on the outstanding loan amounts due under the loans.'' Furthermore, Proposed Section 11.3(b)(ii) of the CAT NMS Plan would emphasize that ''Historical CAT Assessments are designed to recover two-thirds of the Historical CAT Costs.'' Like with the allocation of Prospective CAT Costs discussed above, CAT LLC believes that the proposed allocation of the Historical CAT Costs is consistent with the requirements of the Exchange Act and the CAT NMS Plan.

iii. Internal Cost of Compliance by Industry Members

CAT LLC does not propose to take into consideration the internal costs incurred by Industry Members in complying with CAT requirements in determining how to allocate costs between Industry Members and Participants. There is no precedent for regulatory fees to be determined based on the cost of compliance of the regulated entity. Regulatory fees are intended to cover the regulatory costs of the entity providing the regulation. In the case of the CAT, the Funding Proposal is intended to charge fees to pay for the direct costs of the CAT, not for ancillary compliance costs of Industry Members.[77] Moreover, as a practical matter, accurately determining an Industry Member's compliance costs, without recordkeeping requirements and appropriate standards to determine expenses accurately, would be infeasible.

Likewise, the substantial internal compliance costs of the Participants are not taken into consideration in the Funding Proposal. Each Participant incurs its own internal costs to comply with the requirements of the CAT NMS Plan, including, among other things, updating its systems for CAT reporting. Additionally, Participants have expended countless internal hours on the creation, implementation and operation of the CAT. These costs are not included in the cost allocation under the Funding Proposal.

iv. Alternative Approach Based on Individualized CAT Reporter Cost to CAT

CAT LLC has determined not to propose a funding approach for the CAT in which a CAT Reporter's fees would be based on each CAT Reporter's exact cost burden on the CAT. In light of the many inter-related cost drivers of the CAT (*e.g.,* storage, message traffic, processing), determining the precise cost burden imposed by each individual CAT Reporter on the CAT is not feasible. Moreover, trading activity

[73] CAT Industry Member Reporting Scenarios, Version 4.16 (July 31, 2025), *https://www.catnmsplan.com/sites/default/files/2025-07/07.31.25_Industry_Member_Tech_Specs_Reporting_Scenarios_v4.16_CLEAN.pdf.*

[74] *Compare* Participant Technical Specifications, *with* CAT Reporting Technical Specifications for Industry Members, Version 4.1.0 r9 (July 31, 2025), *https://www.catnmsplan.com/sites/default/files/2025-07/07.31.25_CAT_Reporting_Technical_Specifications_for_Industry_Members_v4.1.0r9_CLEAN.pdf.*

[75] Approximately 1,034 unique CAT Reporters sent transaction data to the CAT in August 2025.

[76] *See* Securities Exchange Act Rel. No. 91555 (Apr. 14, 2021), 86 FR 21050, 20155 (Apr. 21, 2021) (''2021 Fee Proposal Release''). Industry Member revenue was calculated based on the total revenue reported in the Industry Member's FOCUS reports. Participant revenue was calculated based on revenue information provided in Form 1 amendments and/or publicly reported figures. Participants are not required to file uniform FOCUS-type reports regarding revenue like Industry Members. Accordingly, the revenue calculation for Participants is not as straightforward as for Industry Members.

[77] *See* CAT NMS Plan Approval Order at 84795, n.1749 (''The Participants stated that the funding model provides a framework for the recovery of the costs to create, develop and maintain the CAT, and is not meant to address the cost of compliance for Industry Members and Participants with the reporting requirements of Rule 613.'').

provides a reasonable proxy for cost burden on the CAT, and therefore is an appropriate metric for allocating CAT costs among CAT Reporters. CAT LLC emphasizes that the Exchange Act requires CAT fees to be fair, reasonable and equitably allocated, and CAT LLC believes that the use of executed equivalent share volume satisfies these requirements. The Exchange Act does not require each CAT Reporter's fees to be a proxy for that CAT Reporter's cost burden on the CAT, let alone an exact proxy.

A. Difficulty in Determining Individual CAT Reporter Costs Due to Inter-Related Cost Drivers

CAT LLC has analyzed the cost drivers for the CAT, and has concluded that determining the precise cost burden imposed by each individual CAT Reporter on the CAT is not feasible. The computation of a specific CAT Reporter's burden on the CAT is complicated by the many inter-related factors that contribute to CAT costs, including message traffic, data processing, storage, the complexity of reporting requirements, reporting timelines, infrastructure, connectivity and more. The use of executed equivalent share volume as the metric for the funding model is an improvement over the message traffic model. CAT LLC analyzed the cost drivers of CAT and determined that, although message traffic is one factor in CAT costs, it is not the primary factor. CAT costs are dominated by technology costs, and the predominant technology costs are data processing (*e.g.,* linker) and storage costs. Compute costs represent more than half of all technology costs. While such costs are related in part to message traffic, they are driven by the stringent performance timelines, data complexity and operational requirements in the CAT NMS Plan. The Plan requires that order events be processed, corrected, and made available to regulatory users within established timeframes, including a four-hour window for initial linkage processing. For this reason, among other issues with the message traffic model and other considerations discussed herein, CAT LLC determined to shift its focus to the new metric of executed equivalent share volume from the message traffic and market share metrics set forth in the CAT NMS Plan as approved.

B. Trading Activity as Reasonable Proxy for Cost Burden

CAT LLC determined that trading activity provides a reasonable proxy for cost burden on the CAT, and therefore is an appropriate metric for allocating CAT costs among CAT Reporters. CAT LLC analyzed reasonable metrics for determining CAT fees, and determined that, although executed equivalent share volume is not an exact proxy for the cost burden (nor need it be), trading activity provides a reasonable proxy for cost burden on the CAT. Increased trading activity impacts message traffic, data processing, storage and other factors, and thus necessarily correlates with increased cost burden on the CAT. Moreover, Industry Member activity in the market generally is engaged in for the purpose of effecting transactions, and, as a result, it is common for Participants to use transaction-based fees. Therefore, executed share volume is an appropriate metric for allocating CAT costs among CAT Reporters.

This conclusion is consistent with the SEC's prior recognition of the use of transaction volume in setting regulatory fees. For example, in approving FINRA's TAF, the SEC recognized that transaction volume was closely enough connected to FINRA's broad regulatory responsibilities to satisfy the statutory standard in the Exchange Act.[78] FINRA proposed a transaction-based TAF to fund its member regulatory activities in a variety of areas such as ''sales practices, routine examinations, financial and operational reviews, new member applications, enforcement * * * . . . wherever such member activity occurs.'' [79] The SEC noted that ''[a]ssessing fees in relation to transactions correlates to heightened NASD responsibilities regarding firms that engage in the trading,'' but the fees were not an exact proxy for the costs of such regulatory responsibilities.[80] The SEC noted this lack of a precise correlation:

In most cases, the NASD has direct responsibility to oversee the firm's dealing with the public in effecting the transactions; the NASD may also have responsibility to oversee the impact of the trading on the firm's financial condition. In most cases, where responsibility for certain member activities has been allocated to other SROs, the NASD retains responsibility for other member functions.[81]

Nevertheless, the SEC concluded that ''while trading activity is not wholly correlated to the full range of NASD responsibility for members in all instances, the Commission believes that they are closely enough connected to satisfy the statutory standard.'' [82] CAT LLC believes that this same logic is applicable to the Funding Proposal.

v. Alternative Approach: 50–50 Allocation Between Industry Members and Participant Exchanges

CAT LLC has considered and rejected allocating 50% of CAT costs to the Participants and 50% to Industry Members under the Funding Proposal. Although a 50–50 allocation between Industry Members and Participants would provide a mathematically equal split between two groups, it would not provide an equitable allocation between and among Industry Members and Participants. Such an allocation raises fairness issues as Industry Members have far greater financial resources than the Participants, and the complexity of Industry Members' chosen business models contributes substantially to the costs of the CAT.

e. Fee Pass-Throughs

i. Fee Pass-Throughs by Participants

As discussed above, the Eleventh Circuit vacated the SEC's order approving the Executed Share Model, noting, in part, that the Commission allowed ''self-regulatory organizations to pass through 100% of their fees to broker-dealers—without considering the effects of that choice.'' [83] CAT LLC proposes to add Section 11.3(e) to the CAT NMS Plan regarding Participant pass-through fees to address the Court's order. As set forth in Proposed Section 11.3(e) of the CAT NMS Plan, ''Each Participant agrees not to file with the SEC a proposed rule change pursuant to Section 19(b) and Rule 19b–4 thereunder that would establish a new fee for passing through to its members the CAT fee charged to such Participant in accordance with Section 11.3(a).'' Accordingly, Participants would agree not to file any fee filing with the Commission to assess on its members CAT fees charged to such Participant. This provision is intended to maintain the one-third allocation of CAT costs as a Participant obligation, and to be responsive to the Eleventh Circuit's opinion with respect to the potential for 100% pass-through costs.

ii. Fee Pass-Throughs by CAT Executing Brokers

CAT LLC acknowledges that CAT Executing Brokers may choose to pass their CAT fees through to their clients, who, in turn, may pass their CAT fees

[78] TAF Release at 34023.

[79] *Id.*

[80] *Id.*

[81] *Id.*

[82] *Id.* at 34024.

[83] *Am. Sec. Ass'n, Citadel Sec. LLC* v. *U.S. Sec. & Exch. Comm'n,* No. 23–13396, 2025 WL 2092054 (11th Cir. July 25, 2025).

through to their clients, until the fees are imposed on the account that executed the transaction, in lieu of paying CAT fees through other means. The Funding Proposal does not limit or prohibit such pass-throughs, nor does CAT LLC take a position on whether Industry Members should pass CAT fees on to their clients; however, CAT LLC understands that many Industry Members have implemented processes to pass-through their CAT fees to upstream broker-dealers and customers.

In adopting the CAT NMS Plan, the Commission specifically contemplated and accepted that ''broker-dealers may seek to pass on to investors their costs to build and maintain the CAT, which may include their own costs and any costs passed on to them by Participants,'' noting that the ''extent to which these costs are passed on to investors depends on the materiality of the costs and the ease with which investors can substitute away from any given broker-dealer.'' [84] Moreover, CAT LLC notes that the use of pass-through fees by broker-dealers is a commonly accepted practice that has been approved by the SEC in the securities markets in some cases. For example, the SEC has recognized the common practice of broker-dealers passing through Section 31-related fees to their customers.[85] The pass-through concept also is applied in the context of other SRO regulatory fees applicable to the SROs' members. For example, ''it is regular practice among some clearing and trading firms to 'pass through' the TAF to the underlying firm executing the trade. Further, FINRA understands that the executing firms commonly pass the TAF directly on to their customers. Typically, TAF fees are reflected on the confirmation statement received by customers.'' [86] Similarly, the pass-through process is used for ORFs as well. ORFs are collected indirectly from members through their clearing firms by OCC on behalf of the respective options exchange. As noted in rule filings related to ORFs, ''[t]he Exchange expects that [members] will pass through the ORF to their customers in the same manner that firms pass-through to their customers the fees charged by Self-Regulatory Organizations ('SROs') to help the SROs meet their obligations under Section 31 of the Exchange Act.'' [87]

CAT LLC understands that it has been common practice for Industry Members to pass-through their CAT fees directly to their clients to date. Indeed, commenters on prior CAT funding proposals have advocated for CAT fees to be structured in such a way as to easily pass-through such fees to their clients. For example, one commenter commented in favor of a model similar to the Section 31 fees in which the fee could be passed through to ultimate customers.[88] Similarly, another commenter noted the benefits of a model that allows fees to be passed through to customers, arguing that ''[i]t would also provide transparency into the fees which seek to recoup costs and a vehicle to pass-thru fees to the ultimate beneficiary of each trade.'' [89]

CAT LLC does not believe that the Funding Proposal raises issues with regard to Industry Members that do not have customers, and therefore cannot directly pass their CAT fees on and must pay for their CAT fees in other ways. Such Industry Members should not be evaluated differently based upon the inability to recoup CAT fees by directly assessing them to counterparties that are not customers. First, as noted above, the Funding Proposal does not set forth any requirement regarding whether or not an Industry Member may or may not pass-through its CAT fees to its customers; such pass-throughs are outside of the Funding Proposal. Second, each CAT Executing Broker will need to determine for itself how it will obtain the funds to pay for its CAT fees. Industry Members that do not have customers have revenue-generating activity other than direct pass-through of fees to fund the CAT fees (*e.g.,* market making activity). As a former member of the Advisory Committee for the CAT and the former Chief Economist of the Commission explained, even if CAT fees are not passed through directly, such costs would ultimately be passed on through a change in services or other costs.[90]

f. FINRA Fee

Under the Funding Proposal, for each transaction in Eligible Securities based on CAT Data, the CEBS, the CEBB and the applicable Participant for the transaction each would pay a CAT Fee calculated by multiplying the number of executed equivalent shares in the transaction and the applicable Fee Rate and dividing the product by three. The applicable Participant for the transaction would be the national securities exchange on which the transaction was executed, or FINRA for each transaction executed otherwise than on an exchange. CAT LLC believes that the proposed CAT fees for FINRA are consistent with the Exchange Act and the CAT NMS Plan. CAT LLC does not believe that the assessment of a CAT fee on FINRA in the same manner as other Participants would result in a burden on competition for FINRA or for Industry Members engaging in activity otherwise than on an exchange.

The Funding Proposal is designed to be neutral as to the manner of execution and place of execution. The CAT fees would be the same regardless of whether the transaction is executed on an exchange or in the over-the-counter market. All Participants are self-regulatory organizations that have the same regulatory obligations under the Exchange Act, regardless of whether they operate as a for-profit or not-for-profit entity. Their usage of CAT Data, either directly or indirectly through regulatory services agreements, would be for the same regulatory purposes in accordance with those obligations. By treating each Participant the same, the CAT fees would not become a competitive issue by and among the Participants, or a competitive issue between on exchange and off exchange trading.

In addition, the size of FINRA's fee is calculated based on the activity in the over-the-counter market, which is substantial. For example, the executed equivalent share volume for over-the-counter trades in Eligible Securities in

[84] CAT NMS Plan Approval Order at 84992.

[85] *See, e.g.,* Securities Exchange Act Rel. No. 49928 (June 28, 2004), 69 FR 41060, 41072 (July 7, 2004). *See also* SEC, Section 31 Transaction Fees, Fast Answers, *https://www.sec.gov/fast-answers/answerssec31htm.html* (noting that the ''[t]he SROs have adopted rules that require their broker-dealer members to pay a share of these fees. Broker-dealers, in turn, impose fees on their customers that provide the funds to pay the fees owed to their SROs.''); CAT NMS Plan Approval Order at 84992; NYSE American Rule 393.01; and NYSE Rule 440H.03.

[86] Securities Exchange Act Rel. No. 90176 (Oct. 14, 2020), 85 Fed Reg. 66592, 66603 (Oct. 20, 2020).

[87] Securities Exchange Act. Rel. No. 67596 (Aug. 6, 2012), 77 FR 47902, 47903 (Aug. 10, 2012). *See also* Securities Exchange Act Rel. No. 61133 (Dec. 9, 2009), 74 FR 66715, 66716 (Dec. 16, 2009) (noting that ''[t]he Exchange expects that member firms will pass-through the ORF to their customers in the same manner that firms pass-through to their customers the fees charged by SROs to help the SROs meet their obligation under Section 31 of the Exchange Act''); Securities Exchange Act Rel. No. 83878 (Aug. 17, 2018), 83 FR 42715, 42717 (Aug. 23, 2018) (noting that ''by collecting the ORF in this manner Members and non-Members could more easily pass-through the ORF to their customers'').

[88] *See, e.g.,* Letter from Michael Blaugrund, Chief Operating Officer, NYSE, to Vanessa Countryman, Secretary, SEC (May 10, 2021) at 3; Letter from Andrew Stevens, General Counsel, IMC Chicago, LLC, to Vanessa Countryman, Secretary, SEC (May 20, 2021) at 3.

[89] Letter from James Toes, President and CEO, and Andre D'Amore, Chairman of the Board, Securities Trader Association, to Vanessa Countryman, Secretary, SEC (June 10, 2021) at 4.

[90] Letter from Larry Harris, Fred V. Keenan Chair in Finance, U.S.C. Marshal School of Business, to Vanessa Countryman, Secretary, SEC (June 21, 2022) at 2.

June 2025 was 377,983,597,154.08 out of a total volume of 952,977,614,616.08 executed equivalent shares for trades in Eligible Securities. Accordingly, approximately 40% of the executed equivalent share volume in Eligible Securities took place in the over-the-counter market.

Furthermore, FINRA and the exchanges should not be evaluated differently based upon the potential for a particular Participant to recoup its fees through revenue-generating activity other than fees imposed on its members. Each Participant will need to determine for itself how it will obtain the funds to pay for its CAT fees. FINRA, just like the exchange Participants, has revenue sources other than membership fees. For example, FINRA generates significant revenues via regulatory services agreements with the exchanges, among other sources.[91] These sources, too, may be used to pay CAT fees, and, if they are used, it would not lead to an increase in fees for Industry Members, but rather the exchange Participants. Any review of how the Participants obtain their funds to pay CAT fees is beyond the scope of the CAT fee filing.

Finally, CAT LLC does not believe that FINRA should not be treated as a market center for CAT funding purposes merely because FINRA is not treated as a market center for governance purposes under the National Market System Plan Regarding Consolidated Equity Market Data (''CT Plan''). Although the CT Plan and the CAT Plan are both national market system plans, their purpose and implementation are different. The CAT NMS Plan, as approved by the Commission, explicitly contemplates charging fees to all Participants, including FINRA. For example, Section 11.1(b) of the CAT NMS Plan states that ''[s]ubject to Section 11.2, the Operating Committee shall have discretion to establish funding for the Company, including: (i) establishing fees that the Participants shall pay.'' [92] In addition, the purpose of the CAT is solely for regulatory purposes; it provides a regulatory system to facilitate the performance of the self-regulatory obligations of all the Participants, including the exchanges and FINRA. In contrast, the CT Plan governs the public dissemination of real-time consolidated equity market data for NMS stocks.

g. Impact on Options Versus Equities

CAT LLC believes that the Funding Proposal provides for a fair, reasonable and equitable treatment of the equities and options markets. CAT LLC does not believe that the Funding Proposal would burden inappropriately efficiency, competition or capital formation in how it treats equities and options. As a preliminary matter, unlike other previously proposed fee models,[93] the Funding Proposal does not allocate costs between the equities and options markets; instead, the fee attributable to a transaction in an equity or option security depends on equivalent executed share volume. In addition, the use of equivalent executed share volume is designed to normalize options and equities in the calculation of fees, and to recognize and address the different trading characteristics of different types of securities. Recognizing that Listed Options trade in contracts rather than shares, the Funding Proposal would count executed equivalent share volume differently for Listed Options. Specifically, each executed contract for a transaction in Listed Options would be counted based on the multiplier applicable to the specific Listed Option contract in the relevant transaction (*e.g.,* 100 executed equivalent shares or such other applicable equivalency).

h. Sell-Side and Buy-Side

CAT LLC proposes to charge both the buy-side and sell-side of a transaction in Eligible Securities a CAT fee. The proposal to charge both the buy-side and the sell-side of a transaction is consistent with other types of fees charged to both the buyer and the seller that are common in the industry. As such, CAT LLC believes that the proposal would comply with the requirements of the Exchange Act. For example, the ORF, a fee common to the options exchanges, is one example of a regulatory fee charged to both the buy-side and sell-side of the transaction. For example, the MIAX fee schedule lists the options regulatory fee as applying ''per executed contract side.'' [94] Similarly, under its pricing schedule, Nasdaq PHLX charges an options regulatory fee ''per contract side.'' [95] As set forth in its fee schedule, CBOE EDGX also charges an options regulatory fee to each side of the contract.[96] In addition, the industry is familiar with transaction-based fees charged to both the buyer and the seller by the exchanges and FINRA.[97]

i. Fee Rate Changes Twice per Year for CAT Fees Related to Prospective CAT Costs

CAT LLC proposes to require the calculation of the Fee Rate for CAT Fees related to Prospective CAT Costs twice a year. CAT LLC believes that the proposal to adjust the Fee Rate twice a year, once at the beginning of the year and once during the year, appropriately balances the need to coordinate the Fee Rate with potential changes in the costs and projections with the cost and effort to the industry related to more frequent fee changes.

CAT LLC believes its proposal is in keeping with views expressed by the industry in other contexts regarding the appropriate frequency of regulatory rate changes. For example, in the ORF context, the industry requested that rate changes be limited to twice per year. SIFMA stated in a comment letter on one of the ORF fee proposals that ''[r]ates should only be changed two times per year to reduce operational complexity and reduce risk.'' [98] The exchanges with ORF fees noted that the possibility for fee rate changes only twice per year would also ''better enable [their members] to properly account for ORF charges among their customers.'' [99]

j. Plan Amendment Process for Fee Rate Changes

Under the Funding Proposal, once any Fee Rate has been established by a majority vote of the Operating Committee in accordance with the Funding Proposal set forth in the CAT NMS Plan,[100] each Participant would be required to pay the applicable CAT Fee calculated in accordance with the requirements set forth in the CAT NMS Plan (subject to the requirement for the Industry Member CAT Fee to be in effect). CAT LLC does not plan to submit an amendment to the CAT NMS Plan each time that the Fee Rate for the CAT Fee is established or adjusted because of the length of time and burden required to amend the CAT NMS Plan for each adjustment to the Fee Rate. Moreover, CAT LLC believes that it is unnecessary to file a new separate amendment for the Participant CAT Fees each time a new Fee Rate is

[91] *See* 2024 FINRA Annual Financial Report at 43.

[92] *See also* Sections 11.2 and 11.3 of the CAT NMS Plan.

[93] *See, e.g.,* 2018 Fee Proposal Release at 1400.

[94] MIAX Options Exchange, Fee Schedule, as of Sept. 1, 2025.

[95] Nasdaq PHLX Rules, Options 7, Section 6(D).

[96] Cboe EDGX Fee Schedule, effective Aug. 25, 2025.

[97] *See, e.g.,* NYSE Price List 2025 for fees charged to both sides.

[98] *See, e.g.,* Letter from Ellen Greene, Managing Director, SIFMA to Vanessa Countryman, Secretary, SEC, re: SIFMA Comment Letter on the Options Regulatory Fee Filings by SR–EMERALD–2019–01 (Apr. 10, 2019) at 5, *https://www.sifma.org/wp-content/uploads/2019/04/MIAX-Emerald-ORF.pdf.*

[99] *See, e.g.,* Securities Exchange Act Rel. 93667 (Oct. 15, 2021).

[100] Participants would be required to pay the CAT Fee once the CAT Fee is in effect with regard to Industry Members in accordance with Section 19(b) of the Exchange Act.

approved because the CAT NMS Plan would set forth in detail the manner in which the CAT fees are established and the inputs for calculating the specific CAT Fees would be published on the CAT website and included in the Participant fee filings under Section 19(b) of the Exchange Act for Industry Member CAT fees. Therefore, the amendments to the Plan for a fee rate change would be redundant and impractical in terms of timing.

CAT LLC proposes to amend the CAT NMS Plan to describe in detail how CAT Fees would be calculated, including the formula for the calculation and the methods for determining the inputs for the calculation (*i.e.,* the budget, projected executed equivalent share volume, executed equivalent shares per transaction). As such, the Participants would be required to calculate the Fee Rate and the related CAT Fees using the proposed formula; this process would be mandatory, including the mid-year Fee Rate change. Moreover, the budgetary and projection inputs to the calculation would be public, including in public fee filings pursuant to Section 19(b) of the Exchange. Accordingly, CAT LLC does not believe that a Plan amendment would be necessary each time a new Fee Rate is calculated in accordance with the Plan.

The CAT NMS Plan would require each Participant to pay the proposed CAT Fees determined in accordance with the Funding Proposal. Proposed Section 11.3(a)(ii)(A) sets forth the requirement for Participants to pay the CAT fees. It states that ''[e]ach Participant that is a national securities exchange will be required to pay the CAT Fee for each transaction in Eligible Securities executed on the exchange in the prior month based on CAT Data,'' and that ''[e]ach Participant that is a national securities association will be required to pay the CAT Fee for each transaction in Eligible Securities executed otherwise than on an exchange in the prior month based on CAT Data.'' It further states that ''[t]he CAT Fee for each transaction in Eligible Securities will be calculated by multiplying the number of executed equivalent shares in the transaction by one-third and by the Fee Rate reasonably determined pursuant to paragraph (a)(i) of this Section 11.3.'' In addition, proposed paragraph (a) of the Participant fee schedule would state that ''[e]ach Participant shall pay the CAT Fee set forth in Section 11.3(a) of the CAT NMS Plan to Consolidated Audit Trail, LLC in the manner prescribed by Consolidated Audit Trail, LLC on a monthly basis based on the Participant's transactions in the prior month.''

The Participants would be required to follow the requirements set forth in the CAT NMS Plan for establishing and calculating CAT Fees and requiring the payment of the CAT Fees as both a regulatory and contractual matter. Rule 613(h)(1) of Regulation NMS under the Exchange Act states that ''[e]ach national securities exchange and national securities association shall comply with the provisions of the national market system plan approved by the Commission,'' that is, the CAT NMS Plan. Rule 613(h)(2) of Regulation NMS under the Exchange Act states that ''[a]ny failure by a national securities exchange or national securities association to comply with the provisions of the national market system plan approved by the Commission shall be considered a violation of this section.'' Similarly, Rule 608(c) of Regulation NMS under the Exchange Act states that ''[e]ach self-regulatory organization shall comply with the terms of any effective national market system plan of which it is a sponsor or a participant.'' Section 3.11 of the CAT NMS Plan reiterates this requirement, stating that ''[e]ach Participant shall comply with . . . the provisions of SEC Rule 613 and of this Agreement, as applicable, to the Participant.'' In addition, each Participant is a signatory to the CAT NMS Plan as a member of the limited liability company. Accordingly, a failure to comply with the requirements of the CAT NMS Plan related to the CAT fees would be a violation of the regulatory obligation to comply with the CAT NMS Plan and a breach of contractual requirements of the CAT NMS Plan.

k. Executed Equivalent Shares for NMS Stocks, Listed Options and OTC Equity Securities

The Funding Proposal uses the concept of executed equivalent shares as the metric for calculating CAT fees for transactions in NMS Stocks, Listed Options and OTC Equity Securities, each of which have different trading characteristics. Under the Funding Proposal, each executed share for a transaction in NMS Stocks would be counted as one executed equivalent share, each executed contract for a transaction in Listed Options would be counted using the contract multiplier applicable to the specific Listed Option in the relevant transaction, and each executed share for a transaction in OTC Equity Securities would be counted as 0.01 executed equivalent shares. CAT LLC believes that the proposed counting methods for each category of security are appropriate, as discussed in detail above in Section A.3.b.ii of this filing.

l. Cost Transparency

i. Cost Transparency and Level of Detail of CAT Costs

CAT LLC provides substantial cost transparency for Past CAT Costs and Prospective CAT Costs, including transparency above and beyond what is required under the CAT NMS Plan, and more than other national market system plans. Such transparency includes cost descriptions in the fee filings made pursuant to Section 19(b) of the Exchange Act and Rule 19b–4(f)(2) thereunder, as well as the public availability of CAT financial and budget information.

CAT LLC proposes to require substantial transparency for CAT costs in the fee filings to be made pursuant to Section 19(b) of the Exchange Act. For example, Proposed Section 11.3(a)(iii)(B) of the CAT NMS Plan would require such filings for CAT Fees to include, among other things, the budget for the upcoming year (or remainder of the year, as applicable), including a brief description of each line item in the budget, including (1) technology line items of cloud hosting services, operating fees, CAIS operating fees, change request fees and capitalized developed technology costs, (2) legal, (3) consulting, (4) insurance, (5) professional and administration, and (6) public relations costs, a reserve and/or such other categories as reasonably determined by the Operating Committee to be included in the budget and the reason for changes in each such line item from the prior CAT Fee filing; and a discussion of how the budget is reconciled to the collected fees. Similarly, Proposed Section 11.3(b)(iii)(B)(II) of the CAT NMS Plan would require such filings for Historical CAT Assessments to include, among other things, a brief description of the amount and type of Historical CAT Costs, including (1) technology line items of cloud hosting services, operating fees, CAIS operating fees, change request fees and capitalized developed technology costs, (2) legal, (3) consulting, (4) insurance, (5) professional and administration, and (6) public relations costs.

CAT LLC provides substantial additional financial information regarding the operation of the CAT as required by the CAT NMS Plan. For example, CAT LLC currently makes detailed financial information about the CAT publicly available. Section 9.2(a) of the CAT NMS Plan requires CAT LLC to maintain a system of accounting

established and administered in accordance with GAAP and requires ''all financial statements or information that may be supplied to the Participants shall be prepared in accordance with GAAP (except that unaudited statements shall be subject to year-end adjustments and need not include footnotes).'' Section 9.2(a) of the CAT NMS Plan also requires the Company to prepare and provide to each Participant ''as soon as practicable after the end of each Fiscal Year, a balance sheet, income statement, statement of cash flows and statement of changes in equity for, or as of the end of, such year, audited by an independent public accounting firm.'' The CAT NMS Plan requires that this audited balance sheet, income statement, statement of cash flows and statement of changes in equity be made publicly available. Among other things, these financial statements provide operating expenses, including technology, legal, consulting, insurance, professional and administration and public relations costs. CAT LLC also maintains a dedicated web page on the CAT NMS Plan website that consolidates its annual financial statements in a public and readily accessible place.[101] The Company's annual financial statements from inception in 2017 through 2023 are currently available on the CAT website.

In addition to providing financial information required under the CAT NMS Plan and otherwise, CAT LLC also has voluntarily determined to provide more financial transparency to the public regarding its costs. For example, CAT LLC publicly provides its annual operating budget as well as periodically provides updates to the budget that occur during the year. CAT LLC includes such budget information on a dedicated web page on the CAT NMS Plan website to make it readily accessible to the public, like the CAT financial statements. CAT LLC also has held webinars providing additional detail about CAT costs and about potential alternative funding models for the CAT, and commenters submitted questions and comments on the webinars.[102]

ii. Composition and Transparency of Past CAT Costs

CAT LLC also provides detailed disclosures regarding Past CAT Costs. The Historical Fee Rate for each Historical CAT Assessment would be calculated based on actual past costs incurred by the CAT (except any costs that CAT LLC has determined to exclude from the calculation), rather than budgeted costs. The audited financial statements for CAT LLC and its predecessor CAT NMS, LLC, which describe the actual costs for CAT LLC, are available on the CAT website.[103] In addition, the Historical CAT Costs for prior to 2022 are described in detail in the Participants' rule filings for Historical CAT Assessment 1.[104] The Participants expect to describe the costs for any additional Historical CAT Assessment in the relevant fee filings that the Participants submit pursuant to Section 19(b) under the Exchange Act and Rule 19b–4(f)(2) thereunder regarding Historical CAT Assessments.

iii. Alternative Transparency Proposals

CAT LLC believes that its proposed methods of cost transparency will provide Industry Members and other interested parties with detailed information about the CAT and the CAT fees. CAT LLC does not believe that additional transparency measures, such as a mechanism to allow for the review of budget information prior to a fee filing, or an independent cost review mechanism, are necessary or appropriate.

A. Budget Disclosure Prior to Fee Filings

CAT LLC does not believe that it is necessary to add a requirement to the CAT NMS Plan to provide Industry Members and other members of the public with an opportunity to review the budget that would be included in the SRO fee filings prior to such filings. CAT LLC is currently providing CAT budget information to the public on a continuing basis. CAT LLC publicly provides the annual operating budget for CAT LLC as well as an update to the budget mid-year. This budget information is readily accessible to the public on a dedicated web page on the CAT NMS Plan. Accordingly, Industry Members and other members of the public will continue to have the opportunity to review regular updates of the budget. Such transparency would allow Industry Members and other members of the public to understand the budget and changes thereto throughout the year. Moreover, the fee filing process under Section 19(b) of the Exchange Act provides the public with the opportunity to review the budgeted CAT costs that CAT LLC would seek to recover via the CAT Fees.

B. Independent Cost Review Mechanism

CAT LLC also does not believe that it would be necessary or appropriate to include an independent review mechanism for the cost of proposed CAT expenditures. First, as a preliminary matter, unlike the Commission, CAT LLC is not a governmental entity, with a responsibility to the taxpaying public. It is a private entity subject to the regulatory requirements of the Exchange Act. Second, such a budget review process is unnecessary as any CAT fees proposed to be established pursuant to the CAT NMS Plan are already subject to the existing, well-established review practices under Rule 608 of Regulation NMS under the Exchange Act and Section 19(b) of the Exchange Act and Rule 19b–4 thereunder. Under those provisions, CAT fees must be filed with the SEC, thereby providing transparency and an opportunity for comment by the public, and may only be implemented if they satisfy the requirements of the Exchange Act. Third, the SEC has the ability to request budget and financial information from CAT LLC to the extent that it believes that such additional information is necessary for it to evaluate any CAT fee proposals.

m. Allocation of Past CAT Costs to Participants: Pro Rata Versus Use of Funding Proposal

The Participants have been responsible for all costs related to the CAT until the approval of the Executed Share Model, and Industry Members did not pay any of the costs prior to that time. Accordingly, under the Funding Proposal, the Participants would not be required to pay a CAT fee related to Past CAT Costs in addition to prior payments. The two-thirds of the Historical CAT Costs collected from Industry Members would be allocated to the Participants pro rata, based on the outstanding amounts due under the notes to the Participants for repayment of outstanding loan notes to the Company. The one-third of Historical CAT Costs that are not allocated to Industry Members would not be allocated to the Participants pursuant to the Funding Proposal based on executed

[101] *See* CAT Audited Financial Statements, *https://www.catnmsplan.com/audited-financialstatements.*

[102] *See, e.g.,* CAT LLC Webinar, CAT Costs (Sept. 21, 2021), *https://www.catnmsplan.com/events/catcostsseptember-21-2021;* CAT LLC Webinar, CAT Funding (Sept. 22, 2021), *https://www.catnmsplan.com/events/catfundingseptember-22-2021;* and CAT LLC Webinar, CAT Funding (Apr. 6, 2022), *https://www.catnmsplan.com/events/cat-funding.*

[103] The audited financial statements for CAT NMS, LLC and Consolidated Audit Trail, LLC are available at *https://www.catnmsplan.com/audited-financial-statements.*

[104] *See, e.g.,* Securities Exchange Act Rel. No. 100936 (Sept. 5, 2024), 89 FR 74430 (Sept. 22, 2024) (BOX Exchange LLC filing for Historical CAT Assessment 1).

equivalent shares. Instead, such Historical CAT Costs would be allocated to the Participants pro rata based on the outstanding amounts due under the notes (as discussed further below in Section A.9.n of this filing). CAT LLC entered into the loans with the Participants pursuant to its authority under the CAT NMS Plan as approved by the SEC to pay for CAT costs, and, as such, the loans and their repayment terms are consistent with the Exchange Act and Rule 608 of Regulation NMS. The terms of the loans do not need to satisfy the requirements of the funding model set forth in Article XI of the CAT NMS Plan.

Section 3.9 of the CAT NMS Plan states that ''[i]f the Company requires additional funds to carry out its purposes, to conduct its business, to meet its obligations, or to make any expenditure authorized by this Agreement, the Company may borrow funds from such one or more of the Participants, or from such third party lender(s), and on such terms and conditions, as may be approved by a Supermajority Vote of the Operating Committee.'' As the Company—CAT LLC—did not have a source of revenue to fund its activities without a funding model approved by the SEC, CAT LLC determined to borrow funds from the Participants on terms approved by a Supermajority Vote of the Operating Committee. After this vote, CAT LLC entered into loan agreements with the Participants to cover CAT costs. The terms of the loan agreements dictate that repayment of the notes will be pro rata, based on the outstanding amounts loaned to CAT LLC. Accordingly, CAT LLC is obligated by contract, approved in accordance with the terms of the CAT NMS Plan, to repay the notes pro rata, not by another method.

Moreover, Section 3.8 of the CAT NMS Plan states that ''[e]xcept as may be determined by the unanimous vote of all the Participants or as may be required by applicable law, no Participant shall be obligated to contribute capital or make loans to the Company.'' The Participants voluntarily have agreed to provide loans to CAT LLC under the agreed upon terms to fund the CAT until a funding model is approved. Without a unanimous vote of the Participants, however, CAT LLC cannot require the Participants to make a new loan to CAT LLC. Accordingly, without the agreement of the Participants, the loans must be repaid in accordance with their terms.

n. Sufficient Detail Regarding Pro Rata Allocation of Past CAT Costs to Participants

Further with regard to the pro rata allocation of Past CAT Costs, the manner in which the loans are repaid are governed by the loan agreements between CAT LLC and the Participants, as approved by CAT LLC. The following provides additional detail as to the allocation of Past CAT Costs to Participants in accordance with the loans to CAT LLC.

Pending SEC approval of CAT fees to fund the CAT, the Participants voluntarily determined to fund the development and operation of the CAT through loans to CAT LLC. The Participants determined to use the market share, tier-based funding model applicable to Execution Venues described in the proposed amendment to the CAT NMS Plan submitted to the SEC on December 11, 2017 (without including ATSs as Equity Execution Venues) to allocate loan amounts among Participants (''Tiered Market Share Proposal'').[105] As described in that proposal, each Equity Execution Venue is placed in one of four tiers of fixed fees based on market share, and each Options Execution Venue is placed in one of two tiers of fixed fees based on market share. Equity Execution Venue market share is determined by calculating each Equity Execution Venue's proportion of the total volume of NMS Stock and OTC Equity shares reported by all Equity Execution Venues during the relevant time period. For purposes of calculating market share, the OTC Equity Securities market share of Execution Venue ATSs trading OTC Equity Securities as well as the market share of the FINRA OTC reporting facility are discounted. Similarly, market share for Options Execution Venues is determined by calculating each Options Execution Venue's proportion of the total volume of Listed Options contracts reported by all Options Execution Venues during the relevant time period. The tiers are refreshed on a quarterly basis in accordance with the Tiered Market Share Proposal.

Each of the Participants voluntarily have loaned CAT LLC funds in amounts in accordance with the Tiered Market Share Proposal to cover Past CAT Costs. Accordingly, under the Funding Proposal, the Participants propose to be reimbursed for two-thirds of the Historical CAT Costs pro rata based on the outstanding amounts loaned to CAT LLC pursuant to the Tiered Market Share Proposal, as this is what is required under the loan contract between CAT LLC and the Participants. Correspondingly, for the remaining one-third of the Historical CAT Costs that are not reimbursed via the Historical CAT Assessment, the Participants propose to remain responsible for the amounts loaned to CAT LLC pursuant to the Tiered Market Share Proposal. The Participants' one-third share of the Historical CAT Costs would be paid by the cancellation of the loans on a pro rata basis. In addition, for any Past CAT Costs that are excluded from Historical CAT Costs, the Participants propose to remain responsible for the amounts loaned to CAT LLC pursuant to the Tiered Market Share Proposal as well. These excluded costs also would be paid by cancellation of the loans on a pro rata basis.

o. Past CAT Costs: Collected From Current Versus Past Industry Members and Use of Prior Month's Transactions

CAT LLC believes that Historical CAT Assessments are appropriately assessed to current Industry Members based on current market activity. CAT LLC does not believe that Historical CAT Assessments should be charged to Industry Members that were active at the time when the Past CAT Costs were incurred and based on trading activity from the time when the Past CAT Costs were incurred.

CAT LLC believes that it is appropriate to collect the Historical CAT Assessments from current Industry Members based on current market activity because current market participants are the beneficiaries of the regulatory value provided by the CAT to the securities markets. The SEC has emphasized that the CAT provides a benefit to all market participants,[106] and, therefore, current Industry Members are benefitting from the efforts to create and operate the CAT.

In addition, the approach recognizes the many practical difficulties of imposing fees retroactively on Industry Members' market activity from the past, sometimes years in the past as the relevant recovery period extends to 2012. For example, one of the practical difficulties may include the fact that some Industry Members that would be subject to such a retroactive fee may no longer be in business or no longer registered as a broker-dealer that is subject to the jurisdiction of the Participants or SEC. Indeed, this is likely to be a substantial issue. For example, in the SEC's approval order of

[105] *See* 2018 Fee Proposal Release.

[106] *See generally* Rule 613 Adopting Release at 45795 (emphasis added).

the CAT NMS Plan, the SEC used an estimate of 1,800 broker-dealers subject to CAT reporting for its cost estimates.[107] However, the number of current Industry Members has greatly diminished from these early estimates to approximately 1,000.[108] Therefore, at least approximately 40% of the broker-dealers that may have been subject to CAT reporting in 2012 are no longer CAT Reporters.

Another practical issue involves the difficulty of accurately determining the transactions in Eligible Securities of the Industry Member for the past decade that would be subject to CAT fees. Because the recovery period for Past CAT Costs spans a period in which the CAT was not in existence yet, as well as periods in which CAT reporting was being phased in, the CAT may not have any record of relevant transactions from earlier periods, and it may not have a complete record of the relevant transactions for later periods. The SEC anticipated the recovery of CAT fees after such costs were incurred, as it contemplated the recovery of CAT costs for the creation of the CAT as well as its implementation and maintenance.[109]

Moreover, imposing retroactive fees for past market activity could raise fairness issues. For example, because the fee would be retroactive, market participants could not have taken into consideration the CAT fee when they decided to enter into the transactions in the past. In addition, given the passage of time, past CAT Reporters, particularly small CAT Reporters, may not be in a position to pay a fee related to earlier market activity.[110]

In addition, CAT LLC notes that the SEC has approved similar funding practices with regard to new Participants for the CAT as well as new participants for other national market system plans. In each case, the new participant is required to pay a fee to join the plan, and the fee is based on past costs for creating, implementing and maintaining the plan at issue.[111] As a result, a new participant would be required to pay a fee for costs incurred in the past by the relevant plan. For example, Section 3.3 of the CAT NMS Plan states that, to become a new Participant to the CAT NMS Plan, the applicant must:

> pay a fee to the Company in an amount determined by a Majority Vote of the Operating Committee as fairly and reasonably compensating the Company and the Participants for costs incurred in creating, implementing, and maintaining the CAT, including such costs incurred in evaluating and selecting the Initial Plan Processor and any subsequent Plan Processor and for costs the Company incurs in providing for the prospective Participant's participants in the Company, including after consideration of the factors identified in Section 3.3(b) (the ''Participation Fee'').

As this provision indicates, new CAT Participants are required to contribute to paying for costs incurred since the inception of the CAT. Indeed, the costs related to evaluating and selecting the Initial Plan Processor were incurred in 2017 and before.[112] For example, a CAT Participant applicant in 2023 may be required to pay a fee that reflects CAT costs incurred years ago. Similarly, the Funding Proposal would require current Industry Members to pay a share of CAT costs from years ago.

p. Budgeted Versus Incurred Costs

Under the Funding Proposal, the budgeted CAT costs set forth in the annual operating budget would be used to determine the Fee Rate for CAT Fees related to Prospective CAT Costs. The budgeted CAT costs would comprise estimated fees, costs and expenses to be reasonably incurred by the Company for the development, implementation and operation of the CAT during the year, which would include costs for the Plan Processor, insurance, and third-party support, as well as an operational reserve. CAT LLC does not propose to use costs already incurred in calculating the CAT Fees.

CAT LLC believes that using budgeted CAT costs, rather than CAT costs already incurred, is critical to ''build[ing] financial stability to support the Company as a going concern.'' [113] Using budgeted CAT costs to determine the Fee Rate would allow CAT LLC to collect fees before bills become payable. If, however, CAT Fees are only collected after bills become payable, then the Participants would be required to continue to fund 100% of CAT costs to pay the bills as they come due. Making the Participants responsible for all of the CAT costs upfront, rather than one-third of the CAT costs, would change the proposed model in a significant manner.

Requiring the calculation of the Fee Rate based on incurred CAT costs, rather than budgeted CAT costs would only be necessary if budgeted and incurred CAT costs were likely to diverge. However, the Funding Proposal has been designed to address this concern. As proposed, CAT LLC would be required to calculate the Fee Rate each year based upon the budget for the upcoming year, and to adjust the fee rate mid-year to reflect changes in the budgeted or actual CAT costs or the projected or actual executed equivalent share volume. Accordingly, CAT LLC would be required to adjust CAT Fees twice a year to ensure that they are closely aligned with CAT costs. Moreover, when establishing the annual budget or its mid-year adjustment, CAT LLC would adjust the budget to reflect any surplus or deficit in CAT Fees collected during the prior period.

In addition, the CAT NMS Plan requires that the Company operate on a ''break-even'' basis, with fees imposed to cover costs and an appropriate reserve. Any surpluses would be treated as an operational reserve to offset future fees and would not be distributed to the Participants as profits. To ensure that the Participants' operation of the CAT will not contribute to the funding of their other operations, Section 11.1(c) of the CAT NMS Plan specifically states that ''[a]ny surplus of the Company's revenues over its expenses shall be treated as an operational reserve to offset future fees.'' In addition, CAT LLC proposes to limit the size of the reserve to not more than 25% of the annual budget. To the extent that collected CAT fees exceed CAT costs, including the reserve of 25% of the annual budget, such surplus shall be used to offset future fees.[114] Furthermore, CAT LLC is set up as a business league to mitigate concerns that CAT LLC's earnings could be used to benefit individual Participants.[115]

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[107] CAT NMS Plan Approval Order at 84862.

[108] Approximately 1,034 unique CAT Reporters sent transaction data to the CAT in August 2025.

[109] *See, e.g.,* Rule 613(a)(1)(vii)(D) of Regulation NMS under the Exchange Act.

[110] CAT LLC notes, however, that there has been substantial continuity in the largest Industry Members over time. The top 10 firms in terms of equivalent executed shares in July 2025 were allocated 57% of the total Industry Member CAT costs; six of those 10 firms were also ranked in the top 10 throughout 2021. Similarly, of the top 30 firms in July 2025 (representing an allocation of 86% of the total Industry Member CAT costs), all but seven ranked in the top 30 throughout 2021. Furthermore, of the top 10 firms by CAT record volume in July 2025, six were also top 10 reporters by message volume in 2021. Of the top 30 firms by CAT record volume in July 2025, 20 were in the top 30 reporters of 2020.

[111] *See, e.g.,* Section III(b) of the CTA Plan; Section VIII of the UTP Plan.

[112] Letter from Participants to Brent J. Fields, Secretary, SEC, re: Selection of Plan Processor for the National Market System Plan Governing Consolidated Audit Trail (Jan. 18, 2017).

[113] Section 11.2(f) of the CAT NMS Plan.

[114] *See* Proposed 11.1(a)(ii) of the CAT NMS Plan.

[115] To qualify as a business league under Section 501(c)(6) of the Internal Revenue Code, an organization must ''not [be] organized for profit and no part of the net earnings of [the organization can] inure[ ] to the benefit of any private shareholder or individual.'' As the SEC stated when approving the CAT NMS Plan, ''the Commission believes that the Company's application for Section 501(c)(6) business league status addresses issues raised by commenters about the Plan's proposed allocation of profit and loss by mitigating concerns that the

q. Continuous Fees Versus Sunsetting Fees

CAT LLC does not propose to require the proposed CAT Fees related to Prospective CAT Costs to sunset automatically; instead, a CAT Fee would continue until a new CAT Fee is in place in accordance with the requirements of the CAT NMS Plan and Section 19(b) of the Exchange Act. CAT LLC believes that it is critical that a CAT Fee remain in place at all times. Accordingly, CAT LLC proposes to add Section 11.3(a)(i)(A)(III) of the CAT NMS Plan to clarify that CAT Fees related to Prospective CAT Costs do not sunset automatically; such CAT Fees would remain in place until new CAT Fees with a new Fee Rate is in effect.

The financial viability of the CAT would be put at risk without a constant source of revenue. CAT LLC pays various bills, including technology bills, on a monthly basis. Accordingly, even short delays in the implementation of new CAT Fees after the sunsetting of a prior CAT Fee may have a deleterious effect on the operation of the CAT. Indeed, adopting sunsetting fees would contradict the funding principle of seeking to ''build financial stability to support the Company as a going concern.'' [116]

Moreover, CAT LLC does not believe that a sunsetting requirement is necessary to ensure that the CAT Fees are closely coordinated with Prospective CAT costs. CAT LLC has proposed a comprehensive, multi-pronged approach to ensure that the CAT Fees are closely tied to CAT costs. First, CAT LLC will be required to calculate the Fee Rates for the CAT Fees based on budgeted CAT costs. In addition, CAT LLC will be required to calculate the Fee Rate twice a year to determine whether the Fee Rate has changed due to changes in the budgeted or actual costs or actual or projected executed equivalent share volume, and to make a fee filing twice a year to reflect this calculation. Accordingly, the Fee Rate would be required to be updated twice a year, thereby ensuring the CAT Fees are closely tied to CAT costs.

Second, the CAT NMS Plan requires that the Company operate on a ''break-even'' basis, with fees imposed to cover costs and an appropriate reserve. Any surpluses would be treated as an operational reserve to offset future fees and would not be distributed to the Participants as profits. To ensure that the Participants' operation of the CAT will not contribute to the funding of their other operations, Section 11.1(c) of the CAT NMS Plan specifically states that ''[a]ny surplus of the Company's revenues over its expenses shall be treated as an operational reserve to offset future fees.'' Moreover, CAT LLC proposes to amend the CAT NMS Plan to limit the reserve to no more than 25% of the annual budget and to clarify that CAT fees collected in excess of the CAT costs, including the reserve, will be used to offset future fees.[117]

Third, CAT LLC proposes to amend the CAT NMS Plan to require Participants to provide significant details in their fee filings regarding Industry Member CAT Fees. Proposed paragraph (a)(iii)(B) of Section 11.3 of the CAT NMS Plan would state that, ''[w]hen the Participants file with the SEC pursuant to Section 19(b) of the Exchange Act CAT Fees to be charged to Industry Members calculated using the Fee Rate that the Operating Committee approved in accordance with paragraph (a) of this Section 11.3,'' such filings would be required to include (A) the Fee Rate; (B) the budget for the upcoming year (or remainder of the year, as applicable), including a brief description of each line item in the budget, including (1) technology line items of cloud hosting services, operating fees, CAIS operating fees, change request fees and capitalized developed technology costs, (2) legal, (3) consulting, (4) insurance, (5) professional and administration, and (6) public relations costs, a reserve and/or such other categories as reasonably determined by the Operating Committee to be included in the budget, and the reason for changes in each such line item from the prior CAT Fee filing; (C) a discussion of how the budget is reconciled to the collected fees; and (D) the projected total executed equivalent share volume of all transactions in Eligible Securities for the year (or remainder of the year, as applicable), and a description of the calculation of the projection. This detail would describe how the Fee Rate was calculated and explain how the budget used in the calculation is reconciled to the collected fees. Such detailed information would provide Industry Members and other interested parties with a clear understanding of the calculation of the CAT fees and their relationship to CAT costs.

r. Conflicts of Interest

CAT LLC believes that the current process for developing the CAT funding model appropriately addresses potential conflicts of interest related to CAT fees. The CAT NMS Plan, as approved by the SEC, adopts various measures to protect against potential conflicts issues raised by the Participants' fee-setting authority, including, but not limited to, the fee filing requirements under the Exchange Act and operating the CAT on a break-even basis. CAT LLC believes that these and other measures address potential conflicts of interest related to CAT fees.

s. Effect on Efficiency, Competition or Capital Formation

CAT LLC believes that the Funding Proposal would have a positive impact on efficiency, competition and capital formation. The Funding Proposal is designed to provide a predictable revenue stream sufficient to cover CAT costs each year. In doing so, the Funding Proposal would be designed to maintain the CAT as a going concern financially. By providing for the financial viability of the CAT, the Funding Proposal would allow the CAT to provide its intended benefits. For example, the CAT is intended to provide significant improvements in efficiency related to how regulatory data is collected and used. In addition, by providing enhanced regulatory oversight and surveillance, the CAT could result in improvements in market efficiency by deterring violative activity. Similarly, the CAT is intended to improve capital formation by improving investor confidence in the market due to enhancements in surveillance.

In addition, the Funding Proposal would not impose an inappropriate burden on competition. The Funding Proposal would operate in a manner similar to the funding models employed by the SEC and the Participants related to Section 31 of the Exchange Act, the FINRA TAF and the ORF. These fees are long-standing and have been approved by the Commission as satisfying the requirements under the Exchange Act, including not imposing a burden on the competition that is not necessary or appropriate under the Exchange Act. In addition, the Funding Proposal avoids potentially burdensome fees for market makers or other market participants based on message traffic. Furthermore, the Funding Proposal addresses the specific trading characteristics of Listed Options and OTC Equity Securities to avoid adverse effects of the trading of those instruments. For example, the Funding Proposal includes the discounting of transactions involving OTC Equity Shares which, given the volume of shares typically involved in such securities transactions, otherwise may result in disproportionate fees to

Company's earnings could be used to benefit individual Participants.'' CAT NMS Plan Approval Order at 84793.

[116] Section 11.2(f) of the CAT NMS Plan.

[117] *See* Proposed Section 11.1(a)(i) and (ii) of the CAT NMS Plan.

market participants engaging in transaction in these securities.

The Funding Proposal also would not unfairly burden FINRA or any of the exchanges. The Funding Proposal is designed to be neutral as to the manner of execution and place of execution. The CAT fees would be the same regardless of whether the transaction is executed on an exchange or in the over-the-counter market. All Participants are self-regulatory organizations that have the same regulatory responsibilities under the Exchange Act. Their usage of CAT Data will be for the same regulatory purposes. By treating each Participant the same, the CAT fees would not become a competitive issue by and among the Participants, or a competitive issue between on exchange and off exchange trading.

CAT LLC does not believe that this proposal would unfairly burden CEBBs and CEBSs. Such a transaction-based fee is a type of fee that is currently used and well-known in the securities markets. For example, SRO members regularly pay transaction-based fees. As a result, the CAT fees could be paid by Industry Members without requiring significant and potentially costly changes. Moreover, the CEBBs and CEBSs could determine, but would not be required, to pass their CAT fees through to their customers, who, in turn, could pass their CAT fees to their customers, until the fee is imposed on the ultimate participant in the transaction. With such a pass-through, the CEBBs and CEBSs would not ultimately incur the cost of all CAT fees related to their transactions.

t. Straightforward Approach

One advantage of the Funding Proposal is that the approach is simple, straightforward and easy to understand. Using the predetermined Fee Rate or Historical Fee Rate, CAT LLC would calculate CAT fees by multiplying the number of executed equivalent shares in each Participant, CEBB or CEBS's transactions in Eligible Securities by the Fee Rate or Historical Fee Rate (as applicable) and one-third. The values necessary for the calculation are readily available. The Fee Rates and Historical Fee Rates would be publicly available, and Participants, CEBBs and CEBSs have easy access to their transaction data. Moreover, the two adjustments—one for Listed Options and one for OTC Equity Securities—are similarly straightforward calculations. The Funding Proposal does not include other complexities, such as tiered fees, minimum or maximum fees, excluded types of Eligible Securities or excluded transactions in Eligible Securities.

u. Predictable Fees

The Funding Proposal also provides CAT Reporters with predictable CAT fees. Because the fee rates would be established in advance, Participants, CEBBs and CEBSs can calculate the CAT fee that applies to each transaction when it occurs. Accordingly, CAT Reporters with a CAT fee obligation may easily estimate and validate their applicable fees based on their own trading data. In addition, to the extent any CAT fees charged to CAT Executing Brokers are passed on to customers, such customers also can calculate the applicable CAT fee for each transaction.

The predictability of CAT fees under the Funding Proposal improves upon the lack of fee predictability in the Original Funding Model and other message traffic-based models.[118] For example, with potential message traffic models,[119] CAT Reporters would not know the actual per message rate until after the end of the relevant reporting period for which they were assessed the fee and also could not determine in advance the number of messages that may be associated with a given order or the total number of messages, thereby making it difficult for a CAT Reporter to predict a CAT fee related to its market activity. In addition, this lack of predictability related to message-based fees also could complicate efforts by Industry Members to estimate, explain and directly pass message-based fees back to customers, particularly if no trade has occurred.

v. Administrative Ease

The Funding Proposal also would allow for ''ease of billing and other administrative functions.'' [120] As discussed above, the Funding Proposal relies upon a basic calculation using a predetermined fee rate, thereby making the fee determination a straightforward process. In addition, the CAT fees will be collected in a manner similar to the collection process that Industry Members are already accustomed, thereby further reducing the administrative burden on the industry.

w. Equal Treatment of Trading Venues

The Funding Proposal also has the benefit of treating transactions in Eligible Securities equally regardless of the trading venue. The Fee Rate or Historical Fee Rate would be the same regardless of whether a trade was executed on an exchange or in the OTC market, or how the trade ultimately occurred more generally (*e.g.,* in a manner that generated more message traffic). In addition, Proposed Section 11.3(e) of the CAT NMS Plan regarding Participant pass-throughs applies equally to FINRA and the exchange Participants. As a result, it would not favor or unfairly burden any one type of trading venue or method.

x. Equitable Treatment of Different Eligible Securities

The Funding Proposal also recognizes and addresses the different trading characteristics of different types of securities. Recognizing that Listed Options trade in contracts rather than shares, the Funding Proposal would count executed equivalent share volume differently for Listed Options. Specifically, each executed contract for a transaction in Listed Options would be counted based on the multiplier applicable to the specific Listed Option contract in the relevant transaction (*e.g.,* 100 executed equivalent shares or such other applicable equivalency). Similarly, in recognition of the different trading characteristics of OTC Equity Securities as compared to NMS Stocks, the Funding Proposal would discount the share volume of OTC Equity Securities when calculating the CAT fees. Specifically, each executed share for a transaction in OTC Equity Securities would be counted as 0.01 executed equivalent shares. As a result, the Funding Proposal would not favor or unfairly burden any one type of product or product type.

y. Contributions by Both Industry Members and Participants

The Funding Proposal would require both Participants and Industry Members to contribute to the funding of the CAT. Until Commission approval of the Executed Share Model, the Participants paid the full cost of the creation, implementation and maintenance of the CAT since 2012. The continued funding of the CAT solely by the Participants was and is not contemplated by the CAT NMS Plan, nor is it a financially sustainable approach. As noted by the SEC, the CAT ''substantially enhance[s] the ability of the SROs and the Commission to oversee today's securities markets,'' [121] thereby benefiting all market participants. The Funding Proposal would require both Participants and Industry Members to contribute to the cost of the CAT, as

[118] *See* Securities Exchange Act Rel. No. 92451 (July 20, 2021), 86 FR 40114, 40122 (July 26, 2021) (''2021 Fee Proposal OIP'').

[119] Potential message traffic models, including the 2018 Fee Proposal and 2021 Fee Proposal, and the message traffic only model, are discussed further below in Section A.10 of this filing.

[120] Section 11.2(d) of the CAT NMS Plan.

[121] Rule 613 Adopting Release at 45726.

contemplated by Rule 613 and the CAT NMS Plan.

Rule 613(a)(1)(vii)(D) specifically contemplates Industry Members contributing to the payment of CAT costs. Specifically, this provision requires the CAT NMS Plan to address ''[h]ow the plan sponsors propose to fund the creation, implementation, and maintenance of the consolidated audit trail, including the proposed allocation of such estimated costs among the plan sponsors, and between the plan sponsors and members of the plan sponsors.'' In approving Rule 613, the SEC noted that ''although the plan sponsors likely would initially incur the costs to establish and fund the central repository directly, they may seek to recover some or all of these costs from their members.'' [122]

In addition, as approved by the SEC, the CAT NMS Plan specifically contemplates CAT fees to be paid by both Industry Members and Participants. Section 11.1(b) of the CAT NMS Plan states that ''the Operating Committee shall have discretion to establish funding for the Company, including: (i) establishing fees that the Participants shall pay; and (ii) establishing fees for Industry Members that shall be implemented by the Participants.'' [123] The Commission stated in approving the CAT NMS Plan the following:

The Commission believes that the proposed funding model reflects a reasonable exercise of the Participants' funding authority to recover the Participants' costs related to the CAT. The CAT is a regulatory facility jointly owned by the Participants and, as noted above, the Exchange Act specifically permits the Participants to charge members fees to fund their self-regulatory obligations. The Commission further believes that the proposed funding model is designed to impose fees reasonably related to the Participants' self-regulatory obligations because the fees would be directly associated with the costs of establishing and maintaining the CAT, and not unrelated SRO services.[124]

Likewise, the Commission stated that ''the Participants are permitted to recoup their regulatory costs under the Exchange Act through the collection of fees from their members, as long as such fees are reasonable, equitably allocated and not unfairly discriminatory, and otherwise are consistent with Exchange Act standards,'' [125] and noted that ''Rule 613(a)(1)(vii)(D) requires the Participants to discuss in the CAT NMS Plan how they propose to fund the creation, implementation and maintenance of the CAT, including the proposed allocation of estimated costs among the Participants, and *between the Participants and Industry Members*.'' [126]

In its amendments to the CAT NMS Plan regarding financial accountability, the SEC reaffirmed the ability for the Participants to charge Industry Members a CAT fee. Specifically, the SEC noted that the amendments were not intended to change the basic funding structure for the CAT, which may include fees established by the Operating Committee, and implemented by the Participants, to recover from Industry Members the costs and expenses incurred by the Participants in connection with the development and implementation of the CAT.[127]

z. Use of CAT Data

CAT Data would be used to calculate the CAT fees under the Funding Proposal. CAT Data would be used to identify each transaction in Eligible Securities for which a CAT fee would be collected. Specifically, CAT fees will be charged with regard to trades reported to CAT by FINRA via the ADF/ORF/TRF and by the exchanges. In addition, the same transaction data in the CAT Data would be used in the calculation of the projected total executed equivalent share volume for the Fee Rate. Furthermore, the transaction data in the CAT Data provides the identity of the relevant CAT Executing Brokers for each transaction for purposes of the CAT fees. Using CAT Data for the CAT fee calculations provides administrative efficiency, as the data will be accessible via the CAT.

aa. Twelve Month Look Back for Projected Volume

The calculation of the Fee Rate and the Historical Fee Rate requires the determination of the projected total executed equivalent share volume of transactions in Eligible Securities for the year. CAT LLC proposes to determine this projection based on the total executed equivalent share volume of transactions in Eligible Securities from the prior twelve months. CAT LLC determined that the use of the data from the prior twelve months provides an appropriate balance between using data from a period that is sufficiently long to avoid short-term fluctuations while providing data close in time to the calculation of the Fee Rate or Historical Fee Rate. In addition, using twelve months, rather than a period less than a year, would address the issue of potential seasonality. For example, if the projection were based on a period shorter than one year, the projection could be based on a period that typically has lighter trading volume than the other half of the year, thereby causing the projection to be too low.

bb. Cost Discipline Mechanisms

i. General

The reasonableness of the Funding Proposal and the fees calculated under the Funding Proposal are supported by key cost discipline mechanisms for the CAT—a cost-based funding structure, cost transparency, cost management efforts and oversight. Together, these mechanisms help ensure the ongoing reasonableness of the CAT's costs and the level of fees assessed to support those costs.

First, the CAT NMS Plan requires that the Company operate on a ''break-even'' basis, with fees imposed to cover costs and an appropriate reserve. Any surpluses would be treated as an operational reserve to offset future fees and would not be distributed to the Participants as profits.[128] To ensure that the Participants' operation of the CAT will not contribute to the funding of their other operations, Section 11.1(c) of the CAT NMS Plan specifically states that ''[a]ny surplus of the Company's revenues over its expenses shall be treated as an operational reserve to offset future fees.'' In addition, as set forth in Article VIII of the CAT NMS Plan, the Company ''intends to operate in a manner such that it qualifies as a 'business league' within the meaning of Section 501(c)(6) of the [Internal Revenue] Code.'' To qualify as a business league, an organization must ''not [be] organized for profit and no part of the net earnings of [the organization can] inure[ ] to the benefit of any private shareholder or individual.'' [129] As the SEC stated when approving the CAT NMS Plan, ''the Commission believes that the Company's application for Section 501(c)(6) business league status addresses issues raised by commenters about the Plan's proposed allocation of profit and loss by mitigating concerns that the Company's earnings could be used to benefit individual

[122] *Id.* at 45795.

[123] *See also* Sections 11.1(c), 11.2(c), and 11.3(a) and (b) of the CAT NMS Plan.

[124] CAT NMS Plan Approval Order at 84794.

[125] *Id.* at 84795.

[126] *Id.* at 84797 (emphasis added).

[127] Securities Exchange Act Rel. No. 88890 (May 15, 2020), 85 FR 31322, 31329 (May 22, 2020).

[128] CAT NMS Plan Approval Order at 84792.

[129] 26 U.S.C. 501(c)(6).

Participants.'' [130] The Internal Revenue Service has determined that the Company is exempt from federal income tax under Section 501(c)(6) of the Internal Revenue Code.

Second, the CAT's commitment to reasonable funding in support of its regulatory obligations is further reinforced by the transparency it has committed to provide on an ongoing basis regarding its financial performance. The Company currently makes detailed financial information about the CAT publicly available. Section 9.2(a) of the CAT NMS Plan requires the Operating Committee to maintain a system of accounting established and administered in accordance with GAAP and requires ''all financial statements or information that may be supplied to the Participants shall be prepared in accordance with GAAP (except that unaudited statements shall be subject to year-end adjustments and need not include footnotes).'' Section 9.2(a) of the CAT NMS Plan also requires the Company to prepare and provide to each Participant ''as soon as practicable after the end of each Fiscal Year, a balance sheet, income statement, statement of cash flows and statement of changes in equity for, or as of the end of, such year, audited by an independent public accounting firm.'' The CAT NMS Plan requires that this audited balance sheet, income statement, statement of cash flows and statement of changes in equity be made publicly available. Among other things, these financial statements provide operating expenses, including technology, legal, consulting, insurance, professional and administration and public relations costs. The Company also maintains a dedicated web page on the CAT NMS Plan website that consolidates its annual financial statements in a public and readily accessible place.[131]

In addition, the Company publicly provides the annual operating budget for the Company as well as periodically provides updates to the budget that occur during the year. The Company includes such budget information on a dedicated web page on the CAT NMS Plan website to make it readily accessible, like the CAT financial statements.

CAT LLC also has held webinars providing additional detail about CAT costs and about potential alternative funding models for the CAT.[132] In addition, CAT LLC plans to offer additional webinars on cost and funding for the industry as appropriate going forward. Collectively, these reports and other efforts provide extensive and comprehensive information regarding the CAT's operations with respect to its budgets, revenues, costs, and financial reserves, among other information.

Third, CAT LLC regularly engages in and oversees efforts to reduce CAT costs responsibly while appropriately funding its regulatory obligations. CAT LLC's efforts to manage its expenses responsibly include oversight of the CAT's annual budget, including technology and other expenditures and initiatives. This oversight is informed by key CAT working groups, such as the Technology Working Group, Regulatory Working Group and Interpretive Working Group, each of which brings varied expertise to issues of responsible cost management. In particular, the Operating Committee currently utilizes a Cost Management Working Group to analyze opportunities to manage CAT costs responsibly. In addition, the Plan Processor regularly reviews options to lower compute and storage needs and works with CAT technology providers to provide services in a cost-effective manner. These collective efforts have led to a variety of technological changes to reduce costs.

Fourth, the CAT's funding and operations are subject to the oversight of the Commission. The CAT is extensively supervised by the Commission, including regular and continuous attendance at Operating Committee, Subcommittee and working group meetings. In addition, CAT fees as well as cost management efforts that require an amendment of the CAT NMS Plan are subject to review by the Commission's Division of Trading and Markets, as well as public comment.

ii. Implementation of Cost Savings Measures

Under the CAT NMS Plan, the CAT must process and store extremely large data volumes within strict requirements that leave little room for flexibility or discretion. CAT LLC and the Plan Processor have continuously and effectively pursued cost savings measures within their control and have achieved meaningful cost reductions within these significant regulatory restraints. As a result of these optimizations, per unit costs have decreased significantly, allowing cloud fees to remain generally flat over the last three years despite 41% growth in data volumes over the same three-year period—$136 million and 109 trillion events in 2022, $128 million and 116 trillion events in 2023, and $135 million and 154 trillion events in 2024. While these optimizations have allowed the CAT to keep pace with that growth, more comprehensive cost reductions require Commission approval to permit their implementation.

In recent years, CAT LLC has presented a series of Plan amendments, exemptive relief requests, and no-action requests presented to the Commission that would materially reduce costs while preserving the CAT's core regulatory objectives. For example:

- In December 2024, the SEC approved CAT LLC's proposed amendment to the CAT NMS Plan to implement certain cost savings measures, including (A) provisions that would change processing, query, and storage requirements for options market maker quotes in listed options; (B) provisions that would permit the Plan Processor to move raw unprocessed data and interim operational copies of CAT Data older than 15 days to a more cost-effective storage tier; and (C) provisions that would codify and expand exemptive relief recently provided by the Commission related to certain recordkeeping and data retention requirements for industry test data older than three months.[133] This amendment was originally estimated to result in roughly $20 million in additional annual savings in the first year, but actual savings have proven better than anticipated and are now projected to be approximately $30 million in the first year. As a result, 2025 cloud costs are currently projected at $126 million, despite continued increases in data volumes.
- On March 7, 2025, CAT LLC filed with the SEC a proposed amendment to the CAT NMS Plan relating to the Customer and Account Information System (''CAIS''). Subject to notice and comment and SEC approval, the amendment would eliminate requirements that Industry Members report Customer names, Customer addresses, account names, account addresses, years of birth, and authorized trader names, and would provide for the deletion of previously reported Customer information. It is estimated to achieve significant annual savings of $12 million in CAT costs.[134] The proposed CAIS amendment has been widely supported but remains outstanding, pending action by the Commission.

[130] CAT NMS Plan Approval Order at 84793.

[131] *See* CAT Audited Financial Statements, *https://www.catnmsplan.com/audited-financial-statements.*

[132] *See, e.g.,* CAT LLC Webinar CAT Costs (Sept. 21, 2021), *https://www.catnmsplan.com/events/cat-costs-september-21-2021;* CAT LLC Webinar, CAT Funding (Sept. 22, 2021), *https://www.catnmsplan.com/events/cat-funding-september-22-2021;* and CAT LLC Webinar, CAT Funding (Apr. 6, 2022), *https://www.catnmsplan.com/events/cat-funding.*

[133] Securities Exchange Act Rel. No. 101901 (Dec. 12, 2024), 89 FR 103033 (Dec. 18. 2024). In addition, the cost savings amendment originally would have permitted the Plan Processor to provide an interim CAT-Order-ID on an ''as requested'' basis, rather than on a daily basis, which would have resulted in an addition $2 million in savings, but this cost savings proposal was withdrawn following discussions with the SEC staff.

[134] Securities Exchange Act Rel. No. 102665 (Mar. 13, 2025), 90 FR 12845 (Mar. 19, 2025).

• On June 16, 2025, the SEC approved proposed amendments to the CAT NMS Plan relating to the reporting of certain unstructured verbal and electronic upstairs activity.[135] The SEC extended an exemption of the reporting of verbal floor activity to 2030. The exclusion of the reporting of such upstairs activity and the extended exemption with respect to similar floor activity will avoid substantial cost increases for Participants and Industry Members.

In addition, CAT LLC continues to evaluate other additional amendments to the CAT NMS Plan to substantially reduce the cost of CAT to the benefit of all market participants.

10. Alternative Models Considered

CAT LLC has determined to propose the Funding Proposal to fund the CAT for the reasons discussed above. In reaching this conclusion, CAT LLC considered the advantages and disadvantages of a variety of possible alternative funding and cost allocation models for the CAT in detail. After analyzing the various alternatives and considering comments on the previously proposed models, CAT LLC determined that, although various funding models may be reasonable and appropriate, the Funding Proposal provides a variety of advantages in comparison to the alternatives, and satisfies the requirements of the Exchange Act, including providing for an equitable allocation of reasonable fees among CAT Reporters, not being designed to permit unfair discrimination among CAT Reporters and not imposing any burden on competition not necessary or appropriate in furtherance of the purposes of the Exchange Act.

a. 2018 Fee Proposal

CAT LLC previously filed a fee proposal in line with the CAT NMS Plan—the 2018 Fee Proposal.[136] Under that model, CAT LLC, among other things, proposed a 75%–25% allocation of CAT costs between Execution Venues (which included Participants and Execution Venue ATSs) and Industry Members (other than Execution Venue ATSs), and required Execution Venues to pay fees based on market share, and Industry Members (other than Execution Venue ATSs) to pay fees based on CAT message traffic.[137]

Each Industry Member (other than Execution Venue ATSs) would be placed into one of seven tiers of fixed fees, based on CAT message traffic in Eligible Securities. Options Market Maker and equity market maker quotes would be discounted when calculating message traffic.

CAT LLC determined to allocate 67% of Execution Venue costs recovered to Equity Execution Venues and 33% to Options Execution Venues. Each Equity Execution Venue would be placed in one of four tiers of fixed fees based on market share, and each Options Execution Venue would be placed in one of two tiers of fixed fees based on market share. Equity Execution Venue market share would be determined by calculating each Equity Execution Venue's proportion of the total volume of NMS Stock and OTC Equity shares reported by all Equity Execution Venues during the relevant time period. For purposes of calculating market share, the OTC Equity Securities market share of Execution Venue ATSs trading OTC Equity Securities as well as the market share of the FINRA OTC reporting facility would be discounted. Similarly, market share for Options Execution Venues would be determined by calculating each Options Execution Venue's proportion of the total volume of Listed Options contracts reported by all Options Execution Venues during the relevant time period.

The 2018 Fee Proposal was a very complex model with many interrelated parts, including allocation percentages, discounts for certain market behavior, and multiple tiered fees, and the complexity raised concerns from the Commission regarding its use as the CAT funding model. In addition, in response to the proposal, the industry provided a number of other comments related to the proposal, including comments regarding the proposed allocation of CAT costs between Participants and Industry Members, and the ability of certain market segments to afford the proposed CAT fee.[138]

b. 2021 Fee Proposal

In response to the comments on the 2018 Fee Proposal, CAT LLC determined to revise various aspects of the proposed model, thereby developing the 2021 Fee Proposal.[139] The 2021 Fee Proposal would have continued to require many of the same elements as the 2018 model, including the bifurcated funding approach, and the use of market share and message traffic for allocating costs, as required by the current CAT NMS Plan. The 2021 Fee Proposal, however, proposed to revise the model in certain ways, including (1) dividing the CAT costs between Participants and Industry Members, rather than between Execution Venues and Industry Members (other than Execution Venue ATSs); (2) eliminating the use of tiers in calculating CAT fees for Participants and Industry Members; (3) adopting certain minimum and maximum CAT fees for Industry Members and Participants; (4) revising the allocation between Equity Execution Venues and Options to be 60%–40%; and (5) excluding, rather than discounting, market share in OTC Equity Shares from the calculation of market share for FINRA.

Although the revisions of the 2021 Fee Proposal addressed certain comments on the prior 2018 Fee Proposal, commenters continued to raise issues regarding the proposal. For example, commenters provided feedback regarding the 75%–25% cost allocation between Industry Members and Participants, the 60%–40% cost allocation between Equity Participants and Options Participants, the use of market share and message traffic for allocating costs among Participants and Industry Members, respectively, and the proposed minimum and maximum fees. Noting these and other issues, the SEC determined to institute proceedings to determine whether to disapprove the 2021 Fee Proposal or to approve the proposal with any changes or subject to any conditions the SEC deemed necessary or appropriate after considering public comment.[140] Ultimately, the Operating Committee determined to withdraw the 2021 Fee Proposal.[141]

c. Revenue Funding Model

CAT LLC also considered a model in which all CAT Reporters, including both Industry Members and Participants, would pay fees based solely on revenue. The concept underlying this proposal is that CAT

[135] Securities Exchange Act Rel. No. 103275 (June 16, 2025), 90 FR 26337 (June 20, 2025).

[136] For a description of the 2018 Fee Proposal, *see* 2018 Fee Proposal Release. CAT LLC later withdrew this proposed amendment. Securities Exchange Act Rel. No. 82892 (Mar. 16, 2018), 83 FR 12633 (Mar. 22, 2018).

[137] In developing the 2018 Fee Proposal, CAT LLC considered many variations of different aspects of that model. For example, CAT LLC evaluated different cost allocations between Industry Members (other than Execution Venue ATSs) and Execution Venues, including 80%–20%, 75%–25%, 70%–30% and 65%–35% allocations, and different cost allocations between Equity and Options Execution Venues. CAT LLC also considered different discounts for equities and options market makers, different numbers of tiers of Industry Members and Execution Venues, different fee levels for each tier, and other aspects of the model.

[138] For a discussion of comments made regarding the Original Funding Model and the 2018 Fee Proposal, *see generally* 2018 Fee Proposal Release.

[139] *See* 2021 Fee Proposal Release.

[140] *See* 2021 Fee Proposal OIP. *See also* Securities Exchange Act Rel. No. 93227 (Oct. 1, 2021), 86 FR 55900 (Oct. 7, 2021).

[141] Letter from Mike Simon, Chair, CAT NMS Plan Operating Committee, to Vanessa Countryman, Secretary, SEC (Dec. 8, 2021).

costs would be borne by CAT Reporters based on their ability to pay. Under this model, Industry Member revenue would be calculated based on revenue reported in FOCUS reports, and Participant revenue would be calculated based on revenue information in Form 1 amendments and other publicly reported figures.

CAT LLC did not select this model for various reasons. Under this approach, Participants as a group would only pay approximately 4% of the total CAT costs. Given their role as SROs and their use of the CAT, CAT LLC did not believe that such a small allocation of the CAT costs to the Participants was appropriate. Using revenue also raised a variety of practical issues. For example, questions were raised as to what revenue was appropriate to include in the calculation of revenue for Industry Members. The gross revenue set forth on FOCUS reports was proposed, as it was similar to an existing FINRA regulatory fee.[142] However, questions were raised as to whether revenue unrelated to NMS Securities or OTC Equity Securities, or otherwise unrelated to the CAT, should be included for calculation of the CAT fee. Eliminating revenue unrelated to CAT-related activity would have been difficult or impossible. In addition, the lack of a uniform approach to calculating revenue for the Participants could raise inequities in the collection of a CAT fee.

To address the issues regarding the 96%–4% allocation and the calculation of the Participant revenue in the straight revenue model described above, CAT LLC considered an alternative version of the revenue model in which the CAT costs would be allocated between Industry Members and Participants based on a set percentage (*e.g.,* 75%–25%) and the Industry Member allocation would be allocated among Industry Members based on revenue and the Participant allocation would be allocated among Participants based on market share. However, this alternative revenue model failed to address the issues regarding the appropriate revenue calculations for Industry Members.

d. Message Traffic Only Model

CAT LLC considered a funding model in which CAT costs were allocated across all CAT Reporters—both Industry Members and Participants—based on message traffic in the CAT. Specifically, CAT LLC considered eliminating the concepts of a Participant allocation and an Industry Member allocation entirely, and treating Participants and Industry Members the same under the model. The use of message traffic, however, raised issues regarding the predictability of fees. It also introduced complexity to the model, as discounts were necessary for certain types of activity to avoid fees that may adversely impact market making activity and other market activity.

e. Alternative Allocation for the Funding Proposal

The Operating Committee also discussed an alternative funding model that would calculate fees in a manner similar to the Funding Proposal, but would allocate the fee to one Industry Member, the CEBS, rather than allocating one-third of the fees each to the CEBS, the CEBB and the applicable Participant. This allocation would more closely parallel the existing Section 31 fee allocation structure that is already in place. This alternative allocation would eliminate complexity from the fee process, including the process of allocating fees among Industry Members and Participants that are likely to be passed through to the ultimate investors, and would provide for a more transparent funding process for investors. Instead of using this approach, CAT LLC determined to allocate costs among the main participants in a transaction and allow those participants to determine whether and how to recover the costs.

f. Sales Value Model

CAT LLC also considered a funding model in which fees would be calculated based on transaction sales values, similar to the method used in the Section 31/sales value fee programs. Under this model, the per sales value fee rate would be calculated by dividing the annual CAT budget by the projected annual total industry transaction sales values. The fee would be calculated by multiplying the sales value fee rate by a given trade's sales value. The CEBB, the CEBS and the relevant Participant would each be assessed one-third of the fee, or, in the alternative, the CEBS would be assessed two-thirds of the fee and the relevant Participants would be assessed one-third of the fee. The same rate would apply to all transactions equally, regardless of the type of product in the trade (*i.e.,* NMS Stocks, Listed Options or OTC Equity Securities). Based on an analysis of 2021 data, CAT LLC observed that the sales value model could potentially impose a disproportionate share of the CAT costs on Participants and Industry Members trading NMS Stocks versus Listed Options. In comparison, also based on an analysis of 2021 data, CAT LLC observed that the Funding Proposal would impose an equitable allocation of fees among Participants and Industry Members trading NMS Stocks and Listed Options, as well as OTC Equity Securities.

g. Other Models

CAT LLC also considered other possible funding models. For example, CAT LLC considered allocating the CAT costs equally among each of the Participants, and then permitting each Participant to charge its own members as it deems appropriate. CAT LLC determined that such an approach raised a variety of issues, including the likely inconsistency of the ensuing charges, potential for lack of transparency, and the impracticality of multiple SROs submitting invoices for CAT charges. CAT LLC also discussed the advantages and disadvantages of various alternative models during the development of the CAT NMS Plan, such as a cost allocation based on a strict pro-rata distribution, regardless of the type or size of the CAT Reporters.[143]

11. Satisfaction of Exchange Act and CAT NMS Plan Requirements

The Funding Proposal offers a variety of benefits over the Original Funding Model and satisfies each of the funding principles and other requirements of the CAT NMS Plan, as proposed to be revised herein, as well as the applicable requirements of the Exchange Act for the reasons discussed below and for the reasons discussed in more detail above.

a. Funding Principle: Section 11.2(a) of the CAT NMS Plan

The Funding Proposal satisfies the funding principles set forth in Section 11.2(a) of the CAT NMS Plan. Section 11.2(a) of the CAT NMS Plan requires the Operating Committee, in establishing the funding of the Company, to seek ''to create transparent, predictable revenue streams for the Company that are aligned with the anticipated costs to build, operate and administer the CAT and the other costs of the Company.''

First, by adopting a CAT-specific fee tied directly to CAT costs, CAT LLC would be fully transparent regarding the costs of the CAT and how those costs would be allocated among CAT Reporters. The CAT fees would be designed solely to cover CAT costs, and no other regulatory costs. In contrast, charging a general regulatory fee, which

[142] *See* paragraphs (c) and (d) of Section 1 of Schedule A of FINRA's By-Laws regarding FINRA's annual Gross Income Assessment.

[143] For a discussion of alternatives considered in the drafting of the CAT NMS Plan, *see* Appendix C of the CAT NMS Plan at C–88–C–89.

might otherwise be used to cover CAT costs as well as other regulatory costs, would be less transparent than the selected approach of charging a fee designated to cover CAT-related costs only. Such a general regulatory fee could cover a variety of regulatory costs without differentiating those costs related to the CAT.

Second, the Funding Proposal would provide a predictable revenue stream for the Company. The Funding Proposal is designed to collect the annual CAT costs each year, thereby providing for a predictable revenue stream. In addition, to address the possibility of some variability in the collected CAT fees, an unexpected increase in costs or variations from the budgeted costs or projected executed equivalent share volume of transactions in Eligible Securities, the CAT costs covered by the Funding Proposal would include an operational reserve. The operational reserve could be used in the event that the total CAT fees collected differ from the actual CAT costs. Moreover, the Funding Proposal includes a method for adjusting the calculation of the Fee Rate during the year if there are changes in the projected total volume of transactions in Eligible Securities or the CAT costs.

Third, the Funding Proposal provides for a revenue stream for the Company that is aligned with the anticipated costs to build, operate and administer the CAT and the other costs of the Company. The total CAT fees to be collected from CAT Reporters are designed to cover the CAT costs. Any surpluses collected would be treated as an operational reserve to offset future fees and would not be distributed to the Participants as profits.[144]

b. Funding Principle: Section 11.2(b) of the CAT NMS Plan

The Funding Proposal satisfies the funding principle set forth in Section 11.2(b) of the CAT NMS Plan, as proposed to be amended herein, which would require the Operating Committee to seek ''to establish an allocation of the Company's related costs among Participants and Industry Members that is consistent with the Exchange Act, taking into account the timeline for implementation of the CAT.'' As discussed in detail above, the Funding Proposal establishes an allocation of CAT costs among Participants and Industry Members that is consistent with the Exchange Act. In addition, the Funding Proposal provides for an equitable allocation of reasonable dues, is not unfairly discriminatory and does not impose a burden on competition that is not necessary or appropriate in furtherance of the Exchange Act. In addition, the Funding Proposal takes into account the timeline for implementation of the CAT. The CAT fees are designed to cover the CAT costs for each relevant period.

c. Funding Principle: Section 11.2(c) of the CAT NMS Plan

The Funding Proposal satisfies the funding principle set forth in Section 11.2(c) of the CAT NMS Plan, as proposed to be modified herein. Section 11.2(c), as proposed to be modified herein, requires the Operating Committee to seek ''to establish a fee structure in which the fees charged to Participants and Industry Members are based upon the executed equivalent share volume of transactions in Eligible Securities, and the costs of the CAT.'' The Funding Proposal requires Participants and Industry Members to pay fees based upon the executed equivalent share volume of transactions in Eligible Securities, and the costs of the CAT, as described above.

d. Funding Principle: Section 11.2(d) of the CAT NMS Plan

The Funding Proposal satisfies the funding principle set forth in Section 11.2(d) of the CAT NMS Plan, which requires the Operating Committee to seek ''to provide for ease of billing and other administrative functions.'' The Funding Proposal satisfies this principle in several ways. The Funding Proposal is modeled after the existing Section 31-related fee programs, with which the Participants and Industry Members have a longstanding familiarity. The Funding Proposal relies upon a basic calculation using a predetermined fee rate along with an Industry Member or Participant's executed equivalent share volume, thereby making the fee determination a straightforward process.

Furthermore, the Funding Proposal provides CAT Reporters with predictable CAT fees. Because the Fee Rate is established in advance for a relevant time period, Participants, CEBBs and CEBSs know the CAT fee that applies to each transaction when it occurs. Accordingly, Participants, CEBBs and CEBSs are able to easily estimate and validate their applicable fees based on their own trading data. In addition, to the extent any CAT fees are passed on to customers, the customers, too, can calculate the applicable CAT fee for each transaction.

e. Funding Principle: Section 11.2(e) of the CAT NMS Plan

The Funding Proposal satisfies the funding principle set forth in Section 11.2(e) of the CAT NMS Plan, which requires the Operating Committee to seek ''to avoid any disincentives such as placing an inappropriate burden on competition and a reduction in market quality.'' The Funding Proposal would operate in a manner similar to the funding models employed by the SEC and the Participants related to Section 31 of the Exchange Act, the FINRA TAF and the ORF. These fees are long-standing, and have been approved by the Commission as satisfying the requirements under the Exchange Act, including not imposing a burden on competition that is not necessary or appropriate under the Exchange Act. In addition, the Funding Proposal avoids potentially burdensome fees for market makers or other market participants based on message traffic. Furthermore, the Funding Proposal addresses the specific trading characteristics of Listed Options and OTC Equity Securities to avoid adverse effects of the trading of those instruments. For example, the Funding Proposal includes the discounting of transactions involving OTC Equity Shares which, given the volume of shares typically involved in such securities transactions, otherwise may result in disproportionate fees to market participants' transactions in these securities.

The Funding Proposal also would not unfairly burden FINRA or any of the exchanges. The Funding Proposal is designed to be neutral as to the manner of execution and place of execution. The CAT fees would be the same regardless of whether the transaction is executed on an exchange or in the over-the-counter market. All Participants are SROs that have the same regulatory responsibilities under the Exchange Act. Their usage of CAT Data will be for the same regulatory purposes. By treating each Participant the same, the CAT fees would not become a competitive issue by and among the Participants, or a competitive issue between on exchange and off exchange trading.

The Funding Proposal also would not unfairly burden CAT Executing Brokers. CAT LLC determined to charge CEBBs and CEBSs because such a fee collection model is currently used and well-known in the securities markets. As a result, the CAT fees could be paid by Industry Members without requiring significant and potentially costly changes. Moreover, the CEBBs and CEBSs would be permitted, but not required, to pass their CAT fees through to their

[144] CAT NMS Plan Approval Order at 84792.

customers, who, in turn, could pass their CAT fees to their customers, until the fee is imposed on the ultimate participant in the transaction. With such a pass-through, the CEBBs and CEBSs would not ultimately incur the cost of all CAT fees related to the transactions that they clear. Moreover, CEBBs and CEBSs that do not have customers are engaged in profit-making business activities and have revenue sources other than the direct pass-through of CAT fees. Because the CAT is a regulatory tool used to oversee the activities of market participants, it is reasonable for all such market participants to incur CAT fees, even if those fees cannot be directly passed on to customers.

f. Funding Principle: Section 11.2(f) of the CAT NMS Plan

The Funding Proposal satisfies the funding principle set forth in Section 11.2(f) of the CAT NMS Plan, which requires the Operating Committee to seek ''to build financial stability to support the Company as a going concern.'' CAT LLC believes that the Funding Proposal is structured to collect sufficient funds to pay for the cost of the CAT going forward. In addition, the Funding Proposal would collect an operational reserve for the CAT. This operational reserve is intended to address potential shortfalls in collected CAT fees versus actual CAT costs. Moreover, the Funding Proposal includes a requirement to adjust the Fee Rate during the year in order to address any changes in the projected or actual total volume of transactions in Eligible Securities or the budgeted or actual CAT costs. Furthermore, the Funding Proposal is designed to collect CAT fees continuously so as to provide uninterrupted revenue to pay CAT bills; the CAT Fees related to Prospective CAT Costs are not designed to sunset.

g. Section 11.1(c) of the CAT NMS Plan

The Funding Proposal would satisfy the requirements in Section 11.1(c) of the CAT NMS Plan, as proposed to be modified herein. Section 11.1(c) of the CAT NMS Plan states that ''[t]o fund the development and implementation of the CAT, the Company shall time the imposition and collection of all fees on Participants and Industry Members in a manner reasonably related to the timing when the Company expects to incur such development and implementation costs.'' The CAT fees are designed to cover the CAT costs for a relevant period. As such, on a going forward basis, they are designed to be imposed close in time to when costs are incurred. In addition, the Historical CAT Assessments are designed to ''take into account fees, costs and expenses (including legal and consulting fees and expenses) reasonably incurred by the Participants on behalf of the Company prior to the Effective Date in connection with the creation and implementation of the CAT, and such fees, costs and expenses shall be fairly and reasonably shared among the Participants and Industry Members.''

Section 11.1(c) of the CAT NMS Plan also requires that ''[a]ny surplus of the Company's revenues over its expenses shall be treated as an operational reserve to offset future fees.'' The Company would operate on a ''break-even'' basis, with fees imposed to cover costs and an appropriate reserve. Any surpluses would not be distributed to the Participants as profits. In addition, as set forth in Article VIII of the CAT NMS Plan, the Company ''intends to operate in a manner such that it qualifies as a 'business league' within the meaning of Section 501(c)(6) of the [Internal Revenue] Code.'' To qualify as a business league, an organization must ''not [be] organized for profit and no part of the net earnings of [the organization can] inure[ ] to the benefit of any private shareholder or individual.'' [145] As the SEC stated when approving the CAT NMS Plan, ''the Commission believes that the Company's application for Section 501(c)(6) business league status addresses issues raised by commenters about the Plan's proposed allocation of profit and loss by mitigating concerns that the Company's earnings could be used to benefit individual Participants.'' [146] The Internal Revenue Service has determined that the Company is exempt from federal income tax under Section 501(c)(6) of the Internal Revenue Code.

h. Equitable Allocation of Reasonable Fees

The proposed CAT fees provide for the ''equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities necessary or appropriate in furtherance of the purposes of this chapter,'' [147] as required by the Exchange Act. CAT LLC believes that the CAT fees equitably allocate CAT costs between and among Participants and Industry Members. For the reasons discussed above, CAT LLC believes that the allocation of one-third of the CAT costs each to Participants, CEBBs and CEBSs in the Funding Proposal as well as the use of the total equivalent share volume of transactions in Eligible Securities for allocating costs provide for an equitable allocation of CAT costs among CAT Reporters.

CAT LLC also believes that the Funding Proposal would provide for reasonable fees. The transaction-based fees contemplated by the Funding Proposal are a reasonable fee structure. The SROs have a long history of charging transaction-based fees, as transactions are the intended economic goal of the securities markets. In addition to the transaction-based regulatory fees discussed above (*e.g.,* the SROs' Section 31-related fees, the FINRA TAF and the ORF), the SROs charge a variety of other types of transaction fees to fund their operations.[148] Indeed, each of the SROs collect transaction-based fees from their members.[149] In each case, the transaction-based fees charged by SROs have been subject to the fee filing process and found to satisfy the requirements of the Exchange Act. Not only is the type of fee reasonable, but the level of the fee is reasonable as well. Although the exact Fee Rate or Historical Fee Rate to be paid for any particular period will be determined at a later date, experience to date indicates that the Funding Model provides a per-transaction fee rate that is not excessive in comparison to existing transaction fee rates.

i. No Unfair Discrimination

The Funding Proposal is ''not designed to permit unfair discrimination between customers, issuers, brokers, or dealers,'' [150] as required by the Exchange Act. In addition, the Funding Proposal does not unfairly discriminate between Industry Members and Participants, among Industry Members or among Participants. Both Participants and Industry Members would contribute to the cost of the CAT; Participants alone would no longer be required to shoulder the cost burden of the CAT without the contribution of Industry Members. In addition, both Participants and Industry Members would pay a fee based on the executed equivalent share volume of their transactions in Eligible Securities; the type of metric would not vary based

[145] 26 U.S.C. 501(c)(6).

[146] CAT NMS Plan Approval Order at 84793.

[147] Sections 6(b)(4) and 15A(b)(5) of the Exchange Act.

[148] The SEC has noted that SRO transaction fees account for a significant portion of SRO revenue. Securities Exchange Act Rel. No. 50700 (Nov. 18, 2004), 69 FR 71256, 71271 (Dec. 8, 2004).

[149] *See, e.g.,* NYSE Price List; Nasdaq Price List.

[150] Sections 6(b)(5) and 15A(b)(6) of the Exchange Act.

on whether the CAT Reporter is an Industry Member or Participant.

Furthermore, the Fee Rate or Historical Fee Rate would be the same regardless of the type of venue a trade was executed on, or how the trade ultimately occurred more generally (*e.g.,* in a manner that generated more message traffic). In addition, the Funding Proposal recognizes the different trading characteristics of Listed Options and OTC Equity Securities as compared to NMS Stocks. The Funding Proposal recognizes that Listed Options trade in contracts rather than shares, and, therefore, counts the executed equivalent shares for Listed Options accordingly. Similarly, in recognition of the different trading characteristics of OTC Equity Securities as compared to NMS Stocks, the Funding Proposal would discount the share volume of OTC Equity Securities when calculating the CAT fees. As a result, the Funding Proposal would not favor or unfairly burden any one type of trading venue, product or product type.

With the elimination of tiers, fees for Industry Members and Participants are directly related to their executed equivalent share volume of their transactions. With tiers, the relationship between a CAT Reporter's share volume and the CAT fee would not have been as direct.

j. No Burden on Competition

The Funding Proposal does ''not impose any burden on competition not necessary or appropriate in furtherance of the purposes of this chapter,'' [151] as required by the Exchange Act, and it fairly and equitably allocates costs among CAT Reporters. The Funding Proposal would operate in a manner similar to the funding model employed by the SEC and the Participants related to Section 31 of the Exchange Act as well as the FINRA TAF [152] and the ORF rules, and these long-standing fees to cover regulatory costs have been approved by the Commission as satisfying the requirements under the Exchange Act, including not imposing a burden on the competition that is not necessary or appropriate under the Exchange Act. Furthermore, the Funding Proposal does not impose a burden on competition for the reasons set forth above, including in Sections A.9.s and A.11.e of this filing above.

B. Governing or Constituent Documents

Not applicable.

C. Implementation of Amendment

CAT LLC is filing this proposed amendment pursuant to Rule 608(b)(1) of Regulation NMS under the Exchange Act.[153]

D. Development and Implementation Phases

The Participants expect to implement the proposed CAT fees upon approval by the SEC, subject to applicable requirements for the implementation of the CAT fees, including the requirements of Section 19(b) of the Exchange Act with regard to Industry Member CAT Fees.

E. Analysis of Impact on Competition

CAT LLC does not believe that the proposed amendment would result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Exchange Act. CAT LLC notes that the proposed amendment implements provisions of the CAT NMS Plan approved by the Commission, subject to proposed revisions to the CAT NMS Plan described above, and is designed to assist the Participants in meeting their regulatory obligations pursuant to the CAT NMS Plan. Because all Participants are subject to the Funding Proposal set forth in the proposed amendment, this is not a competitive filing that raises competition issues between and among the Participants. Furthermore, for the reasons discussed above, including in Sections A.11.e and A.11.j of this filing above, CAT LLC does not believe that the Funding Proposal would result in any burden on competition that is not necessary or appropriate in furtherance of the purpose of the Exchange Act.

F. Written Understanding or Agreements Relating to Interpretation of, or Participation in, Plan

Not applicable.

G. Approval by Plan Sponsors in Accordance With Plan

Section 12.3 of the CAT NMS Plan states that, subject to certain exceptions, the CAT NMS Plan may be amended from time to time only by a written amendment, authorized by the affirmative vote of not less than two-thirds of all of the Participants, that has been approved by the SEC pursuant to Rule 608 of Regulation NMS under the Exchange Act or has otherwise become effective under Rule 608 of Regulation NMS under the Exchange Act. In addition, Section 4.3(a)(vi) of the Plan requires the Operating Committee, by Majority Vote, to authorize action to determine the appropriate funding-related policies, procedures and practices-consistent with Article XI. The Operating Committee has satisfied both of these requirements.

H. Description of Operation of Facility Contemplated by the Proposed Amendment

Not applicable.

I. Terms and Conditions of Access

Not applicable.

J. Method of Determination and Imposition, and Amount of, Fees and Charges

Section A of this filing describes in detail how CAT LLC developed the Funding Proposal for the CAT.

K. Method and Frequency of Processor Evaluation

Not applicable.

L. Dispute Resolution

Section 11.5 of the CAT NMS Plan addresses the resolution of disputes regarding CAT fees charged to Participants and Industry Members. Specifically, Section 11.5 of the CAT NMS Plan states that:

> [d]isputes with respect to fees the Company charges Participants pursuant to Article XI of the CAT NMS Plan shall be determined by the Operating Committee or a Subcommittee designated by the Operating Committee. Decisions by the Operating Committee or such designated Subcommittee on such matters shall be binding on Participants, without prejudice to the rights of any Participant to seek redress from the SEC pursuant to Rule 608 of Regulation NMS under the Exchange Act or in any other appropriate forum.

In addition, the Participants adopted rules to establish the procedures for resolving potential disputes related to CAT fees charged to Industry Members.[154]

## III. Solicitation of Comments

The Commission seeks comment on the amendment. Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the amendment is consistent with the Exchange Act. Comments may be submitted by any of the following methods:

[151] Sections 6(b)(8) and 15A(b)(9) of the Exchange Act.

[152] Although the FINRA TAF is designed to cover a subset of the costs of FINRA services (*e.g.,* costs to FINRA of the supervision and regulation of members, including performing examinations, financial monitoring, and policy, rulemaking, interpretive, and enforcement activities) rather than all of FINRA's costs like the CAT, the transaction-based calculation of the FINRA TAF and the proposed CAT fees are similar.

[153] 17 CFR 242.608(b)(1).

[154] *See* Securities Exchange Act Rel. No. 81500 (Aug. 30, 2017), 82 FR 42143 (Sept. 6, 2017).

*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 4–698 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number 4–698. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed plan amendment that are filed with the Commission, and all written communications relating to the amendment between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing. Copies of the filing also will be available for inspection and copying at the Participants' offices. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number 4–698 and should be submitted on or before October 17, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[155]

**Sherry R. Haywood,**

*Assistant Secretary.*

## Exhibit A

## Proposed Revisions to the CAT NMS Plan

Additions *in italics;* deletions [bracketed]

* * * * *

**Article I**

**Definitions**

* * * * *

''*CAT Executing Broker*'' *means (a) with respect to a transaction in an Eligible Security that is executed on an exchange, the Industry Member identified as the Industry Member responsible for the order on the buy-side of the transaction and the Industry Member responsible for the sell-side of the transaction in the equity order trade event and option trade event in the CAT Data submitted to the CAT by the relevant exchange pursuant to the Participant Technical Specifications; and (b) with respect to a transaction in an Eligible Security that is executed otherwise than on an exchange and required to be reported to an equity trade reporting facility of a registered national securities association, the Industry Member identified as the executing broker and the Industry Member identified as the contra-side executing broker in the TRF/ORF/ADF transaction data event in the CAT Data submitted to the CAT by FINRA pursuant to the Participant Technical Specifications; provided, however, in those circumstances where there is a non-Industry Member identified as the contra-side executing broker in the TRF/ORF/ADF transaction data event or no contra-side executing broker is identified in the TRF/ORF/ADF transaction data event, then the Industry Member identified as the executing broker in the TRF/ORF/ADF transaction data event would be treated as CAT Executing Broker for the Buyer and for the Seller.*

* * * * *

[''Execution Venue'' means a Participant or an alternative trading system (''ATS'') (as defined in Rule 300 of Regulation ATS) that operates pursuant to Rule 301 of Regulation ATS (excluding any such ATS that does not execute orders).]

* * * * *

**Article XI**

**Funding of the Company**

**Section 11.1. Funding Authority**

(a) On an annual basis the Operating Committee shall approve [an] *a reasonable* operating budget for the Company. The budget shall include the projected costs of the Company, including the costs of developing and operating the CAT for the upcoming year, and the sources of all revenues to cover such costs, as well as the funding of any reserve that the Operating Committee reasonably deems appropriate for prudent operation of the Company.

*(i) Without limiting the foregoing, the reasonably budgeted CAT costs shall include technology (including cloud hosting services, operating fees, CAIS operating fees, change request fees and capitalized developed technology costs), legal, consulting, insurance, professional and administration, and public relations costs, a reserve and such other cost categories as reasonably determined by the Operating Committee to be included in the budget.*

*(ii) For the reserve referenced in paragraph (a)(i) of this Section, the budget will include an amount reasonably necessary to allow the Company to maintain a reserve of not more than 25% of the annual budget. To the extent collected CAT fees exceed CAT costs, including the reserve of 25% of the annual budget, such surplus shall be used to offset future fees. For the avoidance of doubt, the Company will only include an amount for the reserve in the annual budget if the Company does not have a sufficient reserve (which shall be up to but not more than 25% of the annual budget). For the avoidance of doubt, the calculation of the amount of the reserve would exclude the amount of the reserve from the budget.*

(b) Subject to *Section 11.1 and* Section 11.2, the Operating Committee shall have discretion to establish funding for the Company, including: (i) establishing fees that the Participants shall pay; and (ii) establishing fees for Industry Members that shall be implemented by Participants. The Participants shall file with the SEC under Section 19(b) of the Exchange Act any such fees on Industry Members that the Operating Committee approves, and such fees shall be labeled as ''Consolidated Audit Trail Funding Fees.''

(c) To fund the development and implementation of the CAT, the Company shall time the imposition and collection of all fees on Participants and Industry Members in a manner reasonably related to the timing when the Company expects to incur such development and implementation costs. In determining fees on Participants and Industry Members the Operating Committee shall take into account fees, costs and expenses (including legal and consulting fees and expenses) *reasonably* incurred by the Participants on behalf of the Company prior to the Effective Date in connection with the creation and implementation of the CAT, and such fees, costs and expenses shall be fairly and reasonably shared among the Participants and Industry Members. Any surplus of the Company's revenues over its expenses shall be treated as an operational reserve to offset future fees.

(d) Consistent with this Article XI, the Operating Committee shall adopt policies, procedures, and practices regarding the budget and budgeting process, [assignment of tiers,] resolution of disputes, billing and collection of fees, and other related matters. [For the avoidance of doubt, as part of its regular review of fees for the CAT, the Operating Committee shall have the right to change the tier assigned to any particular Person in accordance with fee schedules previously filed with the Commission that are reasonable, equitable and not unfairly discriminatory and subject to public notice and comment, pursuant to this Article XI. Any such changes will be effective upon reasonable notice to such Person.]

**Section 11.2. Funding Principles**

In establishing the funding of the Company, the Operating Committee shall seek:

(a) to create transparent, predictable revenue streams for the Company that are aligned with the anticipated costs to build, operate and administer the CAT and the other costs of the Company;

(b) to establish an allocation of the Company's related costs among Participants and Industry Members that is consistent with the Exchange Act, taking into account the timeline for implementation of the CAT [and distinctions in the securities trading operations of Participants and Industry Members and their relative impact upon Company resources and operations];

[155] 17 CFR 200.30–3(a)(85).

(c) to establish a [tiered] fee structure in which the fees charged to [: (i)] *Participants and* [CAT Reporters that are Execution Venues, including ATSs, are based upon the level of market share; (ii)] Industry Members[' non-ATS activities] are based upon *the executed equivalent share volume of transactions in Eligible Securities, and the costs of the CAT* [message traffic; and (iii) the CAT Reporters with the most CAT-related activity (measured by market share and/or message traffic, as applicable) are generally comparable (where, for these comparability purposes, the tiered fee structure takes into consideration affiliations between or among CAT Reporters, whether Execution Venues and/or Industry Members)].

(d) to provide for ease of billing and other administrative functions;

(e) to avoid any disincentives such as placing an inappropriate burden on competition and a reduction in market quality; and

(f) to build financial stability to support the Company as a going concern.

**Section 11.3. Recovery.**

(a) *Prospective CAT Costs.* The Operating Committee will establish [fixed] fees (''*CAT Fees*'') to be payable by [Execution Venues] *Participants and Industry Members with regard to CAT costs not previously paid by the Participants* (''*Prospective CAT Costs*'') as *follows* [provided in this Section 11.3(a)]:

(i) *Fee Rate. The Operating Committee will calculate the Fee Rate for the CAT Fee twice per year, once at the beginning of the year and once during the year as follows.*

*(A) General.*

*(I) For the beginning of each year, the Operating Committee will calculate the Fee Rate by dividing the reasonably budgeted CAT costs for the year by the reasonably projected total executed equivalent share volume of all transactions in Eligible Securities for the year. Once the Operating Committee has approved such Fee Rate, the Participants shall be required to file with the SEC pursuant to Section 19(b) of the Exchange Act CAT Fees to be charged to Industry Members calculated using such Fee Rate. Participants and Industry Members will be required to pay CAT Fees calculated using this Fee Rate once such CAT Fees are in effect with regard to Industry Members in accordance with Section 19(b) of the Exchange Act.*

*(II) During each year, the Operating Committee will calculate a new Fee Rate by dividing the reasonably budgeted CAT costs for the remainder of the year by the reasonably projected total executed equivalent share volume of all transactions in Eligible Securities for the remainder of the year. Once the Operating Committee has approved the new Fee Rate, the Participants shall be required to file with the SEC pursuant to Section 19(b) of the Exchange Act CAT Fees to be charged to Industry Members calculated using the new Fee Rate. Participants and Industry Members will be required to pay CAT Fees calculated using this new Fee Rate once such CAT Fees are in effect with regard to Industry Members in accordance with Section 19(b) of the Exchange Act.*

*(III) For the avoidance of doubt, CAT Fees with a Fee Rate calculated as set forth in this paragraph (a)(i) shall remain in effect until the Operating Committee approves a new Fee Rate as described in paragraph (a)(i) and CAT Fees with the new Fee Rate are in effect with regard to Industry Members in accordance with Section 19(b) of the Exchange Act.*

*(IV) For the avoidance of doubt, the first CAT Fee may commence at the beginning of the year or during the year. If it were to commence during the year, the first CAT Fee would be calculated as described in paragraph (II) of this Section.*

*(B) Executed Equivalent Shares. For purposes of calculating CAT Fees, executed equivalent shares in a transaction in Eligible Securities will be reasonably counted as follows:*

*(I) each executed share for a transaction in NMS Stocks will be counted as one executed equivalent share;*

*(II) each executed contract for a transaction in Listed Options will be counted based on the multiplier applicable to the specific Listed Option (i.e., 100 executed equivalent shares or such other applicable multiplier); and*

*(III) each executed share for a transaction in OTC Equity Securities shall be counted as 0.01 executed equivalent share.*

*(C) Budgeted CAT Costs. The budgeted CAT costs for the year shall be comprised of all reasonable fees, costs and expenses reasonably budgeted to be incurred by or for the Company in connection with the development, implementation and operation of the CAT as set forth in the annual operating budget approved by the Operating Committee pursuant to Section 11.1(a) of the CAT NMS Plan, or as adjusted during the year by the Operating Committee.*

*(D) Projected Total Executed Equivalent Share Volume of Transactions in Eligible Securities. The Operating Committee shall reasonably determine the projected total executed equivalent share volume of all transactions in Eligible Securities for each relevant period based on the executed equivalent share volume of all transactions in Eligible Securities for the prior twelve months.*

*(ii) Participant CAT Fees.*

*(A) CAT Fee Obligation. Each Participant that is a national securities exchange will be required to pay the CAT Fee for each transaction in Eligible Securities executed on the exchange in the prior month based on CAT Data. Each Participant that is a national securities association will be required to pay the CAT Fee for each transaction in Eligible Securities executed otherwise than on an exchange in the prior month based on CAT Data. The CAT Fee for each transaction in Eligible Securities will be calculated by multiplying the number of executed equivalent shares in the transaction by one-third and by the Fee Rate reasonably determined pursuant to paragraph (a)(i) of this Section 11.3.*

*(B) Effectiveness. Each Participant will be required to pay the CAT Fee calculated using the Fee Rate reasonably determined pursuant to paragraph (a)(i) of this Section 11.3 and approved by the Operating Committee only if such CAT Fees are in effect with regard to Industry Members in accordance with Section 19(b) of the Exchange Act.*

*(iii) Industry Member CAT Fees.*

*(A) CAT Fee Obligation. Each Industry Member that is the CAT Executing Broker for the buyer in a transaction in Eligible Securities (''CAT Executing Broker for the Buyer'' or ''CEBB'') and each Industry Member that is the CAT Executing Broker for the seller in a transaction in Eligible Securities (''CAT Executing Broker for the Seller'' or ''CEBS'') will be required to pay a CAT Fee for each such transaction in Eligible Securities in the prior month based on CAT Data. The CEBB's CAT Fee or CEBS's CAT Fee (as applicable) for each transaction in Eligible Securities will be calculated by multiplying the number of executed equivalent shares in the transaction by one-third and by the Fee Rate reasonably determined pursuant to paragraph (a)(i) of this Section 11.3.*

*(B) Content of Fee Filings. When the Participants file with the SEC pursuant to Section 19(b) of the Exchange Act CAT Fees to be charged to Industry Members calculated using the Fee Rate that the Operating Committee approved in accordance with paragraph (a) of this Section 11.3, such filings shall set forth (A) the Fee Rate; (B) the budget for the upcoming year (or remainder of the year, as applicable), including a brief description of each line item in the budget, including (1) technology line items of cloud hosting services, operating fees, CAIS operating fees, change request fees and capitalized developed technology costs, (2) legal, (3) consulting, (4) insurance, (5) professional and administration, and (6) public relations costs, a reserve and/or such other categories as reasonably determined by the Operating Committee to be included in the budget, and the reason for changes in each such line item from the prior CAT Fee filing; (C) a discussion of how the budget is reconciled to the collected fees; and (D) the projected total executed equivalent share volume of all transactions in Eligible Securities for the year (or remainder of the year, as applicable), and a description of the calculation of the projection. The information provided in this Section would be provided with sufficient detail to demonstrate that the budget for the upcoming year, or part of year, as applicable, is reasonable and appropriate.*

*(C) No Participant will make a filing with the SEC pursuant to Section 19(b) of the Exchange Act regarding any CAT Fee related to Prospective CAT Costs until the Financial Accountability Milestone related to Period 4 described in Section 11.6 has been satisfied.*

*(iv) CAT Fee Details.*

*(A) Details regarding the calculation of a Participant or CAT Executing Brokers' CAT Fees will be provided upon request to such Participant or CAT Executing Broker. At a minimum, such details would include each Participant or CAT Executing Broker's executed equivalent share volume and corresponding fee by (1) Listed Options, NMS Stocks and OTC Equity Securities, (2) by transactions executed on each exchange and transactions executed otherwise than on an exchange, and (3) by buy-side transactions and sell-side transactions.*

*(B) For each CAT Fee, at a minimum, CAT LLC will make publicly available the aggregate executed equivalent share volume and corresponding aggregate fee by (1) Listed Options, NMS Stocks and OTC Equity Securities, (2) by transactions executed on each exchange and transactions executed otherwise than on an exchange, and (3) by buy-side transactions and sell-side transactions.*

[(i) Each Execution Venue that: (A) executes transactions; or (B) in the case of a national securities association, has trades reported by its members to its trade reporting facility or facilities for reporting transactions effected otherwise than on an exchange, in NMS Stocks or OTC Equity Securities will pay a fixed fee depending on the market share of that Execution Venue in NMS Stocks and OTC Equity Securities, with the Operating Committee establishing at least two and no more than five tiers of fixed fees, based on an Execution Venue's NMS Stocks and OTC Equity Securities market share. For these purposes, market share for Execution Venues that execute transactions will be calculated by share volume, and market share for a national securities association that has trades reported by its members to its trade reporting facility or facilities for reporting transactions effected otherwise than on an exchange in NMS Stocks or OTC Equity Securities will be calculated based on share volume of trades reported, provided, however, that the share volume reported to such national securities association by an Execution Venue shall not be included in the calculation of such national security association's market share.]

[(ii) Each Execution Venue that executes transactions in Listed Options will pay a fixed fee depending on the Listed Options market share of that Execution Venue, with the Operating Committee establishing at least two and no more than five tiers of fixed fees, based on an Execution Venue's Listed Options market share. For these purposes, market share will be calculated by contract volume.]

(b) *Past CAT Costs.* The Operating Committee will establish [fixed] *one or more* fees *(each a ''Historical CAT Assessment'')* to be payable by Industry Members *with regard to CAT costs previously paid by the Participants (''Past CAT Costs'') as follows:* [, based on the message traffic generated by such Industry Member, with the Operating Committee establishing at least five and no more than nine tiers of fixed fees, based on message traffic. For the avoidance of doubt, the fixed fees payable by Industry Members pursuant to this paragraph shall, in addition to any other applicable message traffic, include message traffic generated by: (i) an ATS that does not execute orders that is sponsored by such Industry Member; and (ii) routing orders to and from any ATS sponsored by such Industry Member.]

(i) *Calculation of Historical Fee Rates.*

*(A) General. The Operating Committee will calculate the Historical Fee Rate for each Historical CAT Assessment by dividing the Historical CAT Costs for each Historical CAT Assessment by the reasonably projected total executed equivalent share volume of all transactions in Eligible Securities for the Historical Recovery Period for each Historical CAT Assessment. Once the Operating Committee has approved such Historical Fee Rate, the Participants shall be required to file with the SEC pursuant to Section 19(b) of the Exchange Act such Historical CAT Assessment to be charged to Industry Members calculated using such Historical Fee Rate. Industry Members will be required to pay such Historical CAT Assessment calculated using such Historical Fee Rate once such Historical CAT Assessment is in effect in accordance with Section 19(b) of the Exchange Act.*

*(B) Executed Equivalent Shares. For purposes of calculating each Historical CAT Assessment, executed equivalent shares in a transaction in Eligible Securities will be reasonably counted in the same manner as set forth in paragraph (a)(i)(B) of this Section 11.3.*

*(C) Historical CAT Costs. The Operating Committee will reasonably determine the Historical CAT Costs sought to be recovered by each Historical CAT Assessment, where the Historical CAT Costs will be Past CAT Costs minus Past CAT Costs reasonably excluded from Historical CAT Costs by the Operating Committee. Each Historical CAT Assessment will seek to recover from CAT Executing Brokers two-thirds of Historical CAT Costs incurred during the period covered by the Historical CAT Assessment.*

*(D) Historical Recovery Period.*

*(I) The length of the Historical Recovery Period used in calculating each Historical Fee Rate will be reasonably established by the Operating Committee based upon the amount of the Historical CAT Costs to be recovered by the Historical CAT Assessment; provided, however, no Historical Recovery Period used in calculating the Historical Fee Rate shall be less than 24 months or more than five years.*

*(II) Notwithstanding the length of the Historical Recovery Period used in calculating the Historical Fee Rate, each Historical CAT Assessment calculated using the Historical Fee Rate will remain in effect until all Historical CAT Costs for the Historical CAT Assessment are collected.*

*(E) Projected Total Executed Equivalent Share Volume of Transactions in Eligible Securities for Historical Recovery Period. The Operating Committee shall reasonably determine the projected total executed equivalent share volume of all transactions in Eligible Securities for each Historical Recovery Period based on the executed equivalent share volume of all transactions in Eligible Securities for the prior twelve months.*

*(ii) Past CAT Costs and Participants. Because Participants previously have paid Past CAT Costs via loans to the Company, Participants would not be required to pay any Historical CAT Assessment. In lieu of a Historical CAT Assessment, the Participants' one-third share of Historical CAT Costs and such other additional Past CAT Costs as reasonably determined by the Operating Committee will be paid by the cancellation of loans made to the Company on a pro rata basis based on the outstanding loan amounts due under the loans. Historical CAT Assessments are designed to recover two-thirds of the Historical CAT Costs.*

(iii) *Historical CAT Assessment for Industry Members.*

*(A) Each month in which a Historical CAT Assessment is in effect, each CEBB and each CEBS shall pay a fee for each transaction in Eligible Securities executed by the CEBB or CEBS from the prior month as set forth in CAT Data, where the Historical CAT Assessment for each transaction will be calculated by multiplying the number of executed equivalent shares in the transaction by one-third and by the Historical Fee Rate reasonably determined pursuant to paragraph (b)(i) of this Section 11.3.*

*(B) Historical CAT Assessment Fee Filings.*

*(I) Participants will be required to file with the SEC pursuant to Section 19(b) of the Exchange Act a filing for each Historical CAT Assessment.*

*(II) When the Participants file with the SEC pursuant to Section 19(b) of the Exchange Act a Historical CAT Assessment calculated using the Historical Fee Rate that the Operating Committee approved in accordance with paragraph (b) of this Section 11.3, such filing shall set forth (A) the Historical Fee Rate; (B) a brief description of the amount and type of the Historical CAT Costs, including (1) the technology line items of cloud hosting services, operating fees, CAIS operating fees, change request fees, and capitalized developed technology costs, (2) legal, (3) consulting, (4) insurance, (5) professional and administration and (6) public relations costs; (C) the Historical Recovery Period and the reasons for its length; and (D) the projected total executed equivalent share volume of all transactions in Eligible Securities for the Historical Recovery Period, and a description of the calculation of the projection. The information provided in this Section would be provided with sufficient detail to demonstrate that the Historical CAT Costs are reasonable and appropriate.*

*(III) No Participant will make a filing with the SEC pursuant to Section 19(b) of the Exchange Act regarding any Historical CAT Assessment until any applicable Financial Accountability Milestone described in Section 11.6 has been satisfied.*

*(iv) Historical CAT Assessment Details.*

*(A) Details regarding the calculation of a CAT Executing Broker's Historical CAT Assessment will be provided upon request to such CAT Executing Broker. At a minimum, such details would include each CAT Executing Broker's executed equivalent share volume and corresponding fee by (1) Listed Options, NMS Stocks and OTC Equity Securities, (2) by transactions executed on each exchange and transactions executed otherwise than on an exchange, and (3) by buy-side transactions and sell-side transactions.*

*(B) For each Historical CAT Assessment, at a minimum, CAT LLC will make publicly available the aggregate executed equivalent share volume and corresponding aggregate fee by (1) Listed Options, NMS Stocks and OTC Equity Securities, (2) by transactions executed on each exchange and transactions executed otherwise than on an exchange, and (3) by buy-side transactions and sell-side transactions.*

(c) The Operating Committee may establish any other fees ancillary to the operation of

the CAT that it reasonably determines appropriate, including fees: (i) for the late or inaccurate reporting of information to the CAT; (ii) for correcting submitted information; and (iii) based on access and use of the CAT for regulatory and oversight purposes (and not including any reporting obligations).

(d) The Company shall make publicly available a schedule of effective fees and charges adopted pursuant to this Agreement as in effect from time to time. The Operating Committee shall review such fee schedule on at least an annual basis and shall make any changes to such fee schedule that it deems appropriate. The Operating Committee is authorized to review such fee schedule on a more regular basis, but shall not make any changes on more than a semiannual basis unless, pursuant to a Supermajority Vote, the Operating Committee concludes that such change is necessary for the adequate funding of the Company.

*(e) Participant Pass-Through Fees. Each Participant agrees not to file with the SEC a proposed rule change pursuant to Section 19(b) and Rule 19b–4 thereunder that would establish a new fee for passing through to its members the CAT fee charged to such Participant in accordance with Section 11.3(a).*

* * * * *

**Appendix B**

**Fee Schedule**

**Consolidated Audit Trail Funding Fees for Participants**

*(a) CAT Fee. Each Participant shall pay the CAT Fee set forth in Section 11.3(a) of the CAT NMS Plan to Consolidated Audit Trail, LLC in the manner prescribed by Consolidated Audit Trail, LLC on a monthly basis based on the Participant's transactions in Eligible Securities in the prior month.*

* * * * *

**Exhibit B**

**Proposed Revisions to CAT NMS Plan as Approved by the Commission in 2023**

Additions *italic*; deletions [bracketed]

* * * * *

**Section 11.3. Recovery**

(a) No change.
(b) No change.
(c) No change.
(d) No change.
*(e) Participant Pass-Through Fees. Each Participant agrees not to file with the SEC a proposed rule change pursuant to Section 19(b) and Rule 19b–4 thereunder that would establish a new fee for assessing on its members the CAT fee charged to such Participant in accordance with Section 11.3(a).*

* * * * *

[FR Doc. 2025–17929 Filed 9–16–25; 8:45 am]

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# FEDERAL REGISTER

Vol. 90 Wednesday,

No. 178 September 17, 2025


Part III

## The President

Presidential Determination No. 2025–12 of September 8, 2025—Presidential Determination on Major Drug Transit or Major Illicit Drug Producing Countries for Fiscal Year 2026

Federal Register
Vol. 90, No. 178
Wednesday, September 17, 2025

# Presidential Documents

Title 3—

The President

**Presidential Determination No. 2025–12 of September 8, 2025**

## Presidential Determination on Major Drug Transit or Major Illicit Drug Producing Countries for Fiscal Year 2026

**Memorandum for the Secretary of State**

By the authority vested in me as President by the Constitution and the laws of the United States, including section 706(1) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228) (FRAA), I hereby identify the following countries as major drug transit or major illicit drug producing countries: Afghanistan, The Bahamas, Belize, Bolivia, Burma, the People's Republic of China (PRC), Colombia, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, India, Jamaica, Laos, Mexico, Nicaragua, Pakistan, Panama, Peru, and Venezuela.

A country's presence on the foregoing list is not necessarily a reflection of its government's counterdrug efforts or level of cooperation with the United States. Consistent with the statutory definition of a major drug transit or major illicit drug producing country set forth in sections 481(e)(2) and 481(e)(5) of the Foreign Assistance Act of 1961, as amended (Public Law 87–195) (FAA), the reason countries are placed on the list is the combination of geographic, commercial, and economic factors that allow drugs or precursor chemicals to be transited or produced, even if a government has engaged in robust and diligent narcotics control and law enforcement measures.

Pursuant to section 706(2)(A) of the FRAA, I hereby designate Afghanistan, Bolivia, Burma, Colombia, and Venezuela as having failed demonstrably during the previous 12 months to both adhere to their obligations under international counternarcotics agreements and to take the measures required by section 489(a)(1) of the FAA. Included with this determination are justifications for the designations of Afghanistan, Bolivia, Burma, Colombia, and Venezuela, as required by section 706(2)(B) of the FRAA. I have also determined, in accordance with the provisions of section 706(3)(A) of the FRAA, that United States assistance to Bolivia, Burma, Colombia, and Venezuela is vital to the national interests of the United States.

Transnational organized crime's trafficking of fentanyl and other deadly illicit drugs into the United States has created a national emergency, including a public health crisis in the United States that remains the leading cause of death for Americans ages 18 to 44. More than 40 percent of Americans know someone who has died from an opioid overdose, and in 2024 the United States averaged over 200 deaths daily due to illicit drugs. This remains unacceptable, and my Administration is deploying every aspect of American power and unprecedented resources to defeat this threat to our Nation.

First, I have secured our borders using the full range of law enforcement and military resources necessary to safeguard our Nation's security and sovereignty. For the first time in 4 years, our border is no longer an open sieve for drug terrorist cartels, human traffickers, and all others who would do our country harm. American lives are being saved, with overdose deaths finally starting to recede significantly for the first time in over a decade.

I have also marshalled United States economic strength to compel greater cooperation from our North American neighbors to confront the drug threat and do their part. In Canada, Prime Minister Mark Carney responded by

appointing a fentanyl czar and proposing legislation to increase the inspection powers of law enforcement, but more action is needed to stop fentanyl and other drugs from crossing our border and to arrest drug criminals exploiting Canadian territory. In Mexico, President Claudia Sheinbaum has increased cooperation to confront the powerful cartels that poison both our countries with drugs and violence. Mexico has surged 10,000 National Guard troops to our shared border, achieved major fentanyl and precursor chemical seizures, and transferred 29 high-value targets—including major cartel figures—to United States custody to stand trial for their crimes. My Administration has worked closely with President Sheinbaum to achieve the most secure southwest border in history, saving lives and protecting communities from the scourge of fentanyl. This surge in Mexico's efforts must be sustained and institutionalized. Much more remains to be done by Mexico's government to target cartel leadership, along with their clandestine drug labs, precursor chemical supply chains, and illicit finances. Over the next year, the United States will expect to see additional, aggressive efforts by Mexico to hold cartel leaders accountable and disrupt the illicit networks engaged in drug production and trafficking.

The United States will work with Mexico and other countries to target these national security threats cooperatively where we can, and through our own sovereign authorities where necessary. My decision to identify Mexico's drug cartels and other transnational criminal organizations as foreign terrorist organizations opened new authorities for the United States to dismantle these groups using sanctions, expanded prosecution authorities, and other resources. My Administration has also implemented visa restrictions against family members and close associates of drug traffickers to safeguard our country.

While the United States will devote all necessary resources to punish criminals enabling the production, transportation, and smuggling of illicit drugs across our borders, I will also call on countries where these drugs originate and transit to fulfill their obligations and shut off these supplies—or face serious consequences.

The PRC's role as the world's largest source of precursor chemicals fueling illicit fentanyl production has been well documented. For too long, the PRC has enabled illicit fentanyl production in Mexico and elsewhere by subsidizing the export of the precursor chemicals needed to produce these deadly drugs and failing to prevent Chinese companies from selling these precursors to known criminal cartels. For this reason, I took bold action to hold Beijing accountable by implementing an additional 20 percent tariff on the PRC for their failure to enact tangible, consequential reforms to stem the flow of precursor chemicals. I also signed an Executive Order eliminating the duty-free *de minimis* treatment for low-value imports from the PRC, which Chinese companies had used to hide illicit substances in the flow of legitimate commerce. The PRC is also a major supplier fueling global epidemics of other synthetic narcotics, including nitazenes and methamphetamine. The PRC's leadership can and must take stronger and sustained action to cut down these chemical flows and prosecute the drug criminals facilitating them.

In Colombia, coca cultivation and cocaine production have surged to all-time records under President Gustavo Petro, and his failed attempts to seek accommodations with narco-terrorist groups only exacerbated the crisis. Under President Petro's leadership, coca cultivation and cocaine production have reached record highs while Colombia's government failed to meet even its own vastly reduced coca eradication goals, undermining years of mutually beneficial cooperation between our two countries against narco-terrorists. For this reason, I have designated Colombia as having failed demonstrably to meet its drug control obligations. Colombia's security institutions and municipal authorities continue to show skill and courage in confronting terrorist and criminal groups, and the United States values the service and sacrifice of their dedicated public servants across all levels

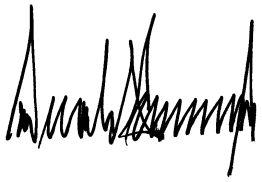
of government. The failure of Colombia to meet its drug control obligations over the past year rests solely with its political leadership. I will consider changing this designation if Colombia's government takes more aggressive action to eradicate coca and reduce cocaine production and trafficking, as well as hold those producing, trafficking, and benefiting from the production of cocaine responsible, including through improved cooperation with the United States to bring the leaders of Colombian criminal organizations to justice.

In Venezuela, the criminal regime of indicted drug trafficker Nicolas Maduro leads one of the largest cocaine trafficking networks in the world, and the United States will continue to seek to bring Maduro and other members of his complicit regime to justice for their crimes. We will also target Venezuelan foreign terrorist organizations such as Tren de Aragua and purge them from our country.

Bolivia's government has taken some positive steps to increase cocaine seizures and to work with United States law enforcement to bring drug criminals to justice, including Maximiliano Davila, the country's corrupt former anti-drug chief. However, much work remains for Bolivia to consistently uphold its counterdrug commitments and ensure that it is not a safe haven for narco-trafficking groups to thrive.

In Afghanistan, despite the Taliban's announced ban on illegal drugs, drug stockpiles and ongoing production—including expanding production of methamphetamine—have sustained the flow of drugs to international markets. Revenue from this drug trade funds transnational criminal groups and supports international terrorists. Some members of the Taliban continue to profit from this trade, and I am once again designating Afghanistan as having failed demonstrably to uphold its drug control obligations given the serious threats to United States interests and international security.

You are authorized and directed to submit this determination, with the accompanying memoranda of justification, under section 706 of the FRAA, to the Congress, and to publish this determination in the *Federal Register*.



THE WHITE HOUSE,

*Washington, September 8, 2025*

[FR Doc. 2025–18078

Filed 9–16–25; 11:15 am]

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